ORDINANCE NO. NS-994

AN ORDINANCE AMENDING ORDINANCE NO. NS-737, RELATING TO NARCOTIC AND DANGEROUS DRUGS.

THE CITY OF BEND HAS ORDAINED AS FOLLOWS:

Section 1. Section 12 of Ordinance No. NS-737 is amended to read:

Section 12. Criminal use of drugs.

(1) A person commits the crime of criminal use of drugs if he knowingly uses or is under the influence of a narcotic or dangerous drug, except when administered or dispensed by or under the direction of a person authorized by law to prescribe and administer narcotic drugs and dangerous drugs to human beings.

(2) As used in this section, the definition of 'narcotic drugs' in ORS 474.010 and the definition of 'dangerous drugs' in ORS 475.010 are hereby adopted by reference the same as if fully set out herein.

(3) In any prosecution for violation of subsection (1) of this section, it is not necessary to allege or prove what specific drug the defendent used, or was under the influence of, in order to establish a prima facie case. Evidence that the specific drugs was not within the definition of 'narcotic drugs' in ORS 474.010 or the definition of 'dangerous drugs' in ORS 475.010 is a defense.

Read for the first time this 7th day of November, 1973

Read for the second time this 21st day of November, 1973

Placed upon its passage this 21st day of November, 1973

YES: 6 NO: 0

Submitted to and approved by the Mayor this 21st day of November, 1973

Preston E. Staller
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-995

AN ORDINANCE RELATING TO HARASSMENT, TRESPASS AND LARCENY

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. A new Section 2-A is added to Ordinance No. NS-737 as follows:

Section 2-A. Harassment. A person commits the crime of harassment if, within intent to harass, annoy or alarm another person, he:

(1) Subjects another to offensive physical contact; or

(2) Publically insults another by abusive or obscene words or gestures in a manner likely to provoke a violent or disorderly response; or

(3) Communicates with a person, anonymously or otherwise, by telephone, mail or other form of written communication, in a manner likely to cause annoyance or alarm; or

(4) Engages in a course of conduct that alarms or seriously annoys another person and for which there is no legitimate purpose.

Section 2. Section 27 of Ordinance No. NS-737 is amended to read:

Section 27. Trespass. (a) A person commits the crime of criminal trespass if he enters or remains unlawfully in or upon premises. (b) 'Enter or remain unlawfully' means (1) to enter or remain in or upon premises when the premises, at the time of such entry or remaining, are not open to the public or when the entrant is not otherwise licensed or privileged to do so or (2) to fail to leave premises that are open to the public after being lawfully directed to do so by the person having lawful control of the premises.

Section 3. Section 28 of Ordinance No. NS-737 is amended to read:

Section 28. Larceny. No person shall steal the property of another and if the property stolen shall not exceed the value of $200 the Municipal Court of the City of Bend shall have jurisdiction to hear and punish such offense as a violation of this ordinance.

Read for the first time this 7th day of November, 1973

Read for the second time this 21st day of November, 1973

Placed upon its passage this 21st day of November, 1973

YES: 6 NO: 0

Submitted to and approved by the Mayor this 21st day of November, 1973

Preston E. Waller
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO: NS-996

AN ORDINANCE AMENDING NS-469 RELATING TO OVERTIME PARKING IN MUNICIPALLY OWNED OR MAINTAINED PARKING LOTS.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. Section 26 of Ordinance No. NS-469 is amended to read:

Section 26. Other parking violations. The Police Chief shall cause to be attached to each vehicle or handed to the driver thereof, a notice stating that the car or driver has parked said vehicle in violation of this ordinance, and provisions other than Sections 21, 22, and 23, as set forth in Section 25 herein above, instructing the owner or operator thereof to report to the Police Department in regard to such violation. The owner or operator may, for the following parking violations, to wit: improper parking, overtime parking, parking in loading zone, parking in alley, parking in pedestrian lane, within the first twenty-four hour period from and after the notice was attached to such vehicle, pay the amount of fifty cents; during but not beyond the second twenty-four hour period from and after the notice was attached to such vehicle, pay the amount of $1.00; during but not beyond the third twenty-four hour period from and after the notice was attached to such vehicle, pay the amount of $1.50; during but not beyond the fourth twenty-four hour period from and after the notice was attached to such vehicle, pay the amount of $2.00.

At any time from and after the fourth twenty-four hour period a warrant of arrest may be served.

And for the following violations, to wit: double parking, blocking alley, parking in front of a public entrance, parking in "no parking" or taxi stand, blocking a driveway, leaving keys in unattended vehicle, and parking on a sidewalk, the owner or operator thereof may pay the amount of $1.00 during the first twenty-four hour period from and after the notice was attached to said vehicle; $2.00 during but not beyond the second twenty-four hour period from and after the notice was attached to said vehicle; $3.00 during but not beyond the third twenty-four hour period from and after the notice was attached to said vehicle; and $4.00 during but not beyond the fourth twenty-four hour period from and after the notice was attached to said vehicle. At any time from and after the fourth twenty-four hour period a warrant of arrest may be served.

For overtime parking in municipally owned or maintained parking lots, the owner shall pay the amount of fifty cents on the first two notices posted in any thirty day period; $5.00 each for the third and fourth notice posted on his vehicle in any thirty day period; $20.00 for each successive notice posted on his vehicle in any thirty day period. These amounts are also subject to the increases provided by this section for late payment and these amounts shall be correspondingly increased if not paid within the respective twenty-four hour period.

The above specified amounts shall be considered as bails applying on such violations. Bails as herein set forth may be paid by depositing same in boxes provided for such purposes at various locations within the City of Bend.

Read for the first time this 7th day of November, 1973

Read for the second time this 21st day of November, 1973

Placed upon its passage this 21st day of November, 1973

YES: 6 NO: 0

Submitted to and approved by the Mayor this 21st day of November, 1973

Julia S. Johnson
Recorder-Treasurer

Preston E. Stalker
Mayor

ORDINANCE NO. NS-997

AN ORDINANCE AMENDING ORDINANCE NO. NS-469, RELATING TO TRAFFIC CONTROL

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance No. NS-469 is amended to read:

Section 1. Adoption of State Traffic Act.

(a) The following sections of the State of Oregon Motor Vehicle Laws, as amended by Oregon Laws 1973, are hereby adopted by reference the same as if fully set out herein:

ORS 481.012	"Commercial vehicle" defined.
ORS 481.015	"County highway," "dealer," "department," and "farm tractor" defined.
ORS 481.020	"Highway" defined.
ORS 481.030	"Motor bus" defined.
ORS 481.040	"Motor vehicle," "nonresident," "operator," "owner," and "pneumatic tire" defined.
ORS 481.050	"State," "State highway," and "taxicab" defined.
ORS 481.055	"Tractor trailer" defined.
ORS 481.060	"Trailer" defined.

ORS 481.070	"Used vehicle" and "vehicle" defined; weights and measures.
ORS 481.075(2)	Purposes and application of chapter; exclusions.
ORS 481.080	Applicability of chapter to foreign consuls.
ORS 481.155	Nonresidents' privileges; registration of foreign vehicles operated for profit; reciprocity.
ORS 481.230(4)	Fastening of registration card to vehicle.
ORS 481.255	Display of license plates required.
ORS 481.260	Issuance and display of temporary permits.
ORS 481.370	Conduct of wrecking business.
ORS 482.010	"Canceled," "chauffeur," "department," "farm tractor," "highway," "motor vehicle," and "license" defined.
ORS 482.020	"Nonresident," "operator," "owner," and "renewal" defined.
ORS 482.030	"Revocation," "school bus," "suspension," and "vehicle" defined.
ORS 482.035	"Snowmobile" defined.
ORS 482.040	License required to operate motor vehicle; surrender of prior valid licenses.
ORS 482.050	Nonresident's use of home state license.
ORS 482.060	Exemptions from license.
ORS 482.300(2)	Licensee required to possess license.
ORS 482.610	Misuse of license; fraud in securing license.
ORS 482.620	Causing or permitting illegal driving.
ORS 482.630	Minors prohibited from driving schools and passenger busses.
ORS 482.640	Employment of unlicensed chauffeur.
ORS 482.650	Driving while license revoked or suspended.
ORS 483.002	"Authorized emergency vehicle," "axle," "Business district," and "bus trailer" defined.
ORS 483.004	"Chauffeur" defined.
ORS 483.006	"Combination of vehicles," "combined weight," "commission," and "crosswalk" defined.
ORS 483.008	"Department," "driver" or "operator," "farm tractor," and "gross weight" defined.
ORS 483.010	"Group of axles," "highway," "road," and "street" defined.
ORS 483.012	"Implement of husbandry," "intersection," "local authorities," and "metal tires" defined.
ORS 483.014	"Motor bus," "motorcycle," "motor truck," and "motor vehicle" defined.
ORS 483.016	"Official traffic signs and signals," "owner," and "pilot vehicle" defined.
ORS 483.018	"Pneumatic tire," "pole or pipe dolly or pole trailer," "pole trailer," and "private road or driveway" defined.
ORS 483.020	"Residence district," "right-of-way," "road tractor," "roadway," and "safety zone" defined.
ORS 483.022	"School bus" and "semitrailer" defined.
ORS 483.024	"Sidewalk," "sled," "solid rubber tire," "solid tire," "solid-tired vehicle," "streetcar," and "tandem axles" defined.
ORS 483.026	"Tire," "tire width," "total tire width," and "tow car" defined.
ORS 483.028	"Traffic," "traffic control signal," and "trailer" defined.
ORS 483.030	"Tread," "trolley bus," "truck tractor," and "vehicle" defined.
ORS 483.032	Applicability of chapter to government vehicles and persons, vehicles working on a street or highway, and farm vehicles.
ORS 483.034	Application of chapter to bicyclists and to persons riding, driving, or leading animals.
ORS 483.038	Effect of chapter on permissive use of private roadway.
ORS 483.046	Permitting vehicle to be unlawfully operated.
ORS 483.048	Duty to obey traffic officers; uniform or badge required.
ORS 483.050	Unlawful to drive defectively or unlawfully equipped vehicle.
ORS 483.102	Basic Speed Rule.

ORS 483.104	Maximum speeds, exceeding which is prima facie evidence of violation.
ORS 483.112	Designation of speed in complaint; speed trap evidence not admissible; use of radar; arrest without warrant in radar cases.
ORS 483.114	Minimum speed regulation.
ORS 483.116	Speed of motor trucks and busses and of vehicles equipped with solid or metal tires.
ORS 483.118	Speed on public bridge, causeway, or viaduct.
ORS 483.120	Application of speed regulations and traffic signs and signals to emergency vehicles; warning devices.
ORS 483.121	Record required when ambulance used; preservation.
ORS 483.122	Speed races prohibited on public ways; publishing or advertising results.
ORS 483.126	Signals for starting, stopping, or turning on highway.
ORS 483.128	Duty to obey traffic signs and signals.
ORS 483.130	Effect of "Go," "Caution " and "Stop" signals.
ORS 483.132	Turning vehicles at intersections when signal is "Go" or "Stop."
ORS 483.134	Effect of "Walk" and "Wait" or "Don't Walk" signals.
ORS 483.136	Effect of flashing signals.
ORS 483.138	Certain signs prohibited along highways.
ORS 483.140	Damaging or removing sign or signal.
ORS 483.202	Right-of-way at intersections.
ORS 483.204	Stop signs or markers at entrances to main or through highways or at intersections.
ORS 483.206	Vehicles entering highway from private road.
ORS 483.208	Stopping to permit emergency vehicle to pass.
ORS 483.210	Rights of pedestrian when no traffic signals.
ORS 483.212	Pedestrian's rights when there are traffic officers.
ORS 483.214	Rights of blind pedestrian with white cane or dog guide; use of white canes restricted.
ORS 483.216	Crossing on right half of crosswalk.
ORS 483.218	Standing in roadway to solicit ride.
ORS 483.222	Stopping before driving onto sidewalk from alley, driveway, or building.
ORS 483.224	Stopping at railroad crossings upon signal or approach of train.
ORS 483.226	Stop signs at dangerous railroad crossings.
ORS 483.228	Busses, and trucks, carrying inflammables or explosives, required to stop at railroad crossings.
ORS 483.230	Moving heavy equipment over railroad tracks.
ORS 483.302	Duty to drive on right half of the highway.
ORS 483.303	Duty of slow moving vehicles.
ORS 483.304	Normal position of vehicles when highway divided into lanes.
ORS 483.306	Passing vehicles proceeding in opposite direction.
ORS 483.308	When passing is permitted.
ORS 483.310	Method of passing.
ORS 483.312	Proper distance when following other vehicles.
ORS 483.314	Passing horses or other animals.
ORS 483.316	Turns at intersections.
ORS 483.318	U-turns prohibited.
ORS 483.326	Stopping for streetcars and busses.
ORS 483.328	Driving or crossing in front of streetcars.
ORS 483.330	Following fire apparatus or parking in vicinity of fire.
ORS 483.332	Driving vehicle or streetcar over fire hose.
ORS 483.334	Driving through or over safety zones.
ORS 483.336	Coasting upon down grade.
ORS 483.343	Prohibiting operation of a vehicle in a careless manner.
ORS 483.345	Exercise of reasonable care in driving required; effect on rules of evidence in pleading.
ORS 483.402	When lights are required to be on; application of visibility and height provisions.
ORS 483.403	Driving with parking lights lighted prohibited when head lights required.
ORS 483.404	Head lights required; lighting equipment on bicycles.
ORS 483.408	Rear reflectors required.

ORS 483.410	Reflectors, clearance, and marker lamps, and stop lights on various vehicles.
ORS 483.412	Color of lamps and reflectors; when certain lamps need not be lighted.
ORS 483.414	Mounting reflectors and clearance lamps.
ORS 483.416	Visibility of reflectors, clearance and marker lamps and stop lights.
ORS 483.418	Lighting required for a combination of vehicles.
ORS 483.420	Lights required on parked vehicles.
ORS 483.422	Lights required on miscellaneous vehicles.
ORS 483.423	Warning lights.
ORS 483.424	Intensity and distribution requirements for head lamps.
ORS 483.426	Light indicator visible to driver.
ORS 483.428	Distribution and intensity of head lights when on road and when meeting vehicle.
ORS 483.430	Requirements when single distribution used.
ORS 483.432	Limitations on lights at front of vehicle or equipment.
ORS 483.434	Spot, auxiliary driving, stop, signal, fender, running board, and back-up lamps permitted.
ORS 483.436	Approval of lamps by Department of Motor Vehicles.
ORS 483.443	Protective headgear for motorcyclists.
ORS 483.444	Brakes required.
ORS 483.445	Specifications for hydraulic brake fluid.
ORS 483.446	Horns and other sound equipment.
ORS 483.448	Mufflers; unnecessary noise prohibited.
ORS 483.450	Rearview mirror.
ORS 483.452	Obstruction of windows prohibited; windshield wiper required.
ORS 483.457	Slow-moving vehicle emblem.
ORS 483.458	Fenders or covers on motor vehicles.
ORS 483.460	Construction of vehicle fenders.
ORS 483.470	Limitations on use of television viewers in motor vehicles.
ORS 483.472	Binders on log loads.
ORS 483.474	Minimum clearance from roadway for passenger motor vehicles.
ORS 483.497	Definitions.
ORS 483.499	Operation of recreational vehicle with unsealed disposal system prohibited.
ORS 483.502	Application of size and weight provisions; violators liable for damages.
ORS 483.504	Restrictions on width, height, and length of vehicles.
ORS 483.506	Maximum axle, wheel and gross weights for vehicles.
ORS 483.508	Restrictions on number of vehicles in a combination; coupling devices.
ORS 483.510	Sifting or leaking loads.
ORS 483.512	Sleds prohibited except with permit.
ORS 483.514	Dragging object on highway prohibited.
ORS 483.516	Pneumatic tires, when required.
ORS 483.518	Metal objects on tires prohibited.
ORS 483.522	General provisions of permits; cancellation.
ORS 483.530	Carrying permit in vehicle.
ORS 483.532	Public bodies authorized to restrict use of highways.
ORS 483.538	Interference with drivers; occupied mobile homes or travel trailers.
ORS 483.544	Truck route designation to be by order, resolution or ordinance; erecting appropriate signs; when prohibitions are effective; violation prohibited.
ORS 483.602	Duties of drivers and witnesses at accidents.
ORS 483.604	Driver's duties when he collides with unattended vehicle or other property.
ORS 483.606	Accident reports required.
ORS 483.608	Form of report; sending death certificate to Department of Motor Vehicles.

ORS 483.610	Confidential nature of report; publication of statistics; City authorized to require accident report.
ORS 483.612	Report of vehicles brought to garage or repair shop showing accident or bullet contact.
ORS 483.614	Driver's duty to help animals.
ORS 483.620	When automobile association membership card is acceptable as bail.
ORS 483.628	Driver or chauffeur may be exonerated from overloading violation if in good faith.
ORS 483.630	Use of sobriety tests.
ORS 485.010	Definitions for ORS 485.010 to 485.050.
ORS 485.020	Duty to stop when school bus loading or unloading children.
ORS 485.030	School bus markings.

(b) Except where the context clearly indicates a different meaning, the definitions in ORS Chapter 483 shall apply to all other sections of this ordinance.

(c) The following chapters and sections of Oregon Laws 1973, relating to State of Oregon motor vehicle laws, are hereby adopted by reference the same as if fully set out herein:

Chapter 191(2)(3)(4)(5)	Relating to intoxicating liquor in a motor vehicle.
Chapter 510(2)	Relating to motor vehicles on divided highways.
Chapter 580(4)(5)(6)(7)(8)(9)(10)(11)(12)	Relating to vehicles, including but not limited to bicycles.

Section 2. Section 35-A of Ordinance No. NS-469 is amended to read:

Section 35-A. Driving under the influence, blood alcohol level.

Any person who drives any vehicle upon any highway in the City of Bend when that person has .15% or more by weight of alcohol in his blood as shown by chemical analysis of the person's breath, blood, urine or saliva made pursuant to ORS 483.634 to 483.646 shall be punished, upon conviction, by imprisonment in the municipal jail for not less than six days and not more than 100 days or a fine of not more than $500 or both. However, when the person has had no prior conviction under this section within five years of the date of the violation, he shall be punished upon conviction by either such imprisonment or such fine or both, or, at the direction of the Court, by such imprisonment or participation in an appropriate rehabilitation program or both.

(2) Notwithstanding any other provision of law, and except as provided in subsections (1) and (3) of this section, the Court may not suspend the imposition or execution of a sentence of imprisonment imposed for violation of this section or place a person convicted of a violation of this section on probation or grant him parole.

(3) The Court may place a person convicted of a violation of this section on probation or suspend imposition or execution of sentence if the person is 18 years of age or younger or if the Court receives a written recommendation from a physician that the person, for medical reasons, should not be incarcerated in jail.

(4) The Court shall make written findings in all cases wherein a sentence of imprisonment is not imposed, or is suspended, or the execution thereof is suspended, or the person convicted is placed on probation, under subsection (1) or (3) of this section, and the findings shall state the grounds therefor. If the reason for the suspension is participation in a rehabilitation program, the findings shall state the grounds in detail.

Read for the first time this 7th day of November, 1973

Read for the second time this 21st day of November, 1973

Placed upon its passage this 21st day of November, 1973

YES: 6 NO 0

Submitted to and approved by the Mayor this 21 st day of November, 1973

Preston E. Staller
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-998

AN ORDINANCE RELATING TO NAMING OF STREETS AND NUMBERING HOUSES AND BUSINESSES, AND REPEALING ORDINANCE NS-90.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The names of all streets, avenues, places, roads, drives etc. in an area within the jurisdiction of the City Planning Commission shall be as follows:

(1) Only generally continuous streets running in a northerly and southerly direction shall be named "streets;"

(2) Only short or interrupted streets running in a northerly and southerly direction shall be named "place;"

(3) Only generally continuous streets running in a westerly and easterly direction shall be named "avenue;"

(4) Only short or interrupted streets running in a westerly and easterly direction shall be named "court;"

(5) Only generally continuous streets running at the diagonal to the above shall be named "boulevard" and only short or interrupted diagonal streets shall be named "way;"

(6) Only generally continuous meandering streets shall be named "drive" and only short or interrupted meandering streets shall be named "lane;"

(7) Other street names (road, highway, terrace etc.) may be approved for use by the Planning Commission in special situations.

The Planning Commission shall not approve any plat which does not conform to this section.

Section 2. The attached map entitled "Street Address System for City of Bend" depicts the axis of the numbering system and gives the quadrant designation. When practicable, numbers beginning with 100 shall be assigned to each block, with even numbers assigned to the north and east sides of streets and odd numbers to the south and west. Street names shall contain an appropriate quadrant designation, eg. N.W. 12th Street. All street names shall conform to the designation on this map.

Section 3. The City Building Official is directed to issue new street addresses and maintain a record of such addresses. Each property owner shall number the building(s) on his premises in accordance with this Ordinance within 30 days after notice from the Building Official. The street number shall be positioned on the building in such manner and be of such size as to be easily read from the street.

Section 4. The Public Works Superintendent shall convert existing street names to conform with this Ordinance.

Section 5. Ordinance No. NS-90 is hereby repealed.

Read for the first time this 7th day of November, 1973

Read for the second time this 21st day of November, 1973

Placed upon its passage this 21st day of November, 1973

YES; 6 NO: 0

Submitted to and approved by the Mayor this 21st day of November, 1973.

Preston E. Staller
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-999 ✓ Repealed by ORD. No. NS-1399

AN ORDINANCE AMENDING THE AIRPORT COMMISSION ORDINANCE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance No. NS-816 is amended to read:

Section 1. The Bend City Airport shall be supervised by an Airport Commission which shall consist of five members appointed by the Mayor with the approval of the City Commission. These five regular members shall be appointed to two year terms but shall serve at the pleasure of the City Commission. At least four of the five regular members shall be residents of the City of Bend. In addition to the five regular members one member of the City Commission, the City Manager and the City Public Works Director shall serve as members ex-officio and shall not have the right to vote in Airport Commission proceedings. The Chairman of the Airport Commission shall be elected annually from and by the five regular Airport Commission members.

Section 2. Section 3 of Ordinance No. NS-816 is amended to read:

Section 3. The Airport Commission shall supervise the disbursement of funds budgeted for the Airport by the City of Bend except that any expenditure of funds in excess of $500 shall be first approved by the Bend City Commission.

Read for the first time this 7th day of November, 1973

Read for the second time this 21st day of November, 1973

Placed upon its passage this 21st day of November, 1973

YES: 6 NO: 0

Submitted to and approved by the Mayor this 21st day of November, 1973

Preston E. Staller
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-1000

AN ORDINANCE CHANGING THE ZONE OF LOTS 4 & 5, BLOCK 18, CENTER ADDITION FROM R-2 HIGH DENSITY RESIDENTIAL ZONE TO C-2 LIMITED COMMERCIAL ZONE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 and the Zoning Map of the City of Bend are changed as follows:

The zone for Lots Four (4) and Five (5), Block Eighteen (18), Center Addition, in Bend, Deschutes County, Oregon, is changed from R-2 High Density Residential Zone to C-2 Limited Commercial Zone.

Read for the first time the 7th day of November, 1973

Read for the second time the 21st day of November, 1973

Placed upon its passage the 21st day of November, 1973

YES: 6 NO: 0

Submitted to and approved by the Mayor the 21st day of November, 1973

Preston E. Waller
Mayor

ATTEST:

Irma S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-1001

AN ORDINANCE AMENDING THE ZONING ORDINANCE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 10.060 of Ordinance No. NS-796 is amended to read:

Section 10.060. Time Limit on a Permit for a Conditional Use, Variance or Zone Change. Authorization of a conditional use, a variance, or a zone change shall be void after 18 months unless substantial construction has taken place, or unless the time period is extended by the City Commission.

Read for the first time the 5th day of December, 1973

Read for the second time the 19th day of December, 1973

Placed upon its passage the 19th day of December, 1973

YES: 6 NO: 0

Placed upon its passage the 19th day of December, 1973
Submitted to and approved by the Mayor the 19th day of December, 1973

Preston E. Waller
Mayor

ATTEST:

Irma S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-1002

AN ORDINANCE VACATING A PORTION OF MARSHALL AVENUE IN THE CITY OF BEND, OREGON

A petition having been presented to the Bend City Commission on the 3rd day of October, 1973, requesting that the following described street be vacated:

> MARSHALL AVENUE beginning at the east line of East First Street to the west line of East Second Street in the City of Bend, Deschutes County, State of Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition; and the Recorder of the City of Bend having caused the following notice:

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Neil Davis said vacation proceedings to vacate the following described street location:
>
> Marshall Avenue beginning at the east line of East First Street to the west line of East Second Street in the City of Bend, Deschutes County, State of Oregon,
>
> the City Commissioners of the City of Bend have fixed the 19th day of December, 1973, at 7:30 p.m., in the City Hall, 720 Wall Street, Bend, Oregon as the time and place for hearing upon the said vacation proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation, and upon the appointed time specified in said notice a hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, replacement, rebuildind and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the 1st time the 19th day of December, 1973

Read for the 2nd time the 2nd day of January, 1974

Placed upon its passage the 2nd day of January, 1974

YES: 7 NO: 0

Submitted to and approved by the Mayor the 2nd day of January, 1974

ATTEST:

Mayor

Recorder-Treasurer

ORDINANCE NO. NS-1003

AN ORDINANCE VACATING BLOCKS 136, 137, 138, A PORTION OF BLOCK 139 AND PORTION OF BLOCK 140, BEND PARK SECOND ADDITION. ALSO A PORTION OF CHAMBERLAIN STREET, SISEMORE STREET, TAFT AVENUE AND WILSON AVENUE TOGETHER WITH THE ALLEYS IN BLOCKS 138 and 140, BEND PARK SECOND ADDITION TO THE CITY OF BEND, OREGON.

A petition having been presented to the Bend City Commission on the 7th day of November, 1973, requesting that the following described location be vacated:

> Beginning at the center of Section 5, Township 18 South, Range 12 East, Willamette Meridian, thence North 89° 27' 03" east for 1005.40 feet, to the west line of the Pilot Butte Canal as platted in Bend Park Second Addition, thence following said west line of the Pilot Butte Canal to the northeast corner of Lot 3, Block 140, Bend Park Second Addition, thence west for 54.12 feet, to the east line of Sisemore Street, thence North 22° 30' East along the easterly line of Sisemore Street for 79.68 feet, thence on a curve to the left whose radius is 80.0 feet and whose central angle is 112° 30' for 157.07 feet, to a point on the north line of Taft Avenue, thence west along the north line of Taft Avenue, to the easterly line of the Brooks-Scanlon Logging Railroad right-of-way, thence southwesterly along the easterly line of said right-of-way to the west line of Chamberlain Street, thence north 0° 58' 34" west along the west line of Chamberlain Street to the point of beginning.

Said tract of land to contain all of Blocks 136, 137, 138, a corner of Lot 10, Block 139 and Lots 1 and 2 of Block 140, Bend Park Second Addition, also to contain a portion of Chamberlain Street, Sisemore Street, Taft Avenue and Wilson Avenue together with the alleys in Blocks 138 and 140, Bend Park Second Addition in the City of Bend, Deschutes County, State of Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition; and the Recorder of the City of Bend having caused the following notice:

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Brooks Scanlon said vacation proceedings to vacate the following described location:
>
> Beginning at the center of Section 5, Township 18 south, Range 12 East, Willamette Meridian, thence North 89° 27' 03" East for 1005.40 feet, to the west line of the Pilot Butte Canal as platted in Bend Park Second Addition, thence following said west line of the Pilot Butte Canal to the northeast corner of Lot 3, Block 140, Bend Park Second Addition, thence west for 54.12 feet, to the east line of Sisemore Street, thence North 22° 30' East along the easterly line of Sisemore Street for 79.68 feet, thence on a curve to the left whose radius is 80.0 feet and whose central angle is 112° 30' for 157.07 feet, to a point on the north line of Taft Avenue, thence west along the north line of Taft Avenue, to the easterly line of the Brooks-Scanlon Logging Railroad right-of-way, thence southwesterly along the easterly line of said right-of-way to the west line of Chamberlain Street, thence north 0° 58' 34" west along the west line of Chamberlain Street to the point of beginning.

The City Commissioners of the City of Bend have fixed the 19th day of December, 1973, at 7:30 p.m., in the City Hall, 720 Wall Street, Bend, Oregon as the time and place for hearing upon the said vacation pro-

ceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings" to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice a hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 19th day of December, 1973

Read for the second time the 2nd day of January, 1974

Placed upon its passage the 2nd day of January, 1974

YES: 7 NO; 0

Submitted to and approved by the Mayor the 2nd day of January, 1974

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1004

AN ORDINANCE GRANTING A BUS FRANCHISE TO THE UNITED SENIOR CITIZENS INC.; DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend hereby grants to the United Senior Citizens Inc., the nonexclusive franchise to operate a bus service, as that term is defined in Ordinance No. NS-752, within the City of Bend.

Section 2. The franchise hereby granted shall be subject to the terms and conditions of Ordinance No. NS-752 and said terms and conditions are hereby incorporated in this franchise the same as if set out herein. The holder of this franchise shall not commence operating his franchise until he has accepted the terms and conditions of this ordinance and of Ordinance No. NS-752 in writing and has complied with all of the terms and conditions of said ordinance including the filing and approval of a rate schedule and the filing of a bus route and schedule for this franchise. The terms of this franchise shall be for five years from the effective date of this ordinance, unless terminated sooner according to the terms and conditions of Ordinance No. NS-752.

Section 3. There shall be no fee for this franchise, unless ordered by the City.

Section 4. This ordinance is necessary for the immediate preservation of the public peace, health and safety by reason of an existing need for public bus transportation within the City of Bend. Therefore an emergency is declared to exist and this ordinance shall become effective immediately upon its passage.

Read for the first time the 16th day of January, 1974

Read for the second time the 6th day of February, 1974
Placed upon its passage this 6th day of February, 1974
YES: 7 NO: 0

Submitted to and approved by the Mayor this 6th day of February, 1974

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1005

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY PROVIDING FOR SITE PLAN APPROVAL.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. A new Section 4.009 is added to Ordinance No. NS-796 to read:

"Section 4.009. Site Plan Review. In a R-2, C-1, C-2, C-3, M-1, M-2 and PD Zone any use permitted outright, except dwelling of 3 units or less, a conditional use or parking lot shall be subject to the provisions of this section. Before a new building may be altered, or a new outdoor parking, storage, display or sales area created, site plans shall be submitted to the Planning Commission for approval in accordance with Article 10. Site plan approval shall not be required where a proposed alteration of an existing building will not affect adjoining properties, streets and utilities. In considering a site plan the Planning Commission shall take into account the impact of the proposed use on nearby residential and commercial property; on the capacity street system; on the utility systems; on land values and development potential of the area; and the appearance of the street and community. The Planning Commission may require the following in addition to the minimum standards of this ordinance as a condition to site plan approval:

1. An increase in the required yards.

2. Additional off-street parking.

3. Screening of the proposed use by a fence or landscaping or combination thereof.

4. Limitations on the size, location and number of signs or lights.

5. Limitations on the number and location of curb cuts.

6. Dedication of land for the creation or enlargement of streets where the existing street system will be inadequate to handle the additional burden caused by the proposed use.

7. Improvement, including but not limited to paving, curbing, installing of traffic signals and constructing sidewalks, of the street system which served the proposed use where the existing street system will be burdened by the proposed use.

8. Improvement or enlargement of utilities serving the proposed use where the existing utilities system will be burdened by the proposed use. Improvements may include but shall not be limited to extension of utility facilities to serve the proposed use and installation of fire hydrants.

9. Landscaping of the site.

10. Any other limitations or conditions which it considers necessary to achieve the purposes of this ordinance."

Section 2. Sections 3.126, 3.230, 3.330 and 3.430 of Ordinance No. NS-796 are repealed.

Section 3. Section 10.010 of Ordinance No. NS-796 is amended to read:

"Section 10.010. This ordinance shall be administered by the City Planning Director. The Building Official shall not issue any permits pertaining to the use of land or the erection or alteration of any structures on land unless the proposed use, construction or occupancy conforms to the requirements of this ordinance."

Section 4. A new section 10.070 is added to Ordinance No. NS-796 to read:

"Section 10.070. Resubmission of Applications. No application for a zone change, conditional use or variance which has been denied wholly or in part by the Planning Commission or City Commission shall be resubmitted for a period of one year after such denial, unless there are changed circumstances and two-thirds of the Planning Commission members consent to the resubmission."

Section 5. Section 2.090 of Ordinance No. NS-796 is amended to read:

"Section 2.090. Annexations. All land annexed to the City of Bend shall be classified upon annexation as the zone provided in this ordinance which is most nearly comparable to the zone land was classified by Deschutes County prior to annexation."

Read for the first time the 16th day of January, 1974

Read for the second time the 6th day of February, 1974

Submitted to and approved by the Mayor the 6th day of February, 1974

YES: 7 NO: 0

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1006

AN ORDINANCE CHANGING THE ZONE OF THE FIX-PURCELL PROPERTY ANNEXED BY ORDINANCE NO. NS-967 FROM R-1 LOW DENSITY RESIDENTIAL TO C-2 LIMITED COMMERCIAL ZONE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 and the Zoning Map of the City of Bend are changed as follows:

The Zone for property beginning at a point on the West line of the 1931 location of U. S. Highway No. 97 (now referred to as E. 1st Street) said point also being located on the south line of the NE 1/4 of the NE 1/4 of Section 29, T. 17 S., R. 12 E.W.M., thence westerly along said line to the easterly bank of the Deschutes River, thence following said easterly bank in a northeasterly and northwesterly direction to the north line SE 1/4 of the SE 1/4 of Section 20, thence following said line in an easterly direction to the northwesterly line of the old Dalles-California Highway, 1920 location, thence following said northwesterly line of the Dalles-California Highway in a southerly direction to the new location of U. S. Highway No. 97, 1961 location, and along the westerly line of the old Dalles-California Highway (now referred to as E. 1st Street) to the point of beginning, Bend, Deschutes County, Oregon, is changed from R-1 Low Density Residential Zone to C-2 Limited Commercial Zone.

Read for the first time the 16th day of January, 1974

Read for the second time the 6th day of February, 1974

Placed upon its passage the 6th day of February, 1974

YES: 7 NO: 0

Submitted to and approved by the Mayor the 6th day of February, 1974

Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

Repealed by ORD. NO. NS-1399

ORDINANCE NO. NS-1007

AN ORDINANCE AMENDING ORDINANCE NS-465 RELATING TO COURT COSTS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance No. NS-465 is amended to read:

"Section 1. From and after the effective date of this Ordinance, there shall be assessed in the Municipal Court of the City of Bend, Oregon, a sum of money in the amount of $5 as court costs in each case or matter as hereinafter set forth."

Read for the first time the 16th day of January, 1974

Read for the second time the 6th day of February, 1974

Placed upon its passage the 6th day of February, 1974

YES: 7 NO: 0

Submitted to and approved by the Mayor the 6th day of February, 1974

Mayor

ATTEST:

Recorder-Treasurer AT

ORDINANCE NO. NS-1008

AN ORDINANCE RELATING TO THEFT OF SERVICES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 22 of Ordinance No. NS-737 is amended to read:

"Section 22. Theft of Services. (1) A person commits the crime of theft of services if:

(a) with intent to avoid payment therefor, he obtains services that are available only through compensation, by force, threat, deception or other means to avoid payment of the the services; or

(b) having control over the disposition of labor or of business, commercial or industrial equipment or facilities of another, he uses or diverts to the use of himself or a third person such labor, equipment or facilities with intent to derive a commercial benefit for himself or a third person not entitled thereto.

(2) As used in this section, 'services' includes, but is not limited to, labor, professional services, toll facilities, transportation, telephone or other communications service, entertainment, the supplying of food, lodging or other accommodation in hotels, restaurants or elsewhere, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam and water.

(3) Absconding without payment or offer to pay for hotel, restaurant or other services for which compensation is customarily paid immediately upon the receiving of them is prima facie evidence that the services were obtained by deception."

Read for the first time the 16th day of January, 1974

Read for the second time the 6th day of February, 1974

Placed upon its passage the 6th day of February, 1974

YES: 7 NO: 0

Submitted to and approved by the Mayor the 6th day of February, 1974

Mayor

ATTEST:

Recorder-Treasurer AT

ORDINANCE NO. NS-1009

AN ORDINANCE AMENDING ORDINANCE NO. NS-737 RELATING TO THE DESCHUTES RIVER AND LARCENY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 15 of Ordinance No. NS-737 is amended to read:

"Section 15. Deschutes River.

(1) It shall be unlawful for any unauthorized person to operate any motor propelled boat on the Deschutes River within the limits of the City of Bend; or for any unauthorized person to operate any boat, whether motor propelled or not, within 100 feet of the islands located immediately below the Tumalo Bridge in the Deschutes River within the limits of the City of Bend. This prohibition against boating shall not apply to boats coming to or going from abutting properties provided these boats do not unnecessarily disturb wildlife.

(2) No person or persons shall loiter or congregate on any bridge across the Deschutes River of fish or dive from any such bridge into the river, or swim in the Deschutes River within the corporate limits of the City of Bend.

(3) No person or persons shall ice skate or walk on ice on the Deschutes River within the City limits of Bend.

(4) No unauthorized persons shall molest water fowl nests along the banks of the Deschutes River within the limits of the City of Bend.

Section 2. Section 28 of Ordinance No. NS-737 is amended to read:

Section 28. Larceny.

(1) No person shall steal the property of another and if the property stolen shall not exceed the value of $200 the Municipal Court of the City of Bend shall have jurisdiction to herein punish such offenses as a violation of this Ordinance.

(2) A person is guilty of an attempt to commit larceny when he intentionally engages in conduct which constitutes a substantial step toward the commission of the crime of larceny."

Read for the first time the 16th day of January, 1974

Read for the second time the 6th day of February, 1974

Placed upon its passage the 6th day of February, 1974

YES: 7 NO: 0

Submitted to and approved by the Mayor this 6th day of February, 1974

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1010

AN ORDINANCE VACATING THE ALLEY IN BLOCK 4, SAID PORTION OF THE ALLEY BEING ADJACENT TO LOTS 11, 12, 13, 14, 15, AND 16 OF BLOCK 4, AWBREY HEIGHTS ADDITION IN THE CITY OF BEND, OREGON.

A petition having been presented to the Bend City Commission on the 5th day of December, 1973, requesting that the following described location be vacated:

> The south 120 feet of the alley in Block 4, Awbrey Heights Addition, said portion of the alley being adjacent to Lots 11, 12, 13, 14, 15, and 16 of Block 4, Awbrey Heights Addition in the City of Bend, Deschutes County, State of Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition; and the Recorder of the City of Bend having caused the following notice:

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Martin Isaac said vacation proceedings to vacate the following described street location:
>
> The south 120 feet of the alley in Block 4, Awbrey Heights Addition, said portion of the alley being adjacent to Lots 11, 12, 13, 14, 15 and 16 of Block 4, Awbrey Heights Addition in the City of Bend, Deschutes County, State of Oregon,
>
> The City Commissioners of the City of Bend have fixed the 16th day of January, 1974, at 7:30 p.m., in the City Hall, 720 Wall Street, Bend, Oregon as the time and place for hearing upon the said vacation proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this Ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 16th day of January, 1974

Read for the second time the 6th day of February, 1974

Placed upon its passage the 6th day of February, 1974

YES: 7 NO: 0

Subm itted to and approved by the Mayor the 6th day of February, 1974

Mayor

ATTEST:

Recorder-Treasurer AT

ORDINANCE NO. NS-1011

AN ORDINANCE ADOPTING EXISTING STATE LAW REGARDING THE MEMBERSHIP PROCEDURE AND POWERS OF THE CITY PLANNING COMMISSION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-691 is amended to read:

"Section 1. Membership and Expenses. (1) The Planning Commission of the City of Bend shall consist of nine members who shall be appointed by the City Commission. The Planning Commission members shall receive no compensation but shall be reimbursed for duly authorized expenses.

(2) Not more than two members of the Planning Commission may be City officers who shall serve as ex-officio nonvoting members. A member may be removed by the City Commission, after hearing, for misconduct or nonperformance of duty. Any vacancy shall be filled by the City Commission for the unexpired term of the predecessor in the office.

(3) No more than two voting members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that is engaged principally in the buying, selling, or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of business, trade or profession.

"Section 2. Terms of Office; Vacancies. The members of the Planning Commission shall hold office for four years. Any vacancy shall be filled by the City Commission for the unexpired portion of the term.

"Section 3. Election of President and Vice President. The Commission, at its first meeting, shall elect a President and Vice President, who shall be voting members and who shall hold office during the pleasure of the Planning Commission.

"Section 4. Election and duties of the Secretary; Annual Report. The Planning Commission shall elect a secretary who need not be a member of the Planning Commission. The secretary shall keep an accurate record of all Commission proceedings. The Commission shall on the first day of October of each year make and file a report of all its transactions with the City Commission.

"Section 5. Quorum. A majority of the members of the Commission shall constitute a quorum. The Commission may make and alter rules and regulations for its government and procedure consistent with the laws of the State of Oregon and the charter and ordinances of the City of Bend.

The Commission shall meet at least once a month. The City Commission shall assign to the Planning Commission an office or headquarters in which to hold its meetings, transact its business and keep its records.

" Section 6. Employees and Expenses. The Planning Commission may employ consulting advice on municipal problems, and a secretary and such clerks as may be necessary; and pay for their services, and for such other expenses as the Commission may lawfully incur, including the necessary disbursements incurred by its members in the performance of their duties as members of the Commission, out of funds at the disposal of the Commission, as authorized by the City Commission.

"Section 7. Powers and Duties of the Commission. Except as otherwise provided by law, the Commission may:

(1) Recommend and make suggestions to the City Commission and to all other public authorities concerning laying out, widening, extending parking and locating of streets, sidewalks and boulevards, relief of traffic congestion, betterment of housing and sanitation conditions and establishment of zones of districts limiting the use, height, area and bulk of buildings and structures.

(2) Recommend to the City Commission and all other public authorities plans for regulation of the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the City in order to secure to the City and its inhabitants sanitation, proper service of all public utilities, harbor, shipping and transportation facilities.

(3) Recommend to the City Commission and all other public authorities plans for promotion, development and regulation of industrial and economic needs of the community in respect to private and public enterprises engaged in industrial pursuits.

(4) Advertise the industrial advantages and opportunities of the municipality and availability of real estate within the municipality for industrial settlement.

(5) Encourage industrial settlement within the municipality.

(6) Make an economic survey of present and potential possibilities of the municipality with a view to ascertaining its industrial needs.

(7) Study needs of existing local industries with a view to strengthening and developing local industries and stabilizing employment conditions.

(8) Do and perform all other acts and things necessary or proper to carry out the provisions of ORS 227.010 to 227.150.

(9) Study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the City.

"Section 8. Procedure and Approval for Renaming Streets. Within the limits of the City of Bend, the Commission shall recommend to the City Commission the renaming of any existing street, highway or road, other than a County road or State highway, if in the judgment of the Commission such renaming is in the best interest of the City. Upon receiving such recommendation the City Commission shall afford persons particularly interested, and the general public, an opportunity to be heard, at a time and place to be specified in a notice of hearing published in a newspaper of general circulation within the City of Bend not less than once within the week prior to the week within which the hearing is to be held. After such opportunity for hearing has been afforded the City Commission by ordinance shall rename the street or highway in accordance with the

recommendation or by resolution shall reject the recommendation. A certified copy of each such ordinance shall be filed for record with the County Clerk or Recorder, and a like copy shall be filed with the County Assessor and County Surveyor. The County Surveyor shall enter the new names of such streets and roads in red ink on any filed plat and tracing thereof which may be affected, together with appropriate notations concerning the same.

"Section 9. Recommendations and Reports on Location of Buildings. The Commission may make recommendations to any person, co-partnership, corporation or public authority with reference to the location of buildings, structures or works to be erected, constructed or altered by or for such person, co-partnership, corporation or public authority. However, such recommendation shall not have the force or effect of a law or Ordinance, except when so prescribed by law or by City ordinance. Any person, co-partnership or public authority having charge of the construction, placing or designing of buildings or other structures and improvements, or objects of art, may call upon the Commission for a report thereon.

"Section 10. Acceptance of Gifts and Federal Funds. The Commission may receive gifts, bequests or devises of property to carry out any of the purposes of ORS 227.010 to 227.150, which property shall be set over to the City of Bend to be used by it in furtherance of the purposes of those sections pursuant to the recommendation of the Commission. The Commission may recommend and make suggestions to the City Commission and other public authorities concerning acceptance from the United States of America, or any of its agencies, of such funds as may be made available to municipalities for any purpose contemplated by those sections. The City Commission may accept from the United States of America, or any of its agencies, such funds as may be made available to the municipalities for any such purpose and may enter into such contracts and agreements with the United States, or any of its agencies, as may be necessary, proper and convenient, not contrary to the laws of this State.

"Section 11. Disqualification of Members in Certain Cases. A member of the Planning Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest: The member or his spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which he is then serving or has served within the previous two years, or any business with which he is negotiating for or has an arrangement or understanding concerning perspective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken.

Read for the first time the 20th day of February, 1974

Read for the second time the 6th day of March, 1974

Placed upon its passage the 6th day of March, 1974

YES: 6 NO: 0

Submitted to and approved by the Mayor the 6th day of March, 1974

Mayor

ATTEST:

Julia S. Johnson

Recorder-Treasurer

37
NS-1311
NS-1327
NS-1762

ORDINANCE NO. NS-1012

Repealed by NS-1376

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS, DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM AND PROVIDING PENALTIES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Definition. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

(1) "BOD" (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

(2) "Building Drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

(3) "Building Sewer" means the extension from the building drain to the public sewer or other place of disposal.

(4) "City Engineer" means the City Engineer of the City of Bend, or his authorized deputy, agent or representative.

(5) "Combined Sewer" means a sewer receiving both surface runoff and sewage.

(6) "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

(7) "Industrial Wastes" means the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

(8) "Natural Outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

(9) "Person" means any individual, firm, company, association, society, corporation or group.

(10) "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(11) "Properly Shredded Garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1.2" (1.27 centimeters) in any dimension.

(12) "Public Sewer" means a sewer in which all owners of abutting properties have equal rights, and is owned and controlled by the City of Bend.

(13) "Sanitary Sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

(14) "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and stormwaters as may be present.

(15) "Sewage Treatment Plant" means any arrangement of devices and structures used for treating sewage.

(16) "Sewage Works" means all facilities for collecting, pumping, treating and disposing of sewage.

(17) "Sewer" means a pipe or conduit for carrying sewage.

(18) "Slug" means any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flows during normal operation.

(19) "Storm Drain" or "Storm Sewer" means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(20) "Suspended Solids" means solids that either float on the surface of, or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

(21) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

Section 2. Use of Public Sewers Required. (1) No person shall place, deposit, or permit any human or animal excrement, garbage or other objectionable waste to be deposited in any unsanitary manner on public or private property within the City of Bend, or on any City property outside the City.

(2) No person shall discharge any sewage or other polluted waters into any natural outlet within the City of Bend, or in any area under the jurisdiction of the City, except where suitable treatment has been provided in accordance with this provision.

(3) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(4) The owner of all houses, buildings or properties used for human occupancy or employment, situated within the City of Bend and abutting on any street, alley, or right-of-way in which there is now located a public sanitary sewer, is hereby required, at his expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line.

Section 3. Private Sewage Disposal. (1) Where a public sanitary sewer is not available under the provisions of Section 2(4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Ordinance and the regulations of the State of Oregon Environmental Quality Commission.

(2) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from the State Department of Environmental Quality.

(3) A private sewage disposal system shall not be used until the installation is completed to the satisfaction of the State Department of Environmental Quality and the County Health Department.

(4) The type, capacities, location and layout of a private sewage disposal system shall comply with all regulations of the Department of Environmental Quality of the State of Oregon. No septic tank or cesspool shall be permitted to discharge into any natural outlet.

(5) At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools or other private sewage disposal facilities shall be abandoned and filled with suitable material unless otherwise specifically permitted by City.

(6) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times.

(7) Nothing in this section shall be construed to interfere with any additional requirements that may be imposed by the State or County Health Officer.

Section 4. Building Sewers and Connections. (1) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Engineer.

(2) There shall be two classes of building sewer permits:

(a) for residential and commercial services or expansion of existing service, and

(b) for service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a form furnished by the City of Bend. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the City Engineer.

(3) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(4) A separate and independent building sewer shall be provided for every building.

(5) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City Engineer, to meet all requirements of this Ordinance.

(6) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall conform to the requirements of the State Building and Plumbing Codes and applicable rules and regulations of the City of Bend. In the absence of code provisions or in amplification thereof, the "Standard Specifications for Public Works Construction" 1970, Oregon Chapter American Public Works Association shall apply.

(7) No person shall make connection of roof downspouts , exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(8) The connection of the building sewer into the public sewer shall conform to the requirements of the State Building and Plumbing Codes and applicable rules and regulations of the City of Bend. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and material must be approved by the City Engineer before installation.

(9) The applicant for the building sewer permit shall notify the City Engineer when the building sewer is ready for inspection and connection to a public sewer. The connection shall be made under the supervision of the City Engineer.

(10) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City of Bend.

Section 5. Use of the Public Sewers. (1) No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, unreasonably large amounts of uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(2) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the City Engineer. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City Engineer, to a storm sewer or natural outlet.

(3) No person shall discharge or cause to be discharged, any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naptha, fuel oil or other flammable or explosive liquid, solid or gas.

(b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the effluent disposal system of the sewage treatment plant, including but not limited to cyanides in excess of two mg/l as CN in the wastes as discharged to the public sewer.

(c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works including, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes , cups, milk containers, etc. either whole or ground by garbage grinders.

(4) No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the City Engineer that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the effluent disposal system, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the City Engineer will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant and other pertinent factors. The substances prohibited are:

(a) Any liquid or vapor having a temperature higher than 150° F. (65° C.).

(b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32° and 150° F. (0° and 65° C.).

(c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the City Engineer.

(d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc, lead and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City Engineer for such materials.

(f) Any waters or wastes containing phenals or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the City Engineer as necessary, after treatment of the composite sewage, to meet the requirements of the State or Federal Government.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the State or Federal regulations.

(h) Any waters or wastes having a pH in excess of 9.5.

(i) Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids, (including, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (including, but not limited to, sodium chloride and sodium sulfate).

(2) Excessive discoloration (including, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plan effluent cannot meet the requirements of the State and Federal agencies having jurisdiction over discharge to the receiving water.

(5) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 5(4), and which in the judgment of the City Engineer, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City Engineer may:

(a) Reject the wastes,

(b) Require pretreatment to an acceptable condition for discharge into the public sewers,

(c) Require control over the quantities and rates or discharge, or

(d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 5(10).

If the City Engineer permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City Engineer, and subject to the requirements of all applicable codes, ordinances and laws.

(6) Grease, oil and sand interceptors shall be provided when, in the opinion of the City Engineer, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located and capacity approved by the City Engineer and shall be located as to be readily and easily accessible for cleaning and inspection.

(7) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(8) When required by the City Engineer, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such mahole, when required, shall be accessibly and safely located, and shall be constructed in accordance

with plans approved by the City Engineer. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(9) All measurement, tests and analysis of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property.

(10) Nothing in this section shall be construed as preventing any special agreement or arrangement between the City of Bend and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern.

Section 6. Protection from Damage. (1) No unauthorized person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works.

Section 7. Powers and Authority of Inspectors. (1) The City Engineer shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance. The City Engineer shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries except as relative to the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(2) While performing the necessary work on private properties referred to in Section 7(1), the City Engineer shall observe all safety rules applicable to the premises established by the company.

(3) The City Engineer shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspections, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 8. Penalties. (1) Any person who violates any provision of Section 6 of this Ordinance shall, upon conviction, be punished by imprisonment in the City jail for not more than 100 days, or by a fine of not more than $500 or both.

(2) Any person who violates any other provision of this Ordinance shall be served by the City of Bend, written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(3) Any person who continues any violation beyond the time limit provided for in Section 8(2) shall be punished, upon conviction, by a fine of not more than $500 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(4) Any person violating any of the provisions of this Ordinance shall become liable to the City of Bend for any expense, loss or damage occasioned the City by reason of such violation.

Section 9. Validity. (1) All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(2) The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Read for the first time the 6th day of February , 1974

Read for the second time the 20th day of February, 1974

Placed upon its passage the 20th day of February, 1974

YES: 7 NO: 0

Submitted to and approved by the Mayor this 20th day of February, 1974

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1013

AN ORDINANCE RELATING TO THE DISTRIBUTION OF COMMERCIAL ADVERTISING.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 17 of Ordinance No. NS-744 is amended to read:

"Section 17. Commercial Advertising.

(1) No person shall place or cause to be placed any advertising paper, handbill, circular, poster or any other form of commercial advertising on any real or personal property, whether public or private, without first securing permission from the owner, occupant or proper public authority. This section shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the City regulating the use of and the location of signs and advertising.

(2) No person shall distribute, circulate or pass to or among persons upon any public place within the City, or place in or upon any automobile or other vehicle on or along any public place in the City, any advertising paper, handbill, circular, poster or other form of commercial advertising.

(3) Nothing in this section shall prohibit the distribution or delivery of any newspaper which is capable of being entered as second class matter under the provisions of the United States Postal Regulations, and nothing in this section shall be deemed to prohibit or otherwise regulate the delivery of any such matter by the United States Postal Service.

(4) Nothing in this section shall be deemed to prohibit the delivery of any such matter on the porch or stoop of any occupied residence provided such matter is enclosed within an addressed envelope.

(5) No person shall hand out or distribute any non-commercial handbill in any public place to any person unless such non-commercial handbill shall have printed upon it the name and address of the following:

(a) The person who printed, wrote, compiled or manufactured the same.

(b) The person who caused the same to be distributed; PROVIDED, that in the case of a fictitious person or club, in addition to such fictitious name, the true names of the owners, managers or agents of the person sponsoring said handbill shall also appear thereon."

Read for the first time this 6th day of February, 1974

Read for the second time this 20th day of February, 1974

Placed upon its passage this 20th day of February, 1974

YES: 7 NO: 0

Submitted to and approved by the Mayor this 20th day of February, 1974

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1014

AN ORDINANCE AMENDING ORDINANCE NS-591 RELATING TO SUBDIVISION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance NS-591 is amended to read:

"Section 1. Purpose. Pursuant to ORS 227.010 to 227.150 and 92.010 to 92.990, any person desiring to make a subdivision of land in the City limits of the City of Bend shall first submit plans for such subdivision to the Planning Commission of the City of Bend for study and approval. Such study and approval of subdivisions is necessary in order that the City secure and provide for the proper width and arrangement of streets, ways and thoroughfares and their relation to existing or planned streets, ways or thoroughfares; to provide for conformity to the comprehensive plan for physical development and improvement of the City; to provide for public utilities and for securing safety from fires, flood, pollution or other dangers, for providing adequate light and air, for preventing overcrowding of land and for facilitating adequate provisions of transportation, water supply, sewage, drainage, education, recreation or other needs."

Section 2. Section 2 of Ordinance NS-591 is amended to read:

"Section 2. Definitions.

(a) 'Plat' includes a final map, diagram, drawing, replat or writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

(b) 'Subdivide land' means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

(c) 'Subdivision' means either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

(d) Metes and bounds. The method used to verbally describe a tract or tracts of land intended for dwelling or other purposes as the sole means of recording such property in the County Recorder's office.

(e) Major street or major thoroughfare or major highway. A highway of considerable continuity which is primarily a traffic artery for intercommunication among large areas.

(f) Secondary street or secondary thoroughfare or secondary highway. A street supplementary to the major highway system and primarily a means of intercommunication between this system and smaller areas (or among smaller areas).

(g) Minor street or local street or minor highway. A street primarily for access of abutting properties.

(h) Alley. A very minor street primarily for service access to the back or side of properties abutting also on other streets.

(i) Dead-end street or cul-de-sac. A minor street with only one outlet.

(j) Street width. The shortest distance between the lines which delineate the right-of-way of a street.

(k) Roadway. The portion or portions of a street or way available for vehicular traffic or in other words the portion or portions between curbs where curbs are laid.

(l) Curbline. The line dividing the roadway from the planting strip or footway.

(m) Building line. A line on a plat indicationg the limit beyond which buildings or structures may not be erected.

(n) Master plan. The comprehensive plan made by the City Planning Commission for the guidance of growth and the improvement of the City and which indicates the general locations recommended for the various functional classes of public works, places and structures (streets, parks, transportation facilities, public buildings, etc.).

(o) Official map. The map on which the planned locations, particularly of streets, are indicated with detail and exactness so as to furnish the basis for property acquisition or building restrictions.

(p) 'Lot' means a unit of land that is created by a subdivision of land.

(q) 'Major partition' means a partition which includes the creation of a road or street.

(r) 'Map' means a final diagram, drawing or other writing concerning a major partition.

(s) 'Minor partition' means a partition that is subject to approval by a City or County under a regulation or ordinance adopted pursuant to ORS 92.046 and that does not include the creation of a road or street.

(t) 'Parcel' means a unit of land that is created by a partitioning of land.

(u) 'Partition' means either an act of partitioning land or an area or tract of land partitioned as defined in this section.

(v) 'Partition land' means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. 'Partition land' does not include divisions of land resulting from lien foreclosure; division of land resulting from

the creation of cemetery lots and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession; or any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance.

(w) 'Road' or 'street' means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes."

Section 3. Section 3 or Ordinance NS-591 is amended to read:

"Section 3. Procedure.

(a) When any person contemplates a subdivision of land he shall first discuss this matter with the member of the administrative staff designated by the Planning Commission to advise in such matters and also secure a copy of these regulations before any plans are drawn.

(b) After the preliminary discussion and after securing a copy of this ordinance, there must be prepared a preliminary plan of the subdivision in accordance with Section 4 and 5 of this ordinance. The preliminary plan is submitted to the City Planning Commission for the tentative approval of that body. This plan will be given study by the City Planning Commission, the City Planner, the City Engineer and the City Water and Sewer Departments and changes may be necessary before it can be tentatively approved. If the preliminary plan is rejected, the City Planning Commission will give its reasons for the rejection. Approval of the preliminary plan is tentative approval and does not constitute a final acceptance of the plat. Tentative approval of a preliminary plan will be given by letter from the City Planning Commission and not by notation on the preliminary plan. Approval or rejection will be given by the City Planning Commission within 60 days after submission of the preliminary plan. A tentative approval shall become null and void if a final plan in accordance with the regulations set forth in Sections 4 and 6 is not submitted within six months after the date of tentative approval of the preliminary plan.

(c) The final plan for the subdivision shall be submitted to the City Planning Commission and shall be an accurate plan for official record prepared by a registered civil engineer or registered land surveyor and in accordance with the regulations set forth in Sections 4 and 6 of these regulations. This final plan will be given study by City Planning Commission, the City Engineer and the City Water and Street Departments and changes may be necessary before its approval by the City Planning Commission. If the final plan is rejected, the City Planning Commission will give its reasons for the rejection. Approval of the final plan by the City Planning Commission will be indicated in writing on the original of the final plan."

Section 4. Section 4 of Ordinance NS-591 is amended to read:

"Section 4. General Requirements and Minimum Standards of Design and Development. The following are the minimum requirements and standards to which a subdivision plat must conform before approval:

(a) Conformity to the master plan and official plan or map. The subdivision shall conform to and be in harmony with the comprehensive City plan, the official plan or map and especially to the major thoroughfare plan.

Major thoroughfares, parkways, parks and recreation areas shall be placed in the locations designated by the comprehensive City plan and at the same dimensions.

(b) Relation to adjoining street system. A subdivision shall provide for the continuation of the principal streets existing in and adjoining subdivisions or of their proper projection when adjoining property is

not subdivided, and such streets shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where, in the opinion of the City Planning Commission, topographic conditions make such continuation or conformity impractical, exception may be made. In cases where the City Planning Commission itself adopts a plan or plat of a neighborhood or area of which the subdivision is a part, the subdivision shall conform to such adopted neighborhood or area plan.

Where the plat submitted covers only a part of the subdivider's tract, a drawing of the prospective future street system of the entire tract shall be furnished and the street system of the part submitted shall be considered in light of conformity to the street system of the entire tract.

Where a tract is subdivided into lots of an acre or more, the Commission may require an arrangement of lots and streets such as to permit a later resubdivision in conformity to the street requirements and other requirements contained in these regulations.
[Section 4(b), as amended by Ordinance No. 641, passed June 3, 1964.]

(c) Access. There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed in the City under conditions approved by the City Commission. The subdividing of the land shall be such as to provide each lot, by means of a public street or way, with satisfactory access to an existing public highway or to a thoroughfare as shown in the major street plan, the comprehensive plan or an official map.

(d) Street widths.

(1) The widths of major streets shall conform to the widths designated on the major street plan.

(2) The minimum width for minor streets shall be 60 feet, except in cases where the topography or other physical conditions make a street of this width impractical, the City Planning Commission may modify this minor street width regulation. These widths shall be measured from lot line to lot line.

(e) Roadways.

(1) Roadways for major streets shall be not less than 40 feet, and shall conform to the adopted roadways and cross-sections for such thoroughfares, as indicated on the major street plan. All streets shall be fully improved with curbs, storm drains, paving, sidewalks, and sanitary sewers when required by the Commission to the standards and specifications of the City of Bend. The person subdividing land shall furnish the City a bond, or other security satisfactory to the City Commission that the person subdividing will fully improve all streets in the subdivision before it is occupied by anyone in any new construction. The bond or security shall be satisfactory to the City Commission in penalty amount equal to the City Engineer's estimate of the cost of the grading, paving, curbing, draining and sidewalks and the undertaking shall also cover the installation of sanitary sewers when required by the Commission.

(2) Roadways for minor streets shall be not less than 36 feet except in cases where topography or other physical conditions have brought about a street less than 60 feet in width, a smaller width may be approved.

(f) Street grades and condition.

(1) The grades of major streets shall not exceed 6 percent, except under unavoidable conditions, grades to 8 percent may be permitted.

(2) The grades of minor streets shall not exceed 8 percent, except under unavoidable conditions, grades up to 10 percent may be permitted.

(3) All streets shall have at least a .3 grade.

(4) All streets shall be fully improved with curbs, storm drains, paving, sidewalks and sanitary sewers when required by the Commission, to the standards and specifications of the City of Bend. The person subdividing land shall furnish the City a bond or other security satisfactory to the City Commission in penalty amount equal to the City Engineer's estimate of the cost of the paving, curbing, draining and sidewalks, which shall also cover the sanitary sewers and undertaking that the person subdividing will fully improve all streets in the subdivision before it is occupied by anyone in any new construction.

(g) Dead-end streets.

Cul-de-sac streets shall not exceed 500 feet in length and shall terminate in a turn-around with a minimum radius of 50 feet and a minimum paving radius of 40 feet. Cul-de-sac streets of 200 feet or less may be 50 feet in width.

(h) Street curves.

(1) The minimum center line radius of curvature shall be 400 feet for major thoroughfares (over 80 feet in width), 300 feet for secondary or feeder streets (61 to 80 feet in width), and 150 feet for minor streets (60 feet or less in width). On major and secondary streets there shall be a tangent of not less than 100 feet between reverse curves.

(2) Major thoroughfare intersections shall have a curve radius of not less than 35 feet; all other street intersections shall have a curve radius of not less than 15 feet.

(3) Intersection angles. Street intersection shall be as near right angles as possible except where topography requires a lesser angle, but in no case shall the acute angle be less than 60°.

(4) Alignment. Staggered street alignment shall, whenever practicable, leave a minimum of 200 feet distance between the center line of the streets, but in no case be less than 125 feet.

(5) Continuation of streets. Subdivision streets which constitute the continuation of streets in contiguous territory shall be aligned so that their center lines coincide. Where straight line continuations are not possible, such center lines shall be continued as curves. These streets or the continuation of streets in contiguous territory may be required by the Planning Commission where such continuation is necessary to maintain the function of the street or desirable existing pattern of development of streets and blocks in the surrounding area.

(i) Streets adjacent to railroads, freeways and parkways. When the area to be subdivided ajoins or contains a railroad, freeway or parkway, a street shall be provided on each side and parallel to such railroad, freeway or parkway within or adjacent to the subdivision. In the case of a railroad, there shall be a land strip of not less than 25 feet in width adjacent and along the railroad right-of-way for screen planting between the railroad right-of-way and residential property. If the intervening property between such parallel streets and a freeway or a parkway is less than 80 feet in width, such intervening property shall be dedicated to park or thoroughfare use. The intersections of such parallel streets, where they intersect with streets that cross a railroad, shall be determined with due consideration at cross streets of a minimum distance required for approach grades to a future grade separation and right-of-way widths of the cross street.

(j) Alleys. The minimum width of an alley in a residential block, when platted, shall be 20 feet. Alleys must be provided in commercial and industrial districts and shall be not less than 20 feet in width.

The corners of all alley intersections with other alleys or streets shall be curved with a radius of not less than 10 feet.

(k) Half streets. No half streets shall be included in a subdivision plan except where necessary on the boundary of the subdivision tract where the extension of an existing dedicated street must be provided for and the boundary line of the tract is the center line of the necessary street.

(l) Easements. Where alleys are not provided, easements of not less than six feet in width shall be provided on each side of the rear lot line or side lot line, for necessary utility lines including poles, wires, conduits, storm and sanitary sewers, gas, water and heat lines. Easements of the same or greater width may be required along lot lines or across lots or land parcels where necessary for the extension of utility lines, waterways, for service vehicular access and walkways.

(m) Blocks. No block shall be longer than 1,200 feet between street lines. In blocks over 800 feet in length there shall be a cross walkway of not less than 10 feet in width near the middle of the block.

(n) Lots.

(1) Every lot shall abut on a street or on an officially approved way.

(2) All side lot lines shall be at right angles to street lines or radial to curved street lines, unless variation from these requirements is deemed necessary by the City Planning Commission.

(3) Through lots, lots with double frontage should be avoided except where they are essential to provide separation of residential development from major street or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet in width and across which there shall be no right of access may be required along the lines of lots abutting such a traffic artery or other incompatible use.

(4) Lot sizes shall conform to the Zoning Ordinance requirements of the area. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use contemplated. The depth of lots shall not exceed two times the average width, unless variation from these requirements is deemed necessary by the City Planning Commission. Where the slope of the ground exceed 10% in any direction for more than 60% of the buildable area of a lot, the Commission may require the area of a lot to be increased according to the following table:

11% to 15% slope - minimum area of lot + 20%

16% to 20% slope - minimum area of lot + 50%

21% to 25% slope - minimum area of lot + 100%

26% to 30% slope - minimum area of lot + 200%

over 30% slope - minimum area to be established by the Planning Commission.

(5) Corner lots shall be 5 feet more in width than other lots and also shall have sufficient extra width to meet the additional side yard requirements of the zoning district in which they are located.

(6) Lot and block grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

(1) Cut slope shall not exceed one and one-half feet horizontally to one foot vertically.

(2) Fill slope shall not exceed one and one-half feet horizontally to one foot vertically.

(3) The character of soil for fill and the characteristics of lots made usable by fill shall be suitable for the purpose intended.

(4) When filling or grading is contemplated by the subdivider, he shall submit plans showing existing and finished grades for the approval of the Commission. In reviewing these plans, the Commission shall consider the need for drainage and effect of filling on adjacent property. Grading shall be finished in such a manner as not to create steep banks or unsightly areas to adjacent properties.

(7) Frontage. Each lot shall abut upon a street other than an alley for at least 60 feet, except for lots fronting on the bulb of a cul-de-sac, then the minimum frontage shall be 30.

(o) Building lines. Building lines shall be shown on all lots planned for residential use and on all commercial or industrial lots immediately adjoining the residential area. Such building lines shall not be less than those required by the Zoning Ordinance.

(p) Duplication of names. The name of a proposed subdivision shall not duplicate the name of any other subdivision within the County. The street names ahall not duplicate the names of any other street or way within the City or Postal Service area.

(q) Tree planting. Tree planting plans for a subdivision must be submitted to the City Planning Commission and receive its approval before the planting is begun.

(r) Park and recreation space.

(1) Area required. Not less than 8% of the gross area of a subdivision or a parcel of land to the subdivision, shall, by the subdivider, be set aside and dedicated to the public for parks and recreation purposes; such area or parcel in either case shall be approved by the Planning and Park Commissions as being suitable and adaptable for park and recreation uses and generally located in the area planned for parks as shown on the comprehensive plan for the City.

(2) Payment in lieu of land. In the event there is no suitable park or recreation area or site in the proposed subdivision or adjacent thereto, then the subdivider shall, in lieu of setting aside land, pay into a park acquisition and development fund a sum of money equal to the fair market value of the land that would have been donated under (1) above. For the purpose of determining the fair market value, the latest assessment shown on the County Assessor's tax roll shall be used. The sum so contributed shall be used for acquisition of suitable area for park and recreation purposes or for the development of recreation facilities. Such expenditures shall be made for neighborhood or community facilities within the area of the community that will reasonably benefit the contributing subdivision.

(3) Expenditure of funds. Funds contributed in lieu of park land shall be credited to a park acquisition and development fund and shall be deposited with the City Recorder. Such funds may be expended only on order of the City Commission for the purpose of acquiring or developing land for park or recreation purposes.

(s) All subdivisions shall provide water and sewer lines constructed to City standards and specifications and approved by the City Engineer. Provided that in areas where sewer lines are not available or within extendable distance as determined by the Planning Commission, after consultation with the City Engineer, other disposal methods may be approved for use when approved by the County Sanitarian and/or Department of Environmental Quality. When engineering data and plans are available providing sufficient information to determine line sizes, grades and direction, dry sewer lines shall be installed to the City standards

and specifications and approved by the City Engineer. All lots shall be served from the City of Bend's water system or by water systems acceptable to the City. Water mains and service lines shall be installed prior to the curbing and paving of new streets in all new subdivisions.

(t) Underground utilities. All permanent utility service to lots in a subdivision shall be provided from underground facilities, no overhead utility service within the subdivision shall be permitted. The subdividers shall be responsible for complying with requirements of this section and shall:

1. Obtain a permit from the Public Works Superintendent for placement of all underground utilities.

2. Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities and facilities in accordance with the rules and regulations of the Public Utility Commissioner of the State of Oregon.

3. Easements for utilities shall be provided by the subdivider and set forth on the final plat. Each easement shall be a minimum of 10 feet in width and where possible on a bordering lot line. The subdividers shall provide 6 feet utility easements on both sides of all streets rights-of-way of less than 60 feet.

4. All underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of such streets to the extent practicable. Stubs for service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.

(u) Lighting. All subdivisions shall install street lights served by underground wiring to City standards."

Section 5. Section 5 of Ordinance NS-591 is amended to read:

"Section 5. Procedure Preliminary Plan

Whenever it is proposed to subdivide land as herein defined, 10 copies of the preliminary plans of the proposed subdivision shall be filed with the Commission at least two weeks (14 days) prior to the Commission's regular meeting, at which the preliminary plan will be considered.

(a) A vicinity map or key map shall accompany or be drawn on the preliminary plan at a scale (1" = 400') showing existing subdivisions, streets, tracts, lines of acreage, parcels, together with the names of the record owners of parcels of land immediately adjoining the proposed subdivision and between it and the nearest existing or proposed thoroughfares. It shall show how streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in neighboring subdivisions or undeveloped property, to produce the most advantageous development of the entire neighborhood area.

(b) Conformity to Section 4.

The preliminary plans shall conform to Section 4, General Requirements and Minimum Standards of Design and Development.

(c) Preliminary Plan.

Each lot shall be numbered and each block shall be lettered or numbered. The lengths of all boundaries of each lot shall be shown. Each street shall be named and shall also show:

(1) Proposed name of the subdivision.

(2) North point, scale and date of application.

(3) Names and addresses of the subdivider of the engineer, surveyor, land planner or landscape architect.

(4) The tract designation or other description according to the real estate records of Deschutes County Clerk.

(5) The boundary line (accurate in scale) of the tract to be subdivided.

(6) Ground elevations of the tract, based on a datum plan approved by the City Engineer; for land that slopes less than approximately 2% show spot elevations at all breaks in grade, along drainage channels or swales, and at selected points of not more than 100 feet apart in all directions; for land that slopes more than approximately 2% either shall contour at intervals of not more than 5 feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than 2 feet if necessary because of the irregular land or need of more detailed data for preparing plans and construction drawings.

Other conditions on the tract, including water courses, marshes, rock outcrop, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, shacks, and other significant features shall also be indicated in the topographic data shown in the preliminary plan.

(d) Criteria for approval.

No subdivision shall be approved in violation of the adopted comprehensive plan, unless it is determined by the Planning Commission that new conditions, data or circumstances warrant a change in the comprehensive plan for that portion of the City. No subdivision shall be approved unless it meets the minimum standards prescribed by this ordinance, unless specifically relieved by variances due to unusual hardships or circumstances.

(e) Tentative approval of preliminary plant.

The City Planning Commission shall by letter express its tentative approval or disapproval of the preliminary plan within 60 days of the date it was submitted and no indication of approval shall be put on such plan. When the City Planning Commission rejects the preliminary plan, it shall state its reasons for such rejection. Tentative approval for the preliminary plan is null and void if the final plan is not submitted to the City Planning Commission within 6 months after tentative approval of the preliminary plan."

Section 6. Section 6 of Ordinance No. NS-591 is amended to read:

"Section 6. Final Plan.

The final plans shall be submitted to the City Planning Commission in the form required by ORS 92.080. The final plan shall conform to Section 4, General Requirements and Minimum Standards of Design and Development. The final plan shall be drawn to a scale of not more than 1 inch = 100 feet and shall show:

(a) Name of the subdivision.

(b) North point, scale and date submitted.

(c) Boundary lines with accurate distances and bearings, the exact location and widths of all existing or recorded streets and ways intersecting the boundary of the tract.

(d) True bearings and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat; municipal township or section lines accurately tied to the lines of the subdivision by distances and bearings.

(e) Streets, alleys and ways together with their names.

(f) The length of all arcs, radii, internal angels, points of curvature, length and bearing of tangents.

(g) All easements for rights-of-way provided for public services or utilities and any limitations of the easements.

(h) All block indications, lot numbers, lot lines with accurate dimensions in feet and hundreds and bearings and angles to streets and alley lines.

(i) The accurate location, material and size of all monuments. Monuments shall meet the specifications of the City Engineer which shall not be less than those required by the County, the State or the Federal Government as they apply.

(j) The accurate outline of all property which is offered for dedication to public use with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.

(k) Boundaries of areas of private restrictions within the subdivision and designation of the kinds of such restrictions.

(l) Certification by registered professional engineer or licensed land surveyor to the effect that the plan represents a survey made by him, all exterior monuments shown thereon have been placed and that all interior monuments have been placed or will be placed as provided for by ORS 92.060 and 92.070 and that their location, size and material are correctly shown. If post monumentation is contemplated, the subdivider shall furnish a bond for 100% of the estimate cost of such work prior to the recording of the plat and the surveyor shall supply an affidavit giving a date on or before which all interior monuments will be placed.

(m) Certification of approval by the City Engineer of all locations, grades and dimensions of the plat.

(n) Dedication of all streets, alleys, ways, easements, parks and lands for public use as shown on the plat as required by the City of Bend, Oregon."

Section 7. Section 6B of Ordinance No. NS-591 is amended to read:

"Section 6B. Approval of the final plan.

A subdivision plan ready for final approval prior to recording, should be substantially in accord with approved preliminary plan. Before approval by the Commission, there shall appear on the final plat, signatures of all persons set out in the dedication, signatures of the mortgagees, if any, the signature of the City Engineer, and the signature and seal of the registered professional engineer or registered land surveyor responsible for the laying out of the subdivision. All signatures must be made with black India ink.

The final plat may contain all or only a portion of the approved preliminary plan.

The City Planning Commission will withhold its approval of any subdivision plat as herein mentioned until this ordinance has been complied with or until satisfactory evidence of intent and ability have been provided and may require a performance bond evidencing such intent and ability by said developer. In no event shall approval be given to additional segments of the original plat until the requirements as herein set forth has been met as to any prior considered segment.

After the final plan has been filed with the Commission, the staff shall review the final plat, compare it with the approved preliminary plan to ascertain whether the final plan conforms substantially to the approved preliminary plan and to such conditions of approval of the preliminary plan which may have been made. The City Engineer or County Surveyor shall examine the plat for accuracy and completeness and he may collect such fees as are provided by State Law for such review. If the staff finds

that there has no been full conformity with the preliminary plan, they shall advise the subdivider of the changes that must be made.

When the final plan has been reviewed and it is in substantial conformity, the Planning Director or his authorized representative shall so certify to the President of the Planning Commission who may then sign the plat without futher action of the Commission. If the final plat is not in full conformity, it shall be submitted to the Commission. If the final plat is not in full conformity, it shall be submitted to the Commission. If the final plat is referred to the President of the Planning Commission for his signature without submitting it to the Planning Commission, the President may elect to either sign the plat or submit it to the entire Commission for further review. When submitted to the Commission for review, approval of the final plat shall be by majority of those present. If the plat is signed without the review of the Commission, the action shall be reported to the Commission at its next regular meeting. In the absence of the President, his duties and powers with respect to action of final plans, shall be vested in the Vice-President. Approval of the final plan by the City Planning Commission shall be null and void if the plat is not recorded within 60 days after the date of approval, unless application for an extension of time is made in writing by the subdivider during said 60 day period to the City Planning Commission and granted. Within 6 days after the recording of the subdivision, the owner or his representatives shall furnish the Commission 6 prints made from an exact reproduction of the recorded plat."

Section 8. Section 7 of Ordinance No. NS-591 is amended to read:

"Section 7. Applicable portions of ORS Chapter 92.

Where the provisions and requirements hereof are more strict and stringent then insofar as such are concerned the terms of this ordinance shall prevail and where the provisions of ORS Chapter 92 are more strict and stringent, then such shall prevail.

No person shall offer any subdivided lands for sale or lease without first having complied with the applicable provisions of Oregon Subdivision Control Law, ORS 92.210 - 92.390."

Section 9. A new Section 7A is added to Ordinance NS-591:

"Section 7A. Partitioning acreage into three or less tracts.

Whenever a tract or lots are to be partitioned, six copies of the application for the proposed partitioning shall be filed with the Commission at least 14 days prior to the regular meeting of the Commission. The Commission may require compliance with any or all of the requirements of Section 4, General Requirements and Minimum Standards of Design and Development, whenever it appears it will be possible to ultimately divide more tracts or lots than are indicated on the submitted plan. Partitioning plans when submitted shall include the following information:

(a) A vicinity map locating the proposed partitioning in relation to the adjacent areas out to at least 800 feet.

(b) A plan of proposed partitioning showing tract dimensions, bearings on all lines, area of each tract name or proposed roads.

(c) Names and addresses of the land owners, the subdivider or mortgagees, if any, and the engineer or surveyor employed to make the necessary survey and prepare the description of each tract involved.

(d) A tie by actual survey to a section, or subdivision corner. When partitioning a part or all of an existing subdivision, a tie shall be given either to the initial points or block corner of the original subdivision.

(e) A statement regarding the contemplated water supply and sewage disposal for each tract.

(f) North point, scale and date.

(g) Such additional information as the Commission deems necessary.

After all requirements for partitioning have been complied with, 6 copies of a map thereof shall be furnished to the Commission. The Planning Director shall endorse the approval of such copies and distribute a copy of each to the owner of the partitioned tract, the file of the Planning Commission, the County Surveyor, the County Assessor, City Engineer and other appropriate agencies of the City. Approval of the submitted plan shall be considered as final when property endorsed and no other plan need be submitted, unless the owner or subdivider intends to record the partitioning, in which case the requirements for recording a plat with four tracts or lots shall be filed."

Section 10. A new Section 7B is added to Ordinance NS-591:

"Section 7B. Large Scale Development.

The standards and requirements of this Ordinance may be modified by the Planning Commission in the case of a plan or program for a new town, a complete community, or a planned unit development, which in the judgment of the Planning Commission provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract including streets and utilities when fully developed and populated, and which also provides such covenant or other legal provisions as will insure conformity to and achievement of the comprehensive plan. Further, such developments shall conform to the procedures set forth in the City Zoning Ordinance NS-796 for planned unit developments."

Section 11. Section 8 of Ordinance NS-591 is amended to read:

"Section 8. Variances.

(a) Hardship. On application to the Planning Commission, a developer who is able to affirmatively show an extraordinary hardship arising from the location, topography, or other physical characteristics, which would make it difficult or impossible to conform strictly to this Ordinance, and further, the affirmative finding by the Planning Commission that such conditions do exist and further affirmative finding that the public interest shall be secured and that such a project would be beneficial to the community and not nullified in intent and purpose of the comprehensive plan of the City of Bend or this Ordinance, then said Planning Commission may vary this Ordinance so that substantial justice may be done.

(b) Conditions. In granting variances and modifications, the Planning Commission may require such conditions as will in its judgment, secure substantially the objectives of the standards or requirements so varied or modified."

Section 12. A new Section 8A is added to Ordinance NS-591:

"Section 8A. Lots Created in Violation of this Ordinance. Any lot created in violation of the provisions of this Ordinance shall be deemed null and void. When such lot or parcel of land is created in violation of the provisions of this Ordinance, the Building Official shall withhold building permits and/or stop the construction of any structure in process on said property ."

Section 13. A new Section 8B is added to Ordinance NS-591:

"Section 8B. Filing Fees. Upon filing an application for the approval of the preliminary subdivision, or partitioning plan, the applicant shall pay a fee as follows:

A. Subdivisions - $40.00 + $2.00 per lot

B. Partitionings - $20.00."

Section 14. A new Section 8C is added to Ordinance NS-591:

"Section 8C. Appeal from Ruling of the Planning Commission. Any action or ruling of the Planning Commission pursuant to this Ordinance

may be appealed to the City Commission within 15 days after the Planning Commission has made its decision. Written notice of the appeal shall be filed with the City Recorder. If the appeal is not filed with the City Recorder within the 15-day period, the decision of the Planning Commission shall be final. If the appeal is filed, the Planning Commission shall make a written report and recommendation to the City Commission. The City Commission shall hold a public hearing on the appeal, giving not more than 10 days nor less than five days advance notice of the hearing to the applicant and property owners within 250 feet of the subject property."

Section 15. A new Section 8D is added to Ordinance NS-591:

"Section 8D. Delegation of Power to City Planning Commission. The City Planning Commission shall review and approve all subdivision plans and plats and all partitioning plans and map."

Read for the first time the 6th day of February, 1974

Read for the second time the 20th day of February, 1974

Placed upon its passage this 20th day of February, 1974

YES: 7 NO: 0

Submitted to and approved by the Mayor this 20th day of February, 1974

Floyd Smith
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NS-[illegible]

STREET ADDRESS SYSTEM
FOR THE
CITY OF BEND
OCTOBER 1973

SCALE: 1"=800'

N

NW NE SW SE

Range 11 E.W.M. / 12 E.W.M.

T. 18 S. R. 12 E.W.M.

T. 18 S. R. 11 E.W.M.

CITY OF BEND RIVERFRONT AREA

CITY OF BEND DISPOSAL PLANT

HOSPITAL SITE

CLINIC SITE

JR. HIGH SCHOOL

PILOT BUTTE SCHOOL

KENWOOD SCHOOL

BEND HIGH SCHOOL

BEAR CREEK SCHOOL

CITY PARK SWIMMING POOL

WATER RESERVOIR

WATER RES.

PILOT BUTTE OBSERVATION STATE PARK

BROOKS - SCANLON LUMBER MILL

Brooks-Scanlon Logging Road

Shevlin Road

College Way

Skyline Area

Skyline Reservoir

Regency St.

Wells Acres Rd.

Butler Mkt. Road

Almus Nett Road

Bear Creek Road

Reed Mkt. Road

McClelland Rd.

Central Oregon Highway

Oregon Trunk Line

Deschutes River

Pilot Butte Canal

Central Oregon Canal

North Unit Canal

Bend Feed Canal

Swalley Irrigation District Canal

Arnold Irrigation District Canal

Tumalo Irrigation District Canal

Tumalo Creek

Bend Millpond

Awbrey Butte

Pilot Butte

Mt. Washington Drive

Columbia Southern Railway

Oregon Trunk Railway

Hawthorne

Greenwood

Franklin

Emerson

Larch

Clay

Quarry

Aspen

Alder

Juniper

Cedar

Division

Wall

Bond

Arizona

Colorado

Columbia

Delaware

Florida

Georgia

Idaho

Jefferson

Kansas

Lafayette

Madison

Nevada

Oregon

Penn

Quincy

Roanoke

Sherman

Trenton

Underwood

Vicksburg

Wyoming

Yosemite

Zircon

Canyon Drive

Woodriage Ln.

Raven Road

Raven Ridge Dr.

Raven Terrace Dr.

Pheasant Ave.

Pheasant Drive

Pheasant Lane

Pheasant Meadow Lane

Pheasant Court

Thompson Drive

Dempsey Drive

Watson Drive

Wells Tracts

Hansell Tracts (Curved)

Beaver Tracts (Curved)

Merrill

Wilkinson

Tracts

Skyline View Estates

Skyline View Drive

Tempest Dr.

Tempest Ct.

Cessna Dr.

Cooper Dr.

Lear Dr.

Piper Dr.

Waco Dr.

Mistletoe

Matson Rd.

Ramona Rd.

Ramona Estates

Thurston Ct.

Thurston Ave.

Thurston Addition

Lunsters Pl.

Lunsters Addition

Sewards Addition

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ORDINANCE NO. NS-1015

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

In Township Eighteen (18) South, Range Twelve (12), East of the Willamette Meridian:

Section Six (6): A tract of land located in the Northwest Quarter of the Northeast Quarter, being more particularly described as follows: Beginning at a point whence the North quarter corner of said Section 6 bears North 13° 59' 09" West 1,237.86 feet; thence North 89° 40' 23" West a distance of 187.40 feet to a point on the East right-of-way line of West Fifteenth Street extended; thence South along said right-of-way a distance of 91.90 feet; thence East 186.81 feet; thence North 00° 22' 07" East 90.84 feet to the point of beginning.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 17th day of April, 1974, at the hour of 7:30 p.m., in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of hearing.

Read for the first time the 6th day of March, 1974

Read for the second time the 20th day of March, 1974

Placed upon its passage this 20th day of March, 1974

YES: 5 NO: 0

Submitted to and approved by the Mayor this 20th day of March, 1974

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. 1016

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY REGULATING SERVICE STATIONS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1.030 of Ordinance No. NS-796 is amended by adding thereto the following new definition:

"35(a) "Service Station" means any lot used in the normal course of business primarily for the retail sale of motor vehicle fuel and lubricants for delivery on the premises. "

Section 2. Article 4 of Ordinance No. NS-796 is amended by adding thereto a new Section 4.100 to read:

"4.100 Minimum Service Station Standards. In addition to the standards of this ordinance, service stations shall comply with the provisions of this section.

1. Location: No portion of any service station shall hereafter be constructed within 1500 feet of any part of a building housing another service station, except where such other service station is abandoned and subject to removal under this section. This shall not prevent the remodeling of an existing service station.

2. Minimum Lot Size:

a. The minimum lot size for a service station site shall be 12,000 sq. ft.

b. The minimum street frontage on the major traffic carrying street of a corner lot shall be 100 feet.

c. The minimum street frontage for a service station site on an interior lot shall be 120 feet.

d. The minimum lot depth shall be 100 feet.

3. Setbacks: Service stations shall set back from property lines not less than 10 feet. Attached or free-standing canopies may not extend closer than 10 feet to the property line. The minimum 10 foot distance between property line and building shall be appropriately landscaped as a continuation of the service station's required landscaping.

4. Screening:

a. A sight obscuring fence or wall not less than 6 feet or more than 8 feet or an evergreen hedge planted at 4 feet and capable of obtaining 6 feet in height shall be provided between the service stations and abutting property in a residential zone or used for residential purposes. Said wall, fence, or hedge shall be reduced to 2-1/2 feet in vision clearance areas.

b. A screened trash enclosure shall be provided on each station site.

5. Landscaping: Landscaping shall be installed and maintained occupying a minimum of 5% of the station site net area. Plans for landscaping shall be approved during site plan review.

6. Lighting:

a. Lighting shall be of such illumination, direction, color and intensity as not to create a nuisance on adjacent property or to create a traffic hazard.

b. Wiring for the business and its signs and light fixtures shall be underground.

7. Other Requirements:

a. No storage of inoperative automobiles or parts thereof shall be permitted except in enclosed structures for any period exceeding 72 hours.

b. Off street parking space shall be provided for each attendant of the largest shift.

c. Sales storage and display of merchandise shall be conducted within a building,except for gasoline, oil, windshield wiper blades and other accessories of like size.

d. Use of property for service station may also include the sale and installation of motor vehicle accessories, minor vehicle repairs (such as tuneups, tire repair and the like), emergency vehicle repairs and any other sale, service or activity customarily incidental to the operation of a service station where such other sale, service or activity would otherwise be permitted within the zone.

9. Abandonment. Whenever a service station is not used as such for a continuous period of nine months, all structures and facilities above and below the ground shall be removed by the owner. Operation for at least 90 consecutive days shall be required to interrupt a continuous nine month period. All service stations which are unused for nine months as provided above are hereby declared to be nuisances and subject to abatement as provided in Ordinance No. NS-744."

Read for the first time the 20th day of March, 1974

Read for the second time the 3rd day of April, 1974

Placed upon its passage this 3rd day of April, 1974

YES: 7 NO: 0

Submitted to and approved by the Mayor this 3rd day of April, 1974

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS=1017 Repealed by ORD. NO. NS-1399

AN ORDINANCE AMENDING ORDINANCE NO. NS-737 RELATING TO PENALTIES FOR OFFENSES AND PAYMENT OF FINES, AND AMENDING ORDINANCE NO. NS-536.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 39 of Ordinance No. NS-737 is amended to read:

"Section 39. Penalties. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by imprisonment in the City jail for a period not to exceed [90] 100 days or by a fine not to exceed [$300.00] $500.00 or both."

"Section 41. Fines, payment enforced. If any person shall neglect or refuse to pay any fine imposed upon conviction of a violation of this ordinance he shall be confined in the City jail one day for each [$5.00] $25.00 of such fine."

Section 3. Section 8 of Ordinance No. NS- 536 is amended to read:

"Section 8. In addition to the procedures outlined herein for the providing of a jury trial, any of the parties or their attorneys, on giving notice thereof to the Municipal Judge in writing [together with the deposit of $30.00 jury fee] at least six days, excluding Sundays and legal holidays, prior to the trial date set by the Municipal Court, may choose to be tried by a jury selected in accordance with the procedures as set forth in the Oregon Revised Statutes for a trial by jury in justice courts in the State of Oregon, in which case justice court rules shall apply."

Section 4. Section 9 of Ordinance No. NS-536 is amended to read:

"Section 9. In order for a person to have the right of trial by jury under the rules as provided herein, he must give notice thereof to the Municipal Judge in writing [together with the deposit of $30.00 jury fee] at least six days, excluding Sundays and legal holidays, prior to the trial date set by the Municipal Court. [If the defendant is acquitted by the jury, the jury fee deposited by the defendant shall be refunded to him.] If the defendant is found guilty by the jury, there shall be assessed against him in addition to court costs, a jury fee in the sum of $30.00."

Read for the first time the 6th day of March, 1974

Read for the second time the 20th day of March, 1974

Placed upon its passage the 20th day of March, 1974

YES: 5 NO: 0

Submitted to and approved by the Mayor this 20th day of March, 1974

Robert P. Smith
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-1018

AN ORDINANCE AMENDING ORDINANCE NO. NS-796 RELATING TO ZONING

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Subsection (33) of Section 1.030 of Ordinance No. NS-796 is amended to read:

"33. 'Parking space' means an enclosed or unenclosed asphaltic or equivalent surfaced area [of not less than 20 feet by 8 feet in size, exclusive of maneuvering an access area,] permanently reserved for the temporary storage of one automobile, and connected with a street or alley which affords ingress and egress for automobiles."

Section 2. Section 3.210 of Ordinance No. NS-796 is amended to read:

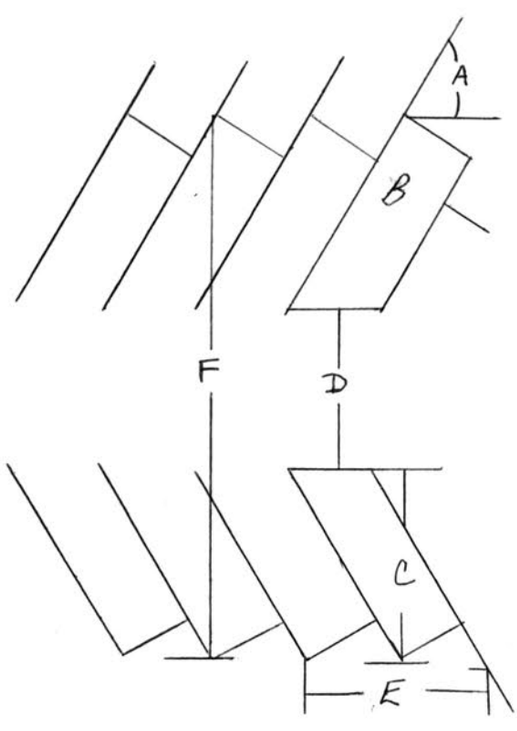
"Section 3.210. Uses permitted outright. In a C-1 zone the following uses and their accessory uses are permitted subject to the provisions of Section 3.230:

1. Car wash.
2. Drug store.
3. Eating or drinking establishments, including drive-in restaurants.
4. Food store.
5. Gift shop or similar tourist-oriented specialty store.
6. Motel.
7. Self-service laundry.
8. Sporting goods store.
9. Service Station.
10. Business or professional office.
11. Medical or Dental Clinic.
12. Beauty shop, Barber shop, or other related personal service business.
13. Frozen Food Lockers.

Section 3. Section 4.050 of Ordinance No. NS-796 is amended by adding a new Paragraph 8 as follows:

"8. Off-Street Parking Lot Design. All off-street parking lots shall be designed in accordance with City standards for stalls and aisles as set forth in the following drawings and table:

A	B	C	D	E	F
0°	9'0"	9.0	12.0	22.0	30.0
	9'6"	9.5	12.0	22.0	31.0
	10'0"	10.0	12.0	22.0	32.0
45°	9'0"	19.8	13.0	12.7	52.5
	9'6"	20.1	13.0	13.4	53.3
	10'0"	20.5	13.0	14.1	54.0
60°	9'0"	21.0	18.0	10.4	60.0
	9'6"	21.2	18.0	11.0	60.4
	10'0"	21.5	18.0	11.9	61.0
70°	9'0"	21.0	19.0	9.6	61.0
	9'6"	21.2	18.5	10.1	60.9
	10'0"	21.2	18.0	10.6	60.4
90°	9'0"	20.0	24.0	9.0	64.0
	9'6"	20.0	24.0	9.5	64.0
	10'0"	20.0	24.0	10.0	64.0



A Parking Angle
B Stall Width
C 20' Stall
D Aisle Width-one way
E Curb Length per Car
F Bay Width
* 24' min. for 2-way traffic

a. For one row of stalls use "C" plus 'D' as minimum bay width.

b. Public alley width may be included as part of dimensions 'd', but all parking stalls must be on private property, off the public right-of-way.

c. For estimating available parking area, use 300-325 square feet per vehicle for stall, aisle and access areas.

d. All parking lots shall drain to catch basin(s) and dry hole(s) in the lot and on private property, or to City storm sewers."

Read for the first time the 3rd day of April, 1974

Read for the second time the 17th day of April, 1974

Placed upon its passage the 17th day of April, 1974

YES: 7 NO: 0

Submitted to and approved by the Mayor this 17th day of April, 1974

Loyd P. Smith
Mayor

ATTEST:

Julie S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-1019

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1015 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 17th day of April, 1974, at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

In Township Eighteen (18) South, Range Twelve (12), East Willamette Meridian.
Section Six (6): A tract of land located in the Northwest Quarter of the Northeast Quarter, being more particularly described as follows: Beginning at a point whence the North quarter corner of said Section 6 bears North 13° 59' 09" West 1,237.86 feet; thence North 89° 40' 23" West a distance of 187.40 feet to a point on the East right-of-way line of West Fifteenth Street extended; thence South along said right-of-way a distance of 91.90 feet; thence East 186.81 feet; thence North 00° 22' 07" East 90.84 feet to the point of beginning.

Section 3. That prior to the time of the aforesaid public hearing at least two-thirds of the landowners who own or who also own at least two-thirds of the land in the area and of real property therein representing at least two-thirds of the assessed value of all real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 17th day of April, 1974

Read for the second time the 1st day of May, 1974

Placed upon its passage the 1st day of May, 1974

YES: 5 NO: 0

Approved by the Mayor this 1st day of May, 1974

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1020

AN ORDINANCE VACATING A PORTION OF NW 3rd STREET FROM SAGINAW TO AWBREY ROAD TO THE CITY OF BEND, OREGON

A petition having been presented to the Bend City Commission on the 6th day of February, 1974, requesting that the following described street location be vacated:

> NW THIRD STREET from the vacated portion of Saginaw Avenue north to the southwesterly boundary of NW Awbrey Road in the City of Bend, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission

having set a time for formal hearing upon the petition; and the Recorder of the City of Bend having caused the following notice:

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Harry Fitch said vacation proceedings to vacate the following described street location:
>
> NW Third Street from the vacated portion of Saginaw Avenue north to the southwesterly boundary of NW Awbrey Road in the City of Bend, Deschutes County, Oregon,
>
> The City Commissioners of the City of Bend have fixed the 1st day of May, 1974, at 7:30 p.m., in the City Hall in the City of Bend as the time and place for hearing upon the said proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings.

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time this 1st day of May, 1974

Read for the second time this 15th day of May, 1974

Placed upon its passage this 15th day of May, 1974

YES: 7 NO: 0

Submitted to and approved by the Mayor this 15th day of May, 1974

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1021

AN ORDINANCE VACATING THE ALLEY IN BLOCK 6, STATE HIGHWAY ADDITION IN THE CITY OF BEND, OREGON

A petition having been presented to the Bend City Commission on the 16th day of January, 1974, requesting that the following described alley location be vacated:

> THE ALLEY, in Block 6, State Highway Addition in the City of Bend, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition; and the Recorder of the City of Bend having caused the following notice:

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by John Woodruff said vacation proceedings to vacate the following described alley location:
>
> The alley in Block 6, State Highway Addition in the City of Bend, Deschutes County, Oregon,
>
> The City Commissioners of the City of Bend have fixed the 1st day of May, 1974, at 7:30 p.m., in the City Hall in the City of Bend as the time and placed for hearing upon the said proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings.

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 1st day of May, 1974

Read for the second time the 15th day of May, 1974

Placed upon its passage this 15th day of May, 1974

YES: 7 NO: 0

Submitted to and approved by the Mayor this 15th day of May, 1974

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1022

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

The Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE 1/4, NE 1/4, SE 1/4), and the North One-half of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (N 1/2, SE 1/4, NE 1/4, SE 1/4) of Section 4, Township 18 South, Range 12 East, of the Willamette Meridian, Deschutes County, Oregon, containing 15 acres, more or less.

The Southwest Quarter (SW 1/4) of Section 3, Township 18 South, Range 12 East, of the Willamette Meridian, Deschutes County, Oregon, containing 160 acres, more or less.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 7th day of August, 1974, at the hour of 7:30 p.m., in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of hearing.

Read for the first time this 15th day of May, 1974

Read for the second time this 5th day of June, 1974

Placed upon its passage this 5th day of June, 1974

YES: 7 NO: 0

Submitted to and approved by the Mayor this 5th day of June, 1974

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1023

AN ORDINANCE ANNEXING TERRITORY SURROUNDED BY THE CITY OF BEND

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend, an Oregon municipal corporation, hereby annexes pursuant to ORS 222.750 the following described property which is not part of an incorporated City and which is surrounded by the City of Bend:

Beginning at the north one-quarter (1/4) corner of Section 6, Township 18 South, Range 12 East, Willamette Meridian, thence south 89° 14' 15" east for 110.42 feet, thence south for 592.46 feet to the point of beginning for this description, said point being located on the west line of SW 15th Street and the south boundary of the old Brooks Scanlon logging right-of-way, thence south 84° 49' west for 455.37 feet, thence south 77° 10' 48" west for 191.19 feet, thence south 7° 22' 52" east for 418.07 feet, thence east for 238.84 feet, thence south for 237.74 feet, thence east for 347.38 feet to a point on the west line of SW 15th Street, thence north along the west line of SW 15th Street for 740.11 feet to the point of beginning for this description,

containing 8.40 acres, more or less.

Read for the first time the 15th day of May, 1974

Read for the second time the 5th day of June, 1974

Placed upon its passage the 5th day of June, 1974

YES: 7 NO: 0

Approved by the Mayor the 5th day of June, 1974

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1024

AN ORDINANCE ANNEXING TERRITORY SURROUNDED BY THE CITY OF BEND

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend, an Oregon municipal corporation, hereby annexes pursuant to ORS 222.750 the following described property which is not part of an incorporated City and which is surrounded by the City of Bend:

Beginning at a point on the east line of NE Jones Road, said point being located south 0° 07' 52" west a distance of 326.71 feet, thence south 89° 18' 12" East a distance of 30.0 feet from the NW corner of the SE 1/4, NE 1/4 of Section 28, Township 17 South, Range 12 East, Willamette Meridian, thence south 89° 18' 12" east for 497.15 feet, thence south 1° 15' 48" west for 115.18 feet, thence north 89° 18' 12" West for 495.0 feet,

to the east line of NE Jones Road, thence north 0° 07' 52" east for 115.0 feet to the point of beginning,

containing 1.31 acres, more or less.

Read for the first time the 15th day of May, 1974

Read for the second time the 5th day of June, 1974

Placed upon its passage the 5th day of June, 1974

YES: 7 NO: 0

Approved by the Mayor the 5th day of June, 1974

Mayor

ATTEST:

Recorder-Treasurer

AT

ORDINANCE NO. NS-1025

AN ORDINANCE AMENDING ORDINANCE NO. NS-469, RELATING TO RIDING BICYCLES UPON A SIDEWALK IN A BUSINESS DISTRICT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 68 of Ordinance No. NS-469 is amended to read:

"Section 68. Riding on sidewalks. No person shall ride or operate any bicycle upon a sidewalk in a business district known as C-4 Central Commercial Zone. Any person riding a bicycle upon a sidewalk shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian."

Read for the first time the 5th day of June, 1974

Read for the second time the 19th day of June, 1974

Placed upon its passage the 19th day of June, 1974

YES: 7 NO: 0

Approved by the Mayor the 19th day of June, 1974

Mayor

ATTEST:

Recorder-Treasurer

AT

ORDINANCE NO. NS-1026

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF BEND IMPROVEMENT BONDS IN THE SUM OF $98,000: PROVIDING AND APPROVING THE FORM OF THE BONDS TO BE ISSUED AND THE COUPONS ATTACHED THERETO: PROVIDING FOR THE ADVERTISEMENT AND SALE OF SAID BONDS, AND DECLARING AN EMERGENCY.

WHEREAS the Commission of the City of Bend has heretofore proceeded to improve certain streets in said City, and has duly assessed the cost of such improvements to the property benefited thereby or liable therefor, according to the provisions of the Charter of the said City; and

WHEREAS the owners of the property so assessed for such street improvements in the sum of Twenty-five Dollars ($25.00) or more, aggregating in all the sum of Ninety-eight Thousand ($98,000) Dollars have filed with the City Recorder of the said City, written applications to pay said assessments in installments, each and all of which written applications did state that said applicant and property owner does thereby waive all irregularities or defects, jurisdictional or otherwise, in the proceedings to improve the street for which said assessment is levied, and in the apportionment of the costs thereof; and

WHEREAS in no application received as aforesaid did the amount of such assessment, including all unpaid assessments or previously bonded liens exceed double its assessed valuation as shown by the last tax roll of Deschutes County; and

WHEREAS the City Recorder has kept all such applications in convenient form for examination; that is to say all the applications received for each street improvement have been kept separate; and

WHEREAS the City Recorder has entered in a book kept for that purpose under separate heads for each street improvement, the date of filing for each application, and the names of the applicant, a description of the property and the amount of the assessment as shown in the application, and

WHEREAS after the expiration of the time for filing for the payment of assessments for said improvements by installments as provided by law, the City Recorder did enter in a docket kept for that purpose, under separate heads for each street by name or number, a description of each lot, parcel of land, or other property, against which such assessment is made, or which bears or is chargeable for the cost of such improvement, with the name of the owner and the amount of such unpaid assessment; and

WHEREAS each and every act and thing required by the laws of the State of Oregon and by the Charter of the said City precedent to the issuance of these bonds has been heretofore regularly done and performed in the manner and at the time required by law, NOW THEREFORE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the City of Bend shall issue bonds in the name of and under the corporate seal of said City in the amount of Ninety-eight Thousand DOLLARS ($98,000) in the denomination of One Thousand ($1,000) Dollars each, numbered consecutively from 1 to 98, both numbers inclusive, said bonds to bear date of July 15, 1974, to be signed by the Mayor and countersigned by the Recorder of the City of Bend and the corporate seal of said City shall be affixed thereto and said bonds shall, by the terms thereof, mature serially at the rate of Ten Thousand ($10,000) Dollars on the 15th day of July in each of the years 1975 to 1983, inclusive, and Eight Thousand ($8,000) Dollars on the 15th day of July in in the year 1984. Bonds shall bear interest at the rate or rates not to exceed seven percent (7%) per annum, interest payable semi-annually, said interest to be evidenced by coupons attached to said bonds, which said coupons shall have

the signature of the Mayor and the signature of the Recorder of the City of Bend lithographed thereon, which bonds, together with interest thereon, shall be payable at the office of the Treasurer of the City of Bend, and shall be known as City of Bend Improvement Bonds, Series 15.

SECTION 2. That the bonds hereby authorized and the coupons attached thereto shall be in substantially the following form:

NO._____ $_____

UNITED STATES OF AMERICA
STATE OF OREGON
COUNTY OF DESCHUTES
CITY OF BEND IMPROVEMENT BOND
SERIES 15

KNOW ALL MEN BY THESE PRESENTS that the City of Bend, in the County of Deschutes, State of Oregon, for value received hereby agrees and promises to pay to the bearer the sum of

ONE THOUSAND DOLLARS

in lawful money of the United States on the presentation and surrender of this obligation on the 15th day of July, 19___, without grace, with interest thereon at the rate of ____% per annum, payable semi-annually on the 15th days of July and January of each year on the presentation and surrender of the proper coupons hereto annexed, principal and interest payable at the office of the Treasurer of the City of Bend, Oregon.

This bond is one of a series of bonds authorized by and under the provisions of the Charter of said City and Chapter 223.205 Oregon Revised Statutes et seq. as amended, providing for the issuance of bonds for street improvements, and for the payment of the cost of such improvements, and is an obligation of the City of Bend aforesaid, and it is further certified that all of the requirements of law have been fully complied with by the proper officers in the issuance of this bond.

For the fulfillment of the conditions of this obligation, the full faith and credit of the City of Bend are hereby irrevocably pledged.

IN WITNESS WHEREOF this bond has been signed by the Mayor and countersigned by the Recorder of the City of Bend, and the corporate seal of said City hereto affixed this _____ day of _____, 1974.

_____
Mayor

COUNTERSIGNED:

_____
Recorder

COUPON

No._____ $_____

THE CITY OF BEND, STATE OF OREGON, will pay to bearer on the 15th day of July January 19____

_____ DOLLARS

in lawful money of the United States at the office of the Treasurer of the City of Bend, being six months' interest on Improvement Bond No. _____ Series 15.

_____
Mayor

Countersigned:

_____
Recorder

SECTION 3. The Recorder is hereby authorized and instructed to advertise the aforesaid bonds for sale at the Commission meeting to be held on the 10th day of July, 1974, by the insertion of an advertisement thereof once each week for two successive weeks in the Bulletin, a newspaper published in the City of Bend.

SECTION 4. WHEREAS the improvements referred to herein have been completed and it is necessary to procure funds to pay for same, and it is necessary for the peace, health and safety of the inhabitants of the City of Bend that this ordinance take effect immediately,

NOW, THEREFORE, AN EMERGENCY is declared to exist and this ordinance shall take effect immediately after its enactment and approval.

Read for the first time the 5th day of June, 1974

Read for the second time the 19th day of June, 1974

Placed upon its passage the 19th day of June, 1974

YES: 7 NO: 0

Approved by the Mayor this 19th day of June, 1974

_____
Mayor

ATTEST:

_____
Recorder-Treasurer

ORDINANCE NO. NS-1027

AN ORDINANCE AMENDING THE GAMBLING ORDINANCE

The City of Bend does ordain as follows:

Section 1. Section 19 of Ordinance No. NS-737 is amended to read:

"Section 19. Gambling.

(1) The following provisions of Oregon Laws 1971 Chapter 473 as amended by Oregon Laws 1974 Chapter 7 relating to gambling offenses are hereby adopted:

(a) ORS 167.117 except subsection (3)(b) and subsection (11)(b).

(b) ORS 167.142

(c) ORS 167.147(1)

(d) ORS 167.153

(2) No person shall knowingly promote gambling or profit from unlawful gambling.

(3) No person shall possess gambling records of a kind commonly used in the operation or promotion of a bookmaking scheme or enterprise; or of a kind commonly used in the operation, promotion or playing of a lottery or numbers scheme or enterprise.

(4) Social games shall be permitted only in private homes.

Read for the first time the 19th day of June, 1974

Read for the second time the 3rd day of July, 1974

Placed upon its passage the 3rd day of July, 1974

YES: 6 NO: 0

Approved by the Mayor this 3rd day of July, 1974

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1028 Repealed by ORD. NO. NS-1399

AN ORDINANCE AMENDING ORDINANCE NO. NS-536 RELATING TO JURY TRIALS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7 of Ordinance No. NS-536 is amended to read:

"Section 7. To constitute a valid verdict all six jurors sworn to try the cause must concur to render a verdict."

Read for the first time the 19th day of June, 1974

Read for the second time the 3rd day of July, 1974

Placed upon its passage the 3rd day of July, 1974

YES: 6 NO: 0

Approved by the Mayor this 3rd day of July, 1974

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1029

AN ORDINANCE AMENDING ORDINANCE NO. NS-728

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2 of Ordinance No.NS-728 is amended to read:

Section 2. Application for said permit shall be made to the City Recorder-Treasurer and shall contain the make, model, year, serial number and license number of each vehicle for which each permit is sought. Permits shall be issued upon approval by the Chief of Police and payment of an annual fee of $40.00. Upon being issued, permits shall be affixed to the windshield of the designated vehicle and may only be used in connection with the designated vehicle.

Read for the first time the 19th day of June, 1974

Read for the second time the 3rd day of July, 1974

Placed upon its passage the 3rd day of July, 1974

YES: 6 NO: 0

Approved by the Mayor this 3rd day of July, 1974

Mayor

ATTEST:

Recorder-Treasurer

Repealed by ORD. NO. NS-1399

ORDINANCE NO. NS-1030

AN ORDINANCE AMENDING THE CIVIL SERVICE ORDINANCE FOR PAID FIREFIGHTERS

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance No. NS-258 is amended to read:

"Section 1. Civil Service Adopted. Pursuant to Chapter 122 of Oregon Laws 1935, in a special election held thereunder in the City of Bend on the 31st day of January, 1936, there is hereby created and adopted a system of Civil Service for the City of Bend under which all full time paid fire fighters and ambulance technicians and ambulance supervisors shall be employed in the City, together with all necessary provisions for the operation of the system."

Section 2. Section 4 of Ordinance No. NS-258 is amended to read:

"Section 4. Commission; Organization; Meetings; Quorum. Immediately after its appointment the Civil Service Commission shall organize by electing one of its members as chairman. It shall hold such meetings as may be necessary for the proper discharge of its duties, which meetings shall be held after due notice to all members, and the Bend Fire Fighters Association, upon call of the chairman or two members of the Commission. Two members of the Commission shall constitute a quorum, and the votes of two members shall be sufficient for the decision of all matters and the transaction of all business required under the provisions of this ordinance or the rules of said Commission."

Section 3. Section 9 of Ordinance No. NS-258 is amended to read:

"Section 9. Residence. All paid fire fighters, ambulance technicians and ambulance supervisor subject to this ordinance must reside either within the City of Bend, or within a 15 mile radius of Bend Fire Station #1 and not more than 20 minutes actual travel time from Bend Fire Station #1 at legal speeds, provided that their residences must be within the effective and actual communicating range of the radio alerting system used by the Bend City Fire Department."

Section 4. Section 10 of Ordinance No. NS-258 is amended to read:

"Section 10. Tenure of Office of Civil Service Employes and Causes and Manner of Discharge. The tenure of every person holding an office, place, position, or employment in the classified service provided by this ordinance shall be determined in compliance and conformity with the terms and conditions of this section. No person employed as a fire fighter, ambulance technician or ambulance supervisor under such classified service shall be removed or discharged, suspended, or demoted, or reduced in rank for any political or religious reason or purpose. Any such paid fire fighter under any such classified civil service may be removed or discharged, suspended without pay, demoted or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

(a) Incompetency, inefficiency or inattention to or dereliction of duty.

(b) Dishonesty, immoral, disgraceful, or prejudicial conduct, insubordination, discourteous treatment of the public or a fellow employe, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employe to properly conduct himself; or any willful violation of the provisions of this ordinance or the rules and regulations to be adopted thereunder.

(c) Drunkenness, intemperance, or use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid, or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employe or which precludes the employe from properly performing the functions and duties of any position under civil service.

(d) Mental or physical unfitness for the position which the employe holds.

(e) Conviction of felony or a misdemeanor involving moral turpitude.

(f) Any other act or failure to act which in the judgment of the civil service commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service."

Read for the first time the 19th day of June, 1974

Read for the second time the 3rd day of July, 1974

Placed upon its passage the 3rd day of July, 1974

YES: 6 NO: 0

Approved by the Mayor this 3rd day of July, 1974

Mayor

ATTEST:

Recorder-Treasurer

AMENDED BY ORD. # NS-1152 NS-1327 NS-1318

ORDINANCE NO. NS-1031 NS-1031 repealed by NS-1495, passed 7-19-89

AN ORDINANCE ADOPTING THE STATE BUILDING CODE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Standards Applicable to Building. Every person, firm and corporation engaging in building and related activities within the City of Bend shall comply with all applicable provisions of each of the specialty codes making up the State Building Code as adopted by the Director of the State Department of Commerce and all applicable provisions of the Fire and Life Safety Code as adopted by the State Fire Marshal, on July 1, 1974, and thereafter.

Section 2. City Administration of Code. The City Building Official shall administer the plan checking, permit and inspection functions of the State Building Code for structural, mechanical and plumbing work.

Section 3. Local Interpretation. In addition to the provisions of Section 106 of the Structural Specialty Code and similar provisions of other specialty codes of the State Building Code, the Building Official may approve a material or a method of construction not specifically prescribed by the State Building Code in this ordinance provided he finds that the proposed design is satisfactory and that the material, method or work offered is for the purpose intended at least the equivalent of that specifically prescribed by the State Building Code and this ordinance in quality, effectiveness, fire resistance, durability, safety, and energy conservation, and that the Director of the Department of Commerce has not issued a report disapproving the material or method for the purpose. The provisions of this section shall not be interpreted to preclude a person from requesting a ruling from the Director of the Department of Commerce prior to submitting an application to the City for a permit or after withdrawing a previously submitted application.

Section 4. Board of Appeals. In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of standards applicable to building related activities administered through this City, there is created a

Board of Appeals consisting of five voting members who are qualified by experience and training to pass upon matters pertaining to building and related activities. The Building Official shall be an ex-officio non-voting member and shall act as secretary of the Board. The Board of Appeals shall be appointed by the Mayor and hold office at the pleasure of the City Commission. The Board may adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing. Any person affected by a ruling of the Building Official may appeal such ruling to the Board of Appeals within 30 days from the date of the Building Official's ruling.

Section 5. Code Fees. Fees for building and related activities subject to the State Building Code shall be paid to the City in the amount provided in Section 303 of the State Building Code.

Section 6. Violations and Penalties.

(1) It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of the State Building Code or of this ordinance.

(2) Any person, firm or corporation violating any of the provisions of the State Building Code or this ordinance shall be punished by a fine of not more than $500 or by imprisonment for not more than six months, or by both fine and imprisonment. In the case of a continuing violation, every day's continuance of the violation shall be considered a separate offense.

Read for the first time the 3rd day of July, 1974

Read for the second time the 17th day of July, 1974

Placed upon its passage the 17th day of July, 1974

YES: 6 NO: 0

Approved by the Mayor this 17th day of July, 1974

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1032

AN ORDINANCE CHANGING THE ZONE OF LOT SEVEN (7), BLOCK THIRTY-FIVE (35) NORTHWEST TOWNSITE COMPANY'S SECOND ADDITION TO THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 and the Zoning Map of the City of Bend are changed as follows:

> The zone for Lot Seven (7), Block Thirty-five (35), Northwest Townsite Company's Second Addition in Bend, Deschutes County, Oregon, is changed from R-1 Low Density Residential to C-2 Limited Commercial Zone.

Read for the first time the 17th day of July, 1974

Read for the second time the 7th day of August, 1974

Placed upon its passage the 7th day of August, 1974

YES: 7 NO: 0

Submitted to and approved by the Mayor the 7th day of August, 1974

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1033

AN ORDINANCE CHANGING THE ZONE IN SECTION 5 FROM R-1 LOW DENSITY RESIDENTIAL TO M-2 HEAVY INDUSTRIAL

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 and the Zoning Map of the City of Bend are changed as follows:

> A portion of the NW 1/4 of the SE 1/4 of Section 5, T. 18 S., R. 12, E.W.M., Deschutes County, Oregon, more particularly described as follows:
>
> Beginning at the center 1/4 corner of said Section 5, thence easterly along the east-west center section line to the easterly right-of-way line of the Brooks Scanlon Railroad, thence south-westerly along said easterly right-of-way line of the Brooks Scanlon Railroad to a point on the north-south center section line of Section 5, thence northerly along said center section line to the point of beginning, is changed from R-1 Low Density Residential to M-2 Heavy Industrial Zone.

Read for the first time the 17th day of July, 1974

Read for the second time the 7th day of August, 1974

Placed upon its passage the 7th day of August, 1974

YES: 7 NO: 0

Submitted to and approved by the Mayor the 7th day of August, 1974

Mayor

ATTEST:

Recorder-Treasurer

AMENDED BY ORD. # 1441

ORDINANCE NO. NS-1034

AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE TO CASCADE NATURAL GAS CORPORATION

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The right, privilege, and franchise to lay, construct, and extend and to thereafter operate and maintain, repair, and/or replace a system of conduits and pipe lines, together with such fixtures and appurtenances as the grantee, its successors, or assigns may deem necessary or convenient in connection therewith, in, under, along, or across all public street, highways, and/or alleys or other public places in the City of Bend, County of Deschutes, State of Oregon, for the purpose of transmitting and/or distributing gas to the public for light, heat, fuel, power, or any other lawful purposes, hereby granted to Cascade Natural Gas Corporation, its successors, or assigns. Grantee is further granted the right to construct, operate and maintain on its own property and subject to all laws, rules and regulations any gas plants as may become necessary to provide continued service under the terms of this franchise.

Section 2. Whenever it may be necessary or convenient in the operation or maintenance of the municipally-owned water system to construct, reconstruct, or replace any of the property of any of the said municipally-owned water system, and such construction, reconstruction, or replacement renders necessary the removal, readjustment, relocation, or change of any of the conduits, pipes, or other facilities, or appliances, of said grantee, then and in such event said removal, readjustment, relocation, or change of property of said grantee shall be done by and at the sole expense of the grantee, its successors, or assigns.

Section 3. That nothing in this ordinance shall be deemed or construed to limit the power of the proper authorities of said City of Bend to prosecute and maintain public improvements, or to perform other acts and things of a municipal nature which the City Commission shall deem expedient and necessary, and whenever in the prosecution or maintenance of such improvements or acts it becomes necessary or convenient to remove, readjust, relocate, or change any of the grantee's pipes, conduits, or other facilities or appliances located in the public streets, highways, and/or alleys, the same shall be done by and at the sole expense of the grantee, its successors, or assigns.

Section 4. That the grantee, by its acceptance of this ordinance and franchise rights, privileges, and authority hereby granted, for itself, its successors, and/or assigns, covenants and agrees to and with the City of Bend at all times to protect and save harmless the said City from all claims, actions, suits, liability, loss, cost, expense, or damage of every kind and description which may accrue and/or be suffered by any person or persons arising out of the neglect or acts of the grantee in the erection, construction, reconstruction, relocation, replacement, readjustment, maintenance, operation, extension, repair, or the use of the conduits, pipes, and other facilities and appliances operated by said grantee, its successors or assigns; and further, to at all times maintain any streets, alleys, pavement, walks, or other public ways, including street curbs, and to take any and all measures reasonably necessary and prudent to protect the public or any members thereof from harm and danger, where

the same have been disturbed in any manner by reason of any construction work or repairs by grantee herein.

Section 5. Whenever grantee shall disturb any of the streets, alleys, avenues, roads, highways, thoroughfares, parking, bridges, and/or all sidewalks in said City for the purposes aforesaid, it or they shall restore the same to good order and condition as soon as practicable and without unnecessary delay. When any such excavations shall be maintained beyond a period of five days, such excavation shall only be permitted by approval of the City Manager. At any time after such period when the City of Bend acting by and through its City Manager shall deem the excavation is being maintained unnecessarily, the said City Manager shall give immediate notice to cease and desist and if his orders are not complied with forthwith, the City shall have the right to close and replace the offensive condition and shall charge the same back to grantee. Failure to pay for same in a reasonable period of time may result in a forfeiture of this franchise at the option of the City acting by and through its City Commission.

Section 6. All gas pipes shall be laid so that the top of the said pipes shall be at a depth of not less than 20 inches below the established or official grade of the street, alley, or other public thoroughfare aforesaid, except where heavy rock is encountered, when in such instances said pipe may be laid at a lesser depth with the consent of the City Manager; provided, however, that in cases where grades have not been established, such pipes shall be laid at a depth of not less than 30 inches below the existing surface of such street, alley, or other public thoroughfare aforesaid, except where, on account of heavy rock excavation, the City Manager consents to a lesser depth; and provided further that the City Commission hereby reserves the right to change or establish the grade of any of its streets, alleys, or public thoroughfares aforesaid, and to require the grantee of said franchise, its successors, or assigns to relay any of its pipes so as to conform to the same.

Section 7. Nothing in this ordinance shall be construed as granting an exclusive franchise or privilege for the use of any street, alley, avenue, or public highway, or any other publicly or municipally owned property, or any part of said aforedescribed ways and properties; provided, however, that the City or any public utility in the construction of any water mains or other facilities shall have due regard to the existence of the mains and pipes of the grantee, and wherever possible shall locate and lay such water mains and facilities so as not to obstruct or interfere with the existing mains, pipes, or conduits of said grantee.

Section 8. The grantee of this franchise shall, prior to commencing construction work on the extension of any main pipe line, file with the City Manager a map showing the size and location of all such pipes and extensions and the same must be approved by said City Manager before said construction work may be commenced.

Section 9. The said grantee, for itself, its successors, and assigns, covenants and agrees with the City of Bend, Oregon, a municipal corporation, that in consideraton of the granting to it of the rights and privileges embraced in this ordinance, it will pay to the City of Bend an amount equivalent to 3% of grantee's gross revenues attributed to its operations, sales and service within the corporate limits of the City of Bend pursuant to said franchise. This payment shall be paid quarterly not less than 30 days after the end of each calendar quarter, and grantee will furnish to the City of Bend, Oregon, at the end of each calendar quarter, a verified statement of its said gross earnings and that it will permit the inspection of its books at reasonable hours upon the demand of the Commission of the City of Bend, Oregon.

Section 10. Prior to the time this ordinance shall create any rights in grantee, said grantee, must provide certificate of insurance showing coverage as follows:

(a) Compensation insurance in compliance with all Workmen's Compensation Insurance and Safety Laws of the State of Oregon and amendments thereto;

(b) Bodily injury liability insurance with limits of at least $100,000 each person, and $500,000 each accident; and

(c) Property damage liability insurance with limits of at least $100,000 each accident, and $500,000 aggregate.

Section 11. Within 30 days after the passage of this ordinance, grantee shall file with the City Recorder of the City of Bend, Oregon, its written consent and acceptance to the terms of this ordinance; provided, however, that if such consent and acceptance is not so filed, this ordinance shall be of no force and effect and this franchise will be deemed forfeited.

Section 12. That any rights granted hereunder shall always be subject to the right of the public to free use of public property and that nothing herein shall be construed as granting any right that may interrupt or infringe upon the free use by the people. In the event there is a conflict, grantee hereby agrees to remove said offending installation at its own expense, and further in the event it fails to do so, authorizes the City to do so and charge the cost thereof to the grantee.

Section 13. That all installations made under the authority granted in this franchise shall be made in such a manner as to conform to any and all applicable laws, rules and regulations now in force or which may be enacted in the future for the public health, safety and welfare of the City of Bend and its inhabitants.

Section 14. That the City specifically reserves the right, acting through its lawfully constituted agents, to inspect any installation of whatsoever nature, installed under the rights granted herein and that upon a violation found the City may require the offending installations to be removed, replaced, or altered in such manner as to conform to the required specification.

Section 15. The City of Bend may for violation of any of the terms, conditions or covenants of this franchise resort to any lawful or legal remedies for the enforcement thereof, and these remedies shall also include the right of decreeing a forfeiture. However, an excuse by the City of a breach of any of the aforesaid terms, conditions or covenants shall not be deemed an excuse of a continuing breach or a further breach of the same or other terms, conditions or covenants as herein provided for.

Section 16. The term of this franchise shall be 20 years from the date of its passage.

Section 17. The percentage payment by grantee for this franchise may be reviewed by the grantee and the City every five years from the passage of this ordinance. In the event the City desires to review the rate of the franchise fee, it agrees it will give notice in writing to the grantee not less than 60 days prior to the expiration of each five year period. In the event the City fails to notify the grantee in accordance with this paragraph, the rate shall remain the same for the next five year period. Upon review, the percentage payment may be increased to correspond with the percentage payment generally charged for comparable franchises held by the grantee at the time of review. In no event shall the percentage payment be less than provided in Section 9 unless the City consents to a lesser payment.

Section 18. The immediate passage of this ordinance is necessary for the protection of the public health, safety and welfare because the grantee's franchise has expired. Therefore an emergency is declared to exist and this ordinance shall become effective upon its passage.

Read for the first time the 18th day of September, 1974

Read for the second time the 2nd day of October, 1974

Placed upon its passage the 2nd day of October, 1974

YES: 7 NO: 0

Approved by the Mayor this 2nd day of October, 1974

Mayor

ATTEST:

Recorder-Treasurer

Repealed by NS-1318

ORDINANCE NO. NS-1035

AN ORDINANCE ESTABLISHING FIRE ZONES

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The following described property is hereby designated Fire Zone 1 for purposes of the Uniform Building Code adopted by the City of Bend:

Beginning at the intersection of the center lines of Franklin Ave. and Broadway Street; thence southwesterly along the center line of Broadway Street to an intersection with the center line of Kansas Ave.; thence southeasterly along the center line of Kansas Ave., to an intersection with the projected center line of the alley in Block 22, Park Addition; thence, southwesterly along the center line of the alley in Block 22, Park Addition to an intersection with the centerline of Idaho Ave., thence easterly along the center line of Idaho Ave. to the easterly line of Wall Street; thence continuing on the same course along the center line of the vacated portion of Idaho Ave. to an intersection with the center line of Bond Street; thence, northeasterly along the center line of Bond St. to an intersection with the center line of Kansas Ave.; thence, southeasterly along the center line of Kansas Ave. to an intersection with the center line of Lava Road; thence, northeasterly along the center line of Lava Road to an intersection with the northerly boundary of Block 27, Park Addition when extended northwesterly; thence, southeasterly along the northerly line of Block 27, Park Addition to an intersection with the center line of Sisemore St., thence northerly along the center line of Sisemore St. to an intersection with the projected center line of the alley in Block 28 of Park Addition, thence southeasterly along the center line of the alley in Block 28 of Park Addition to an intersection with the center line of Harriman Street; thence northerly along the centerline of Harriman Street to an intersection with the projected line along the south boundary of Lots 1, 2, 3 & 4 in Block 29 of Park Addition, thence easterly along the south boundary of Lots 1, 2, 3 & 4 in Block 29, Park Addition and the centerline of the alley in Block 30, Park Addition extended easterly to an intersection with the center line of E. First Street, thence southeasterly along the center line of E. First Street to an intersection with the center line of Emerson Ave., thence easterly along the center line of Emerson Ave. to an intersection with the center line of E. Second St., thence southerly along the center line of E. Second St. to an intersection with the center line of DeKalb Ave., thence easterly along the center line of DeKalb Ave. to an intersection with the center line of E. Third Street; thence, southerly along the center line of E. Third St. to a point which is 208.44 feet south of Burnside Ave., thence east to an intersection with the centerline of E. Fourth Street, thence Northerly along the centerline of E. Fourth St. to an intersection with the projected centerline of the alley in Block 29, Center Addition; thence, easterly along the center line of the alley in Blocks 29, 36 & 45 of Center Addition to an intersection with the center line of E. Seventh St., thence southerly along the center line of E. Seventh St. to an intersection with the center line of Irving Avenue, thence easterly along the center line of Irving Ave. to an intersection with the center line of E. Eighth St., thence northerly along the center line of E. Eighth St. to an intersection with the projected center line of the alley in Block 51 of Center Addition; thence, westerly along the center line of the alley in Blocks 51, 46, 35, 30 & 19 of Center Addition to the lot line between Lots 3 & 4 of Block 19, Center Addition; thence northerly along the lot line between Lots 3 & 4, Block 19, Lot lines 13 & 14, also 3 & 4, Block 18 to an intersection with the center line of Lafayette Ave.; thence,

easterly along the center line of Lafayette Ave. to an intersection with the center line of E. Fourth St., thence northerly along the center line of E. Fourth St. to an intersection with the center line of Marshall Ave., thence, westerly along the center line of Marshall Ave., to a point opposite the center of Block 42, Wiestoria Addition; thence, northerly through the center of Blocks 42, 7, 6 & 5 of Wiestoria Addition and Blocks 39 & 38 of Riverside Addition to the center line of the alley in Block 38, Riverside Addition; thence, easterly along the center line of the alley in Block 38, Riverside Addition to an intersection with the center line of E. Fourth St., thence northerly along the center line of E. Fourth St. to an intersection with the center line of Thurston Ave., thence westerly along the center line of Thurston Ave. as originally platted to an intersection with the center line of E. Second Street; thence, southerly along the center line of E. Second St. to the center line of the alley in Block 2, Center Addition as originally platted, thence westerly along the center line of the alley in Block 2 extended to an intersection with the center line of Division Street; thence, southerly along the center line of Division St. to an intersection with the center line of Vermont Place, thence westerly along the center line of Vermont Place to an intersection with the center line of Hill Street; thence, northerly along the center line of Hill Street extended to an intersection with the center line of Portland Ave.; thence, westerly along the center line of Portland Ave. to the easterly edge of the Deschutes River; thence, southwesterly along the easterly edge of the Deschutes River to a point which bears N. 2°, 51' 02" E. and is 246.32 feet from the southwesterly corner of Block 4, Bend Addition; thence S. 51°, 26' E. for 83.79 feet, thence S. 38°, 34' W. to an intersection with the center line of Franklin Ave., thence southeasterly along the center line of Franklin Ave. to the intersection with the center line of Broadway Ave. which is the point of beginning.

Excepted from the above is the following described area:

Beginning at the center line intersection of Irving Ave. and Harriman St., thence southerly and southeasterly along the center line of Harriman St. to an intersection with the center line of the alley in Block 19, Bend Addition when projected westerly; thence, easterly along the center line of the alley in Block 19, Bend Addition to an intersection with the center line of Hill St.; thence, southerly along the center line of Hill St. to an intersection with the center line of Franklin Ave.; thence easterly along the center line of Franklin Ave. to an intersection with the center line of Division St.; thence, northerly along the center line of Division St. to an intersection with the center line of Irving Ave.; thence westerly along the center line of Irving Ave. to an intersection with the center line of Harriman St. which is the point of beginning.

Lots 10 through 13 inclusive, Block 2, Center Addition. All in the City of Bend, Deschutes County, State of Oregon.

Section 2. All other property within the City of Bend is hereby designated Fire Zone 3.

Section 3. Ordinances No. NS-929, 960 and 688 are repealed.

Read for the first time the 6th day of November, 1974

Read for the second time the 20th day of November, 1974

Placed upon its passage the 20th day of November, 1974

YES: 7 NO: 0

Submitted to and approved by the Mayor this 20th day of November, 1974

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1036

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1022 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 7th day of August, 1974, at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

The Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE 1/4, NE 1/4, SE 1/4,) and the North One-half of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (N 1/2, SE 1/4, NE 1/4, SE 1/4) of Section 4, Township 18 South, Range 12 East, of the Willamette Meridian, Deschutes County, Oregon, containing 15 acres, more or less.

The Southwest Quarter (SW 1/4) of Section 3, Township 18 South, Range 12 East, of the Willamette Meridian, Deschutes County, Oregon, containing 160 acres, more or less.

Section 3. That prior to the time of the aforesaid public hearing at least two-thirds of the landowners who own or who also own at least two-thirds of the land in the area and of real property therein representing at least two-thirds of the assessed value of all real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 7th day of August, 1974

Read for the second time the 21st day of August, 1974

Placed upon its passage the 21st day of August, 1974

YES: 5 NO: 0

Submitted to and approved by the Mayor this 21st day of August, 1974

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1037

AN ORDINANCE VACATING KENWOOD ROAD FROM THE WEST LINE OF WEST 12th AND THE NORTH LINE OF PORTLAND AVENUE TO THE SOUTH LINE OF QUINCY AVENUE, KENWOOD GARDENS ADDITION IN THE CITY OF BEND, OREGON

A petition having been presented to the Bend City Commission on the 21st day of August, 1974, requesting that the following described location be vacated:

> Kenwood Road from the west line of West 12th Street and the north line of Portland Avenue to the south line of Quincy Avenue in the City of Bend, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition; and the Recorder of the City of Bend having caused the following notice:

Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by James D. Rupert said vacation proceedings to vacate the following described location:

> Kenwood Road from the west line of West 12th Street and the north line of Portland Avenue to the south line of Quincy Avenue, Kenwood Gardens Addition in the City of Bend, Deschutes County, Oregon.

The City Commissioners of the City of Bend have fixed the 21st day of August, 1974, at 7:30 p.m., in the City Hall in the City of Bend as the time and place for hearing upon the said proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED THAT THE ABOVE described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 21st day of August, 1974

Read for the second time the 4th day of September, 1974

Placed upon its passage this 4th day of September, 1974

YES: 7 NO: 0

Submitted to and approved by the Mayor this 4th day of September, 1974

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1038

AN ORDINANCE VACATING THE ALLEY IN BLOCKS 4 and 5, KENWOOD GARDENS ADDITION IN THE CITY OF BEND, OREGON

A petition having been presented to the Bend City Commission on the 17th day of July, 1974, requesting that the following described alley location be vacated:

> THE ALLEY in Blocks 4 and 5, Kenwood Gardens Addition in the City of Bend, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition; and the Recorder of the City of Bend having caused the following notice:

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by James D. Rupert said vacation proceedings to vacate the following described alley location:
>
> The alley in Blocks 4 and 5, Kenwood Gardens Addition in the City of Bend, Deschutes County, Oregon,
>
> The City Commissioners of the City of Bend have fixed the 21st day of August, 1974, at 7:30 p.m., in the City Hall in the City of Bend as the time and place for hearing upon the said proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings.

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED THAT THE ABOVE described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 21st day of August, 1974

Read for the second time the 4th day of September, 1974

Placed upon its passage this 4th day of September, 1974

YES: 7 NO: 0

Submitted to and approved by the Mayor this 4th day of September, 1974

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1039

AN ORDINANCE VACATING SW 12th STREET FROM SOUTH LINE OF COMMERCE AVENUE SOUTH TO SOUTH BOUNDARY OF ENTERPRISE ACRES SUBDIVISION TO THE CITY OF BEND, OREGON

A petition having been presented to the Bend City Commission on the 15th day of May, 1974 requesting that the following described street location be vacated:

> SW 12th Street from the south line of Commerce Avenue, south to the south boundary of Enterprise Acres Subdivision. This includes all of SW 12th street lying south of Commerce Avenue in the City of Bend, Deschutes County, State of Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition; and the Recorder of the City of Bend having caused the following notice:

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by North Pacific Products, Incorporated, said vacation proceedings to vacate the following described street location:
>
> SW Twelfth Street from the south line of Commerce Avenue, south to the south boundary of Enterprise Acres Subdivision. This includes all of SW 12th street lying south of Commerce Avenue in the City of Bend, Deschutes County, Oregon.
>
> The City Commissioners of the City of Bend have fixed the 21st day of August, 1974, at 7:30 p.m. in the City Hall, 720 Wall Street, Bend, Oregon, as the time and place for hearing upon the said vacation proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings.

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 21st day of August, 1974

Read for the second time the 4th day of September, 1974

Placed upon its passage this 4th day of September, 1974

YES: 7 NO: 0

Submitted to and approved by the Mayor this 4th day of September, 1974

ATTEST:

Mayor

Recorder-Treasurer

ORDINANCE NO. NS-1040

AN ORDINANCE VACATING THE 10.0 FEET FROM EACH SIDE OF NW 10th STREET BETWEEN NW MILWAUKEE AVENUE AND NW NEWPORT AVENUE AND ALSO BEING ADJACENT TO BLOCKS 8 AND 9 OF BOULEVARD ADDITION IN THE CITY OF BEND, OREGON

A petition having been presented to the Bend City Commission on the 21st day of August, 1974, requesting that the following described location be vacated:

> THE 10.0 feet from each side of NW 10th Street between NW Milwaukee Avenue and NW Newport Avenue and also being adjacent to Blocks 8 and 9 of Boulevard Addition in the City of Bend, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition; and the Recorder of the City of Bend having caused the following notice:

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Harold Marken said vacation proceedings to vacate the following described alley location:
>
> The 10.0 feet from each side of NW 10th Street between NW Milwaukee Avenue and NW Newport Avenue and also being adjacent to Blocks 8 and 9 of Boulevard Addition in the City of Bend, Deschutes County, Oregon,

The City Commissioners of the City of Bend have fixed the 21st day of August, 1974, at 7:30 p.m., in the City Hall in the City of Bend as the time and place for hearing upon the said proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings.

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice and hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 21st day of August, 1974

Read for the second time the 4th day of September, 1974

Placed upon its passage this 4th day of September, 1974

YES: 7 NO: 0

Submitted to and approved by the Mayor this 4th day of September, 1974

ATTEST:

Mayor

Recorder-Treasurer

ORDINANCE NO. NS-1041

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING THE BUILDING HEIGHT REQUIREMENTS

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1.030.15 of Ordinance NS-796 is amended to read:

"15. 'Grade' means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line; or when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building."

Section 2. Section 1.030.16 of Ordinance NS-796 is amended to read:

"16. 'Height of Building' means the vertical distance above 'grade' as defined herein to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The measurement may be taken from the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of the exterior wall of the building, when such sidewalk or ground surface is not more than 10 feet above grade. The height of a stepped or terraced building is the maximum height of any segment of the building."

Section 3. Section 1.030 of Ordinance NS-796 is amended by deleting therefrom Section 1.030.38.

38. Deleted

Section 4. Section 3.020 of Ordinance NS-796 is amended by adding thereto a new subsection 5 to read:

"5. The height of buildings allowed as an outright use or a conditional use may exceed 30 feet but not more than 35 feet."

Section 5. Section 3.060 of Ordinance NS-796 is amended to read:

"Section 3.060. Height of Buildings. In an R-1 Zone no building or structure shall exceed a height of 30 feet except as permitted by Sections 3.020 and 5.040."

Section 6. Section 3.120 of Ordinance NS-796 is amended by adding thereto a new subsection 8 to read:

"8. The height of buildings allowed as an outright use or a conditional use may exceed 30 feet but not more than 45 feet."

Section 7. Section 3.160 of Ordinance NS-796 is amended to read:

"Section 3.160. Height of Buildings. In an R-2 Zone no buildings shall exceed a height of 30 feet except as provided by Sections 3.120 and 5.040."

Section 8. Section 3.220 of Ordinance NS-796 is amended by adding thereto a new subsection 7 to read:

"7. The height of buildings allowed as an outright use or a conditional use may exceed 30 feet but not more than 35 feet."

Section 9. Section 3.250 of Ordinance NS-796 is amended to read:

"Section 3.250. Height of Buildings. In a C-1 Zone no building shall exceed a height of 30 feet except as provided for by Sections 3.220 and 5.040."

Section 10. Section 3.320 of Ordinance NS-796 is amended by adding thereto a new subsection 9 to read:

"9. The height of buildings allowed as an outright use or a conditional use may exceed 30 feet but not more than 35 feet."

Section 11. Section 3.350 of Ordinance NS-796 is amended to read:

"Section 3.350. Height of Buildings. In a C-2 Zone no building shall exceed a height of 30 feet except as provided in Sections 3.320 and 5.040."

Section 12. Section 3.660 of Ordinance NS-796 is amended to read:

"Section 3.660. Height of Buildings. In an M-1 Zone no building shall exceed a height of 45 feet."

Section 13. Section 3.760 of Ordinance NS-796 is amended to read:

"Section 3.760. Height of Buildings. In an M-2 Zone no building shall exceed a height of 45 feet."

Read for the first time the 6th day of November, 1974

Read for the second time the 20th day of November, 1974

Placed upon its passage the 20th day of November, 1974

YES: 7 NO: 0

Submitted to and approved by the Mayor this 20th day of November, 1974

ATTEST:

Recorder-Treasurer

Mayor

ORDINANCE NO. NS-1042

AN ORDINANCE REPEALING OTHER ORDINANCES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinances NS-428, NS-779, NS-876, NS-397, NS-375 and NS-753 are repealed.

Read for the first time the 2nd day of January, 1975

Read for the second time the 15th day of January, 1975

Placed upon its passage the 15th day of January, 1975

YES: 7 NO: 0

Submitted to and approved by the Mayor this 15th day of January, 1975

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1043

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

All of Blocks 3, 4, 5 and 6, Bonne Home Addition,
Deschutes County, Oregon.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 16th day of April, 1975, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 5th day of February, 1975

Read for the second time the 19th day of February, 1975

Placed upon its passage this 19th day of February, 1975

YES: 7 NO: 0

Submitted to and approved by the Mayor this 19th day of February, 1975

ATTEST: Mayor

Recorder-Treasurer

ORDINANCE NO. NS-1044

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

> Lot 17, Lot 18 and Lot 19, in Block 22, Bonne Home Addition; also to annex all of NW Galveston Avenue, between the west line of NW 16th Street and the west line of NW 17th Street, all within the County of Deschutes, State of Oregon.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 16th day of April, 1975, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 5th day of February, 1975

Read for the second time the 19th day of February, 1975

Placed upon its passage this 19th day of February, 1975

YES: 7 NO: 0

Submitted to and approved by the Mayor this 19th day of February, 1975

ATTEST: Mayor

Recorder-Treasurer

ORDINANCE NO. NS=1045

AN ORDINANCE REPEALING THE SEWER USE CHARGE ORDINANCE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-783 is repealed.

Read for the first time the 5th day of March, 1975

Read for the second time the 19th day of March, 1975

Placed upon its passage this 19th day of March, 1975

YES: 4 NO: 0

Submitted to and approved by the Mayor this 19th day of March, 1975.

Mayor

ATTEST:

Recorder-Treasurer

APRIL, 1975
SEWER CHARGES SET BY RES.#1269

ORDINANCE NO.-1046 NS-1046 repealed by NS-1497, passed 7-19-89

AN ORDINANCE PROVIDING FOR DEFERRED PAYMENT OF SPECIAL ASSESSMENTS BY CERTAIN LOW-INCOME PROPERTY OWNERS

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Deferred Payment of Assessments. (1) To the extent that City funds are available and the requirements of this ordinance are met, a property owner may elect to defer payment of special assessments for local improvements levied by the City.

(2) To be eligible for a deferment:

(a) The property must be occupied and used by the owner as his or her principal residence during the deferment period; and

(b) The total amount of assessments levied against the property at the time the deferment is granted must exceed $200.00; and

(c) The property owner's income cannot exceed the income level used by the schools in Oregon to determine eligibility for reduced-price meals during the most current school year; and

(d) The property owner shall: file an application to pay the assessments in installment payments pursuant to the Bancroft Bonding Act; submit an application for deferred payment privileges to the City Recorder-Treasurer within 30 days after the assessment is entered in the City lien docket or within such time as the City Recorder-Treasurer may from time to time establish; and enter into a contract with the City to pay the assessment when the deferment is terminated.

Section 2. Financing of Program. (1) There is hereby created a division within the Improvement Bond Sinking Fund to be known as the Local Improvement Deferred Assessment Account, to be used for the payment of construction costs or for the retirement of debt incurred by the City in connection with local improvement projects on which the payment of assessments has been deferred under this ordinance.

(2) The initial funds for the Local Improvement Deferred Assessment Account shall consist of an amount not to exceed ten percent (10%) of the assets of the City's Improvement Bond Sinking Fund which are not directly committed for the ensuing fiscal year. The Local Improvement Deferred Assessment Account shall be replenished from time to time by interest payments on deferred accounts, payments made when deferments are terminated and by additional revenue from the Improvement Bond Sinking Fund.

(3) Deferments shall be granted on a first come, first serve basis during each year to the extent that funds are available in the Local Improvement Deferred Assessment Account. At no time shall outstanding assessment payment deferrals exceed ten percent (10%) of the uncommitted assets of the City's Improvement Bond Sinking Fund.

Section 3. Interest. Interest shall accrue at the rate of seven percent (7%) per annum on the unpaid balance of any assessment for which payment has been deferred under this ordinance. Such interest shall be paid semi-annually during the deferment period; provided, however, that a property owner who has been granted a deferment and whose income does not exceed the income level for free school meals may defer payment of interest in the same manner as the assessment principal.

Section 4. Administration. (1) General. The City Recorder-Treasurer shall be responsible for the administration of this ordinance and may:

(a) Adopt reasonable rules and regulations relating to any matter pertaining to the administration of this ordinance.

(b) Prepare and make available all necessary forms.

(c) As frequently as appears appropriate, make such investigation, including a review of all available records relating to income of property owners for which a deferment has been allowed, to ascertain that the property owner continues to meet the eligibility requirements.

(2) Contract. The contract required under Section 1 shall be in a form satisfactory to the City Attorney, shall be binding upon the heirs, successors and assigns to whom ownership of the property may be transferred and may be recorded in the official records of Deschutes County, Oregon. The City Recorder-Treasurer is hereby authorized to execute such contracts on behalf of the City.

(3) Income Levels. In determining eligibility, the City Recorder-Treasurer shall follow to the extent possible the income scales and the policies and procedures used by the schools in Oregon to determine eligibility for free meals and free milk or for reduced-price meals in the most current school year. Whenever the City Recorder-Treasurer shall exclude income used for special hardship conditions which could not be reasonably anticipated or controlled by the property owner, these matters shall be brought to the attention of the City Commission for its concurrence.

Section 5. Appeals. Any person aggrieved by a decision of the City Recorder-Treasurer under this ordinance may appeal such decision to the Commission by serving, within 10 days after such decision, a notice of appeal in writing on the City Recorder-Treasurer specifying the grounds for objection to the decision. The Commission shall consider the matter and may sustain, modify or reverse the decision of the City Recorder-Treasurer.

Section 6. Termination of Deferment. A deferment shall be terminated in the event of the occurrence of any of the following circumstances:

(1) The property owner defaults in the performance of the terms and provisions of his contract with the City.

(2) Maximum eligibility requirements for income are exceeded.

(3) Fee title and/or possessory interest in the property is transferred by any means to any person other than the property owner who qualified for the deferral, or his or her spouse.

(4) The property owner fails to comply with any rule or regulation adopted under this ordinance; refuses to provide information to or hinders any investigation by the City Recorder-Treasurer into the continued eligibility of the property owner for a deferment; or wilfully makes any false or misleading statement in order to obtain or retain a deferment; or receives benefits under this ordinance with knowledge that he or she does not qualify for such benefits.

Section 7. Confidentiality. To the maximum extent possible under the law, the applications, records and other information relating to deferments shall be kept confidential by the City.

Section 8. Lien. Any assessment for which payment is deferred under this ordinance shall continue to be a lien on the affected property notwithstanding the granting of any deferment. If the deferment is terminated, the lien may be enforced as though no deferment had ever been granted.

Section 9. Existing Assessments. The deferral privileges authorized by this ordinance for future special assessments are extended to those property owners for assessments levied prior to the effective date of this ordinance.

Section 10. Emergency. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is hereby declared to exist and this ordinance shall take effect immediately upon its passage by the Commission and approval by the Mayor.

Read for the first time this 5th day of March, 1975

Read for the second time this 19th day of March, 1975

YES: 4 NO: 0

Submitted to and approved by the Mayor this 19th day of March, 1975

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1047

AN ORDINANCE RELATING TO THE POSSESSION OF MARIJUANA AND PROVIDING A PENALTY.

Section 1. Ordinance No. NS-737 is amended to add the following Section 38a:

"Section 38A. Possession of Marijuana. (1) Any person who knowingly possesses less than one of avoirdupois ounce of marijuana shall be punished by a fine of not more than $100.

(2) As used in Section 1, 'marijuana' has meaning provided for that term in ORS 474.010."

Read for the first time the 19th day of March, 1975

Read for the second time the 2nd day of April, 1975

YES: 7 NO: 0

Submitted to and approved by the Mayor this 2nd day of April, 1975

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1048

AN ORDINANCE AMENDING ORDINANCE NO. NS-796 PROVIDING FOR A NIGHT WATCHMAN'S RESIDENCE IN THE M-1 and M-2 ZONES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Amend Section 3.620 by adding thereto a new Subsection 6.

6. A night watchman residence which may be a mobile home when located on the property of a permitted or conditional industrial use subject to an annual review.

Section 2. Amend Section 3.720 by adding thereto a new Subsection 15.

15. A night watchman residence which may be a mobile home when located on the property of a permitted or conditional industrial use subject to an annual review.

Read for the first time the 2nd day of April, 1975

Read for the second time the 16th day of April, 1975

Submitted to and approved by the Mayor this 16th day of April, 1975

YES: 6 NO: 0

ATTEST:

Mayor

Recorder-Treasurer

NS-1141
NS-1327

ORDINANCE NO. NS-1049 NS-1049 repealed by NS-1495, passed 7-19-89

AN ORDINANCE ADOPTING THE OREGON STATE PLUMBIN G SPECIALTY CODE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Standards Applicable to Plumbing.

Every person, firm and corporation engaging in plumbing work and related activities within the City of Bend, shall comply with all applicable provisions of the Oregon State Plumbing Specialty Code (Uniform Plumbing Code, 1973 Edition, as amended by the Oregon State Department of Commerce), as adopted by the Director of the Oregon State Department of Commerce on February 1, 1975, and thereafter.

Section 2. City Administration of Code.

The City Building Official shall administer the permit and inspection functions of the Oregon State Plumbing Specialty Code for all plumbing work.

Section 3. Local Interpretation.

In addition to the provisions of the Oregon State Plumbing Specialty Code, the Building Official may approve a meterial or a method of plumbing work not specifically prescribed by the Oregon State Plumbing Specialty Code, provided he finds that the proposed design is satisfactory, and the materials, method or work offered are, for the purpose intended, at least the equivalent of that specifically prescribed by the Oregon State Plumbing Specialty Code and this Ordinance, and that the Director of the Department of Commerce has not issued a report disapproving the material or method for the purpose. The provisions of this Section shall not be interpreted to preclude a person from requesting a ruling from the Director of the Department of Commerce prior to submitting an application to the City for a

plumbing permit, or after withdrawing a previously submitted application.

Section 4. Roughed-In Work to be Tested.

When the roughed-in work in any building has been completed, all openings below the roof shall be plugged and the system tested. If the building has a height of not more than three (3) stories, the pipe shall be filled with water to the roof line and tested as a whole; but, if the building is of greater height than three (3) stories, the system may be tested in sections. If unfavorable weather, insufficient water supply, or other valid reasons, make the water test impractical, the roughed-in work shall be tested under an air pressure of not less than 10 lbs. per square inch. All plugs used in the system shall remain tight throughout the test. The use of unturned wooded plugs in such tests is expressly prohibited. The tests shall be applied to all soil, wastes and vent pipes, brass ferrules and solder nipples, and to all house drains, for a distance of at least five (5) feet beyond the walls of the building.

Section 5. Inspection of Roughed-In Work.

When the roughed-in work has been tested to satisfaction, written notice shall be sent to the Building Official stating that the work is ready for official inspection and the system shall be again tested to the satisfaction of the Building Official. No work shall be regarded as ready for official inspection until all pipes shall have been fastened in place.

Section 6. Plumbing Not to be Covered.

It shall be unlawful for any person to conceal any part of the plumbing system of any building or premises until such system has been inspected and passed.

Section 7. Certificate of Roughed-In Work.

If the roughed-in work is found to conform with this Ordinance, a Notice of Approval shall be posted on the premises by the Building Official.

Section 8. Revocation of Permit.

If upon inspection it be found that the workmanship or materials employed do not in all respects conform to the statements given in the application or in the plans and specifications, or do not comply with the provisions of this Ordinance, the Building Official shall in writing notify the permitee that all additional work under the permit shall be suspended until permission to deviate from the specific terms of the permit is obtained, or until the work already installed is made to comply fully with the terms of the permit.

If the permitee fails to comply with such notice immediately upon its service, the Building Official shall forthwith cancel the permit, informing the permitee in writing of the action and post at the site of the work a notice announcing such revocation. Thereafter, it shall be unlawful for any person to perform any plumbing work upon such premises without first securing a new permit.

Section 9. Certificates of Final Inspection.

Upon completion of the work covered by the permit, notice thereof shall be sent to the Building Official. No plumbing system shall be placed in service until final approval by the Building Official.

Section 10. Appeals.

Appeals from decisions of the Building Official shall be to the Board of Appeals as provided in Section 4 of Ordinance No. NS-1031.

Section 11. Penalties.

Any person, firm or corporation violating any of the provisions of the Oregon State Plumbing Specialty Code or this Ordinance, shall be punished by a fine of not more than $500.00, or by imprisonment for not more than six (6) months, or by both fine and imprisonment. In the case of a continuing

violation, every day's continuance of the violation shall be considered a separate offense.

Section 12. Code Fees.

Fees for plumbing work and related activities subject to the Oregon State Plumbing Specialty Code and this Ordinance shall be paid to the City in the amount provided in Section 29-020 of the Oregon Administrative Rules adopted by the Director of the Oregon State Department of Commerce.

Section 13. Repeal.

Ordinance No. NS-701 is repealed.

Read for the first time the 2nd day of April, 1975

Read for the second time the 16th day of April, 1975

YES: 6 NO: 0

Submitted to and approved by the Mayor this 16th day of April, 1975.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1050

AN ORDINANCE AMENDING ORDINANCE NO. NS-737 RELATING TO WATER FOWL ALONG THE BANKS OF THE DESCHUTES RIVER.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 15(4) of Ordinance No. NS-737 is amended to read:

"Secion 15. Deschutes River.

*** (4) No unauthorized persons shall kill, take, injure or molest water fowl or water fowl nests along the banks of the Deschutes River within the limits of the City of Bend.

Read for the first time the 16th day of April, 1975

Read for the second time the 7th day of May, 1975

YES: 7 NO: 0

Submitted to and approved by the Mayor this 7th day of May, 1975

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1051

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1044 the City Commission of the City of Bend, the City legislative bidy, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 16th day of April, 1975, at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

> Lot 17, Lot 18 and Lot 19, in Block 22, Bonne Home Addition: also all of N.W. Galveston Avenue, between the west line of N.W. 16th Street and the west line of N.W. 17th Street, all within the County of Deschutes, State of Oregon.

Section 3. That prior to the time of the aforesaid public hearing at least two-thirds of the landowners who own or who also own at least two-thirds of the land in the area and of real property therein representing at least two-thirds of the assessed value of all real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the afore-described real property.

Read for the first time the 16th day of April, 1975

Read for the second time the 7th day of May, 1975

Placed upon its passage the 7th day of May, 1975

YES: 7 NO: 0

Submitted to and approved by the Mayor this 7th day of May, 1975

Mayor

ATTEST:

Julia S. Johnson

Recorder-Treasurer

NS-1115 NS-1265
117
NS-1291
NS-1327
NS-1374

ENTERED BY ORD. #

repealed 4-6-83

ORDINANCE NO. NS-1052

AN ORDINANCE LEVYING A 5% TRANSIENT ROOM TAX

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. TITLE. This ordinance shall be known as the Transient Room Tax Ordinance of the City of Bend.

Section 2. DEFINITIONS. Except where the context otherwise requires, the definitions given in this section govern the construction of this ordinance.

(1) "Accrual Accounting" means the operator enters the rent due from a transient on his records when the rent is earned whether or not it is paid.

(2) "Cash Accounting" means the operator does not enter the rent due from a transient on his records until rent is paid.

(3) "City Commission" means the City Commission of the City of Bend, OR.

(4) "Hotel" means any structure, or any portion of any structure which is occupied or intended or designed for transient occupancy for thirty (30) days or less, for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, space in mobile home or trailer parks, or similar structure or portions thereof so occupied, provided such occupancy is for less than a thirty (30) day period.

(5) "Occupancy" means the use or possession, or the right to the use or possession for lodging or sleeping purposes of any room or rooms in a hotel, or space in a mobile home or trailer park or portion thereof.

(6) "Operator" means the person who is proprietor of the hotel in any capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this ordinance and shall have the same duties and liabilities as his principal. Compliance with the provisions of this ordinance by either the principal or the managing agent shall be considered to be compliance by both.

(7) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

(8) "Rent" means the consideration charged, whether or not received by the operator, for the occupancy of space in a hotel valued in money, goods, labor, credits, property, or other consideration valued in money, without any deduction.

(9) "Rent Package Plan" means the consideration charged for both food and rent where a single rate is made for the total of both. The amount applicable to rent for determination of transient room tax under this ordinance shall be the same charge made for rent when consideration is not a part of a package plan.

(10) "Tax Administrator" means the City Recorder of the City of Bend.

(11) "Tax" means either the tax payable by the transient, or the aggregate amount of taxes due from an operator during the period for which he is required to report his collections.

(12) "Transient" means any individual who exercises occupancy or is entitled to occupancy in a hotel for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. The day a transient checks out of the hotel shall not be included in determining the thirty-day period if the transient is not charged rent for that day by the

operator. Any such individual so occupying space in a hotel shall be deemed to be a transient until the period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy.

Section 3. TAX IMPOSED. For the privilege of occupancy in any hotel, on and after the effective date of this ordinance, each transient shall pay a tax in the amount of five percent (5%) of the rent charged by the operator. The tax constitutes a debt owed by the transient to the City which is extinguished only by payment to the operator or to the City. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. The operator shall enter the tax on his records when rent is collected if the operator keeps his records on the cash accounting basis and when earned the operator keeps his records on the accrual accounting basis. If rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the operator with each installment. If for any reason the tax due is not paid to the operator of the hotel, the Tax Administrator may require that such tax shall be paid directly to the City. In all cases, the rent paid or charged for occupancy shall exclude the sale of any goods, services and commodities, other than the furnishing of rooms, accommodations, and parking space in mobile home parks or trailer parks.

Section 4. COLLECTION OF TAX BY OPERATOR: RULES FOR COLLECTION.

(1) Every operator renting rooms in this city, the occupancy of which is not exempted under the terms of this ordinance, shall collect a tax from the occupant. The tax collected or accrued by the operator constitutes a debt owed by the operator to the City.

(2) In all cases of credit or deferred payment of rent, the payment of tax to the operator may be deferred until the rent is paid, and the operator shall not be liable for the tax until credits are paid or deferred payments are made.

(3) The Tax Administrator shall enforce provisions of this ordinance and shall have the power to adopt rules and regulations not inconsistent with this ordinance as may be necessary to aid in the enforcement.

(4) For rent collected on portions of a dollar, the first one cent (1¢) of tax shall be collected on ten cents (10¢) through twenty nine cents (29¢), inclusive; and second one cent (1¢) of tax on thirty cents (30¢) through forty nine cents (49¢); the third one cent (1¢) of tax on fifty cents through sixty nine cents (69¢); the fourth one cent (1¢) of tax on seventy cents (70¢) through eighty nine cents (89¢); and the fifth one cent (1¢) of tax on ninety cents (90¢) through the next one dollar and nine cents ($1.09) of rent.

Section 5. OPERATOR'S DUTIES. Each operator shall collect the tax imposed by this ordinance at the same time as the rent is collected from every transient. The amount of tax shall be separately stated upon the operator's records, and any receipt rendered by the operator. No operator of a hotel shall advertise that the tax or any part of the tax will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, when added, any part will be refunded, except in the manner provided by this ordinance.

Section 6. EXEMPTIONS. No tax imposed under this ordinance shall be imposed upon:

(1) Any occupant for more than thirty (30) successive calendar days; (a person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient);

(2) Any occupant whose rent is of a value less than $2.00 per day;

(3) Any person who rents a private home, vacation cabin, or like facility from any owner who rents such facilities incidentally to his own use thereof;

(4) Any occupant whose rent is paid for hospital room or to a medical clinic, convalescent home for aged people.

Section 7. REGISTRATION OF OPERATOR; FORM AND CONTENTS; EXECUTION; CERTIFICATION OF AUTHORITY. Every person engaging or about to engage in busi-

ness as an operator of a hotel in this City shall register with the Tax Administrator on a form provided by him. Operators engaged in business at the time this ordinance is adopted must register not later than thirty (30) calendar days after passage of this ordinance. Operators starting business after this ordinance is adopted must register within fifteen (15) calendar days after commencing business. The privilege of registration after the date of imposition of such tax shall not relieve any person from the obligation of payment or collection of tax regardless of registration. Registration shall set forth the name under which an operator transacts or intends to transact business, the location of his place or places of business and such other information to facilitate the collection of the tax as the Tax Administrator may require. The registration shall be signed by the operator. The Tax Administrator shall, within ten days after registration, issue without charge a certificate of authority to each registrant to collect the tax from the occupant, together with a duplicate thereof for each additional place of business for each registrant. Certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the Tax Administrator upon the cessation of business at the location named or upon its sale or transfer. Each certificate and duplicate shall state the place of business to which it is applicable and shall be prominently displayed therein so as to be seen and come to the notice readily of all occupants and persons seeking occupancy.

Said certificate shall, among other things, state the following:

(1) The name of the operator
(2) The address of the hotel
(3) The date upon which the certificate was issued
(4) "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Transient Room Tax Ordinance of the City of Bend by registration with the Tax Administrator for the purpose of collecting from transients the room tax imposed by said City and remitting said tax to the Tax Administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, or to operate a hotel without strictly complying with all local applicable laws including but not limited to those requiring a permit from any Board, Commission, department or office of the City of Bend. This certificate does not constitute a permit.

Section 8. DUE DATE: RETURNS AND PAYMENTS.

1. The tax imposed by this ordinance shall be paid by the transient to the operator at the time that rent is paid. All amounts of such taxes collected by any operator are due and payable to the Tax Administrator on a monthly basis on the fifteenth (15th) day of the month for the preceding month; and are delinquent on the last day of the month in which they are due.

2. On or before the fifteenth (15th) day of the month following each month of collection, a return for the preceding month's tax collections shall be filed with the Tax Administrator. The return shall be filed in such form as the Tax Administrator may prescribe by every operator liable for payment of tax.

3. Returns shall show the amount of tax collected or otherwise due for the related period. The Tax Administrator may require returns to show the total rentals upon which tax was collected or otherwise due, gross receipts of operator for such period and an explanation in detail of any discrepancy between such amounts, and the amount of rents exempt, if any.

4. The person required to file the return shall deliver the return, together with the remittance of the amount of the tax due, to the Tax Administrator at his office either by personal delivery or by mail. If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies.

5. For good cause, the Tax Administrator may extend for not to exceed one month the time for making any return or payment of tax. No further extension shall be granted, except by the City Commission. Any operator to whom an extension is granted shall pay interest at the rate of one percent (1%) per month on the amount of tax due without pro-ration for a fraction of a month. If a return is not filed, and the tax and interest due is not paid by the end

of the extension granted, then the interest shall become a part of the tax for computation of penalties described elsewhere in this ordinance.

6. The Tax Administrator, if he deems it necessary in order to insure payment or facilitate collection by the City of the amount of taxes in any individual case may require returns and payment of the amount of taxes for other than monthly periods.

Section 9. PENALTIES AND INTEREST.

1. Original Delinquency. Any operator who has not been granted an extension of time for remittance of tax due and who fails to remit any tax imposed by this ordinance prior to delinquency shall pay a penalty of ten percent (10%) of the amount of the tax due in addition to the amount of the tax.

2. Continued Delinquency. Any operator who has not been granted an extension of time for remittance of tax due, and who failed to pay any delinquent remittance on or before a period of thirty days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of fifteen percent (15%) of the amount of the tax due plus the amount of the tax and the ten percent (10%) penalty first imposed.

3. Fraud. If the Tax Administrator determines that the non payment of any remittance due under this ordinance is due to fraud or intent to evade the provisions thereof, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in paragraphs 1 and 2 of this section.

4. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this ordinance shall pay interest at the rate of one half of one percent per month or fraction thereof without proration for portions of a month, on the amount of the tax due, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

5. Penalties Merged With Tax. Every penalty imposed and such interest as accrues under the provisions of this section shall be merged with and become a part of the tax herein required to be paid.

6. Petition for Waiver. Any operator who fails to remit the tax herein levied within the time herein stated shall pay the penalties herein stated provided, however, the operator may petition the City Commission for waiver and refund of the penalty or any portion thereof and the City Commission may, if a good and sufficient reason is shown, waive and direct a refund of the penalty or any portion thereof.

Section 10. DEFICIENCY DETERMINATIONS; FRAUD, EVASION, OPERATOR DELAY.

1. Deficiency Determination. If the Tax Administrator determines that the returns are incorrect, he may compute and determine the amount required to be paid upon the basis of the facts contained in the return or returns or upon the basis of any information within his possession or that may come into his possession. One or more deficiency determinations may be made of the amount due for one, or more than one period, and the amount so determined shall be due and payable immediately upon service of notice as herein provided after which the amount determined is delinquent. Penalties on deficiencies shall be applied as set forth in Section 9.

a. In making a determination the Tax Administrator may offset overpayments if any, which may have been previously made for a period or periods, against any underpayment for a subsequent period or periods, or against penalties, and interest, on the underpayments. The interest on underpayments shall be computed in the manner set forth in Section 9.

b. The Tax Administrator shall give to the operator or occupant a written notice of his determination. The notice may be served personally or by mail; if by mail, the notice shall be addressed to the

operator at his address as it appears in the records of the Tax Administrator. In case of service by mail or any notice required by this ordinance the service is complete at the time of deposit in the United States Post Office.

c. Except in the case of fraud, intent to evade this ordinance or authorized rules and regulations, every deficiency determination shall be made and notice thereof mailed within three years after the last day of the month following the close of the monthly period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires the later.

d. Any determination shall become due and payable immediately upon receipt of notice and shall become final within ten days after the Tax Administrator has given notice thereof, provided, however, the operator may petition redemption and refund if the petition is filed before the determination becomes final as herein provided.

2. Fraud, Refusal to Collect, Evasion. If any operator shall fail or refuse to collect said tax or to make, within the time provided in this ordinance any report and remittance of said tax or any portion thereof required by this ordinance, or makes a fraudulent return or otherwise wilfully attempts to evade this ordinance, the Tax Administrator shall proceed in such manner as he may deem best to obtain facts and information on which to base an estimate of the tax due. As soon as the Tax Administrator has determined the tax due that is imposed by this ordinance from any operator who has failed or refused to collect the same and to report and remit said tax, he shall proceed to determine and assess against such operator the tax, interest, and penalties, provided for by this ordinance. In case such determination is made, the Tax Administrator shall give a notice in the manner aforesaid of the amount so assessed. Such determination and notice shall be made and mailed within three years after discovery by the Tax Administrator of any fraud, intent to evade or failure or refusal to collect said tax, or failure to file return. Any determination shall become due and payable immediately upon receipt of notice and shall become final within ten days after the Tax Administrator has given notice thereof, provided, however, the operator may petition redemption and refund if the petition is filed before the determination becomes final as herein provided.

3. Operator Delay. If the Tax Administrator believes that the collection of any tax or any amount of tax required to be collected and paid to the City will be jeopardized by delay, or if any determination will be jeopardized by delay, he shall thereupon make a determination of the tax or amount of tax required to be collected, noting the fact upon the determination. The amount so determined as herein provided shall be immediately due and payable, and the operator shall immediately pay same determination to the Tax Administrator after service of notice thereof, provided, however, the operator may petition, after payment has been made, for redemption and refund of such determination, if the petition is filed within ten days from the date of service of notice by the Tax Administrator.

Section 11. REDETERMINATIONS.

1. Any person against whom a determination is made under Section 10 or any person directly interested may petition for a redetermination and redemption and refund within the time required in Section 10 hereof. If a petition for redetermination and refund is not filed within the time required in Section 10, the determination becomes final at the expiration of the allowable time.

2. If a petition for redetermination and refund is filed within the allowable period, the Tax Administrator shall reconsider the determination, and if the person has so requested in his petition, shall grant the person an oral hearing and shall give him ten days notice of the time and place of the hearing. The Tax Administrator may continue the hearing from time to time as may be necessary.

3. The Tax Administrator may decrease or increase the amount of the determination as a result of the hearing and if an increase is determined such increase shall be payable immediately after the hearing.

4. The order or decision of the Tax Administrator upon a petition for redetermination of redemption and refund becomes final ten (10) days after service upon the petitioner of notice thereof, unless appeal of such order or a decision is filed with the City Commission within the ten (10) days after service of such notice.

5. No petition for redetermination of redemption and refund or appeal therefrom shall be effective for any purpose unless the operator has first complied with the payment provisions hereof.

Section 12. SECURITY FOR COLLECTION OF TAX.

1. The Tax Administrator, whenever he deems it necessary to insure compliance with this ordinance, may require any operator subject thereto to deposit with him such security in the form of cash, bond, or other security as the Tax Administrator may determine. The amount of the security shall be fixed by the Tax Administrator but shall not be greater than twice the operator's estimated average monthly liability for the period for which he files returns, determined in such manner as the Tax Administrator deems proper, or Five Thousand Dollars($5,000), whichever amount is the lesser. The amount of the security may be increased or decreased by the Tax Administrator subject to the limitations herein provided.

2. At any time within three years after any tax or any amount of tax required to be collected becomes due and payable or at any time within three years after any determination becomes final, the Tax Administrator may bring an action in the courts of this State, or any other state, or of the United States in the name of the City to collect the amount delinquent together with penalties and interest.

Section 13. LIEN. The tax imposed by this ordinance together with the interest and penalties herein provided and the filing fees paid to the Clerk of Deschutes County, Oregon, and advertising costs which may be incurred when same becomes delinquent as set forth in this ordinance shall be and, until paid, remain a lien from the date of its recording with the Clerk of Deschutes County, Oregon, and superior to all subsequent recorded liens on all tangible personal property used in the hotel of an operator within Bend and may be foreclosed on and sold as may be necessary to discharge said lien, if the lien has been recorded. Notice of lien may be issued by the Tax Administrator or his deputy whenever the operator is in default in the payment of said tax, interest and penalty and shall be recorded, and a copy sent to the delinquent operator. The personal property subject to such lien seized by any deputy or employe of the Tax Administrator may be sold by the department seizing the same at public auction after ten days notice which shall mean one publication in a newspaper published in the City of Bend.

Any lien for taxes as shown on the records of the proper County official shall, upon the payment of all taxes, penalties, and interest thereon, be released by the Tax Administrator when the full amount determined to be due has been paid to the City and the operator or person making such payment shall receive a receipt therefor stating that the full amount of taxes, penalties, and interest thereon have been paid and that the lien is thereby released and the record of lien is satisfied.

Section 14. REFUNDS.

1. Operators Refunds. Whenever the amount of any tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected or received by the Tax Administrator under this ordinance, it may be refunded, provided a verified claim in writing therefor, stating the specific reason upon which the claim is founded, is filed with the Tax Administrator within three years from the date of payment. The claim shall be made on forms provided by the Tax Administrator. If the claim is approved by the Tax Administrator, the excess amount collected or paid may be refunded or may be credited on any amounts then due and payable from the operator from whom it was collected or by whom paid and the balance may be refunded to each operator, his administrators, executors or assignees.

2. Transient Refunds. Whenever the tax required by this ordinance has been collected by the operator, and deposited by the operator with the Tax

Administrator, and it is later determined that the tax was erroneously or illegally collected or received by the Tax Administrator, it may be refunded by the Tax Administrator to the transient, provided a verified claim in writing therefor, stating the specific reason on which the claim is founded, is filed with the Tax Administrator within three years from the date of payment.

Section 15. ADMINISTRATION.

1. Tourist Promotion Fund. A special fund called the Tourist Promotion Fund shall be established for the purpose of promoting tourism within the City of Bend. Monies budgeted to this account by the City Budget Committee and the City Commission shall be used for the promotion of tourism and the City is authorized to enter into a contract with the Bend Chamber of Commerce to carry out this purpose.

2. Records Required from Operators, etc.; Form. Every operator shall keep guest records of room sales and accounting books and records of the room sales. All records shall be retained by the operator for a period of three years and six months after they come into being.

3. Examination of Records; Investigations. The Tax Administrator or any person authorized in writing by him may examine during normal business hours, the books, papers, and accounting records relating to room sales of any operator after notification to the operator liable for the tax and may investigate the business of the operator in order to verify the accuracy of any return made, or if no return is made by the operator, to ascertain and determine the amount required to be paid.

4. Confidential Character of Information Obtained - Disclosure Unlawful. It shall be unlawful for the Tax Administrator or any person having an administrative or clerical duty under the provisions of this ordinance to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to obtain a Transient Occupancy Registration Certificate, or pay a transient occupancy tax, or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth in any statement or application, or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person. Provided that nothing in this subsection shall be construed to prevent:

a. The disclosure to, or the examination of records and equipment by another City of Bend official, employe, or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this ordinance; or collecting taxes imposed hereunder.

b. The disclosure after the filing of a written request to that effect, to the taxpayer himself, receivers, trustees, executors, administrators assignees, and guarantors, if directly interested, of information as to any paid tax, any unpaid tax or amount of tax required to be collected, or interest, and penalties; further provided, however, that the City Attorney approves each such disclosure and that the Tax Administrator may refuse to make any disclosure referred to in this paragraph when in his opinion the public interest would suffer thereby.

c. The disclosure of the names and addresses of any persons to whom Transient Occupancy Registration Certificates have been issued.

d. The disclosure of general statistics regarding taxes collected or business done in the City.

Section 16. APPEALS TO CITY COMMISSION. Any person aggrieved by any provision of the Tax Administrator may appeal to the City Commission of the City of Bend by filing a notice of appeal with the Tax Administrator within ten (10) days of the Administrator's decision. The Tax Administrator shall transmit said notice of appeal, together with the file of said appealed matter to the City Commission who shall fix a time and place for hearing such appeal. The Commission shall give the appellant not less than ten (10) days written notice of the time and place of hearing of said appealed matter.

Section 17. SEVERABILITY. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional (or otherwise invalid), such decision shall not affect the validity of the remaining portions of this ordinance or any part thereof. The legislative body hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or paragraphs be declared unconstitutional (or otherwise invalid).

Section 18. VIOLATIONS. It is unlawful for any operator or other person so required to fail or refuse to register as required herein, or to furnish any return required to be made, or fail or refuse to furnish a supplemental return or other data required by the Tax Administrator or to render a false or fraudulent return. No person required to make, render, sign, or verify any report shall make any false or fraudulent report, with intent to defeat or evade the determination of any amount due required by this ordinance.

Section 19. MISDEMEANOR. Any person willfully violating any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be punishable therefor by a fine of not more than Five Hundred Dollars ($500) or by imprisonment in the County jail for a period of not more than six months or by both such fine and imprisonment.

Section 20. EFFECTIVE DATE AND TERM OF ORDINANCE. This ordinance shall become effective at 12:01 A.M. on the 1st day of July, 1975. The first payment of taxes hereunder shall become delinquent unless paid by September 1, 1975. The tax levied by this ordinance shall terminate at 12:00 midnight on the 30th day of June, 1977.

Read for the first time this 16th day of April, 1975

Read for the second time this 21st day of May, 1975

YES: 6 NO: 0

Adopted by the City Commission and approved by the Mayor this 21st day of May, 1975.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1053

AN ORDINANCE VACATING AN AREA AT THE SOUTHWEST CORNER OF SE THIRD STREET AND SE URANIA LANE, SAID AREA BEING ADJACENT TO LOT 1, BLOCK 75, BEND PARK ADDITION AND AN AREA AT THE NORTHWEST CORNER OF SE THIRD STREET AND SE VINE LANE, SAID AREA BEING ADJACENT TO LOT 11, BLOCK 75, BEND PARK ADDITION TO THE CITY OF BEND, OREGON

A petition having been presented to the Bend City Commission on the 4th day of June 1975, requesting that the following described location be vacated:

AN AREA at the southwest corner of SE Third Street and SE Urania Lane, said area being adjacent to Lot 1, Block 75, Bend Park Addition to the City of Bend, and being more particularly described as follows:

> Beginning at the SE corner of Lot 1, Block 75, Bend Park Addition, thence northwesterly along the boundary of Lot 1, for a distance of 78.54 feet to a point on the south line of SE Urania Lane, thence due east for 35.0 feet, thence on a curve to the right whose central angle is 90° and whose radius is 15.0 feet, for 23.56 feet, thence due south for 35.0 feet, to the point of beginning; AND
>
> AN AREA at the northwest corner of SE Third Street and SE Vine Lane, said area being adjacent to Lot 11, Block 75, Bend Park Addition to the City of Bend, and being more particularly described as follows:
>
> > Beginning at the NE corner of Lot 11, Block 75, Bend Park Addition, thence southwesterly along the boundary of Lot 11 for a distance of 78.54 feet, to a point on the north line of SE Vine Lane, thence due east for 35.0 feet, thence on a curve to the left whose central angle is 90° and whose radius is 15.0 feet for 23.56 feet, thence due north for 35.0 feet to the point of beginning.

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition; and the Recorder of the City of Bend having caused the following notice:

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Loren Lesher said vacation proceedings to vacate the following described location:
>
> AN AREA at the southwest corner of SE Third Street and SE Urania Lane, said area being adjacent to Lot 1, Block 75, Bend Park Addition to the City of Bend, and being more particularly described as follows:
>
> > Beginning at the SE corner of Lot 1, Block 75, Bend Park Addition, thence northwesterly along the boundary of Lot 1, for a distance of 78.54 feet to a point on the south line of SE Urania Lane, thence due east for 35.0 feet, thence on a curve to the right whose central angle is 90° and whose radius is 15.0 feet, for 23.56 feet, thence due south for 35.0 feet, to the point of beginning; AND
>
> AN AREA at the northwest corner of SE Third Street and SE Vine Lane, said area being adjacent to Lot 11, Block 75, Bend Park Addition to the City of Bend, and being more particularly described as follows:
>
> > Beginning at the NE corner of Lot 11, Block 75, Bend Park Addition, thence southwesterly along the boundary of Lot 11 for a distance of 78.54 feet, to a point on the north line of SE Vine Lane, thence due east for 35.0 feet, thence on a curve to the left whose central angle is 90° and whose radius is 15.0 feet for 23.56 feet, thence due north for 35.0 feet to the point of beginning.
>
> The City Commissioners of the City of Bend have fixed the 4th day of June, 1975, at 7:30 p.m., in the City Hall in the City of Bend as the time and place for hearing upon the said proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings.

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified in said

notice the hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated.

NOW, THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 4th day of June, 1975

Read for the second time the 18th day of June, 1975

Placed upon its passage this 18th day of June, 1975

YES: 7 NO: 0

Submitted to and approved by the Mayor this 18th day of June, 1975

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1054

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF BEND IMPROVEMENT BONDS IN THE SUM OF $130,000; PROVIDING AND APPROVING THE FORM OF THE BONDS TO BE ISSUED AND THE COUPONS ATTACHED THERETO; PROVIDING FOR THE ADVERTISEMENT AND SALE OF SAID BONDS, AND DECLARING AN EMERGENCY.

WHEREAS, the Commission of the City of Bend has heretofore proceeded to improve certain streets in said City, and has duly assessed the cost of such improvements to the property benefited thereby or liable therefor, according to the provisions of the Charter of the said City; and

WHEREAS the owners of the property so assessed for such street improvements in the sum of Twenty-five Dollars ($25) or more, aggregating in all the sum of One Hundred Thirty Thousand $130,000) Dollars have filed with the City Recorder of the said City, written applications to pay said assessments in installments, each and all of which written applications did state that said applicant and property owner does thereby waive all irregularities or defects, jurisdictional or otherwise, in the proceedings to improve the street for which said assessment is levied, and in the apportionment of the costs thereof; and

WHEREAS in no application received as aforesaid did the amount of such assessment, including all unpaid assessments or previously bonded liens exceed double its assessed valuation as shown by the last tax roll of Deschutes County; and

WHEREAS the City Recorder has kept all such applications in convenient form for examination; that is to say all the applications received for each street improvement have been kept separate; and

WHEREAS the City Recorder has entered in a book kept for that purpose under separate heads for each street improvement, the date of filing for each application, and the names of the applicants, a description of the property and the amount of the assessment as shown in the application, and

WHEREAS after the expiration of the time for filing for the payment of assessments for said improvements by installments as provided by law, the City Recorder did enter in a docket kept for that purpose, under separate heads for each street by name or number, a description of each lot, parcel of land, or other property, against which such assessment is made, or which bears or is chargeable for the cost of such improvement, with the name of the owner and the amount of such unpaid assessment; and

WHEREAS each and every act and thing required by the laws of the State of Oregon and by the Charter of the said City precedent to the issuance of these bonds has been heretofore regularly done and performed in the manner and at the time required by law, NOW THEREFORE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the City of Bend shall issue bonds in the name of and under the corporate seal of said City in the amount of One Hundred Thirty Thousand ($130,000) Dollars in the denomination of Five Thousand ($5,000) Dollars each, numbered consecutively from 1 to 26, both numbers inclusive, said bonds to bear date of August 15, 1975, to be signed by the Mayor and countersigned by the Recorder of the City of Bend and the corporate seal of said City shall be affixed thereto and said bonds shall, by the terms thereof, mature serially at the rate of Fifteen Thousand ($15,000) Dollars on the 15th day of August in each of the years 1976 to 1981, inclusive, and Ten Thousand ($10,000) on the 15th day of August in each of the years 1982 to 1985, inclusive. Bonds shall bear interest at the rate or rates not to exceed seven percent (7%) per annum, interest payable semi-annually, said interest to be evidenced by coupons attached to said bonds, which said coupons shall have the signature of the Mayor and the signature of the Recorder of the City of Bend lithographed thereon, which bonds, together with interest thereon, shall be payable at the office of the Treasurer of the City of Bend, and shall be known as City of Bend Improvement Bonds, Series 16.

SECTION 2. That the bonds hereby authorized and the coupons attached thereto shall be in substantially the following form:

NO._____ $_____

UNITED STATES OF AMERICA
STATE OF OREGON
COUNTY OF DESCHUTES
CITY OF BEND IMPROVEMENT BOND
SERIES 16

KNOW ALL MEN BY THESE PRESENTS that the City of Bend, in the County of Deschutes, State of Oregon, for value received hereby agrees and promises to pay to the bearer the sum of

FIVE THOUSAND DOLLARS

in lawful money of the United States on the presentation and surrender of this obligation on the 15th day of August, 19____, without grace, with interest thereon at the rate of ___% per annum, payable semi-annually on the 15th days of February and August of each year on the presentation and surrender of the proper coupons hereto annexed, principal and interest payable at the office of the Treasurer of the City of Bend, Oregon.

This bond is one of a series of bonds authorized by and under the provisions of the Charter of said City and Chapter 223.206 Oregon Revised Statutes et seq. as amended, and is an obligation of the City of Bend aforesaid, and it is further

certified that all of the requirements of law have been fully complied with by the proper officers in the issuance of this bond.

For the fulfillment of the conditions of this obligation, the full faith and credit of the City of Bend are hereby irrevocably pledged.

IN WITHNESS WHEREOF this bond has been signed by the Mayor and countersigned by the Recorder of the City of Bend, and the corporate seal of said City hereto affixed this _____ day of _____, 1975.

_____
Mayor

COUNTERSIGNED:

_____
Recorder

COUPON

No._____ $_____

THE CITY OF BEND, STATE OF OREGON, will pay to bearer on the 15th day of February
August 19___

_____DOLLARS

in lawful money of the United States at the office of the Treasurer of the City of Bend, being six months' interest on Improvement Bond No. ____ Series 16.

_____
Mayor

COUNTERSIGNED:

_____
Recorder

SECTION 3. The Recorder is hereby authorized and instructed to advertise the aforesaid bonds for sale at the Commission meeting to be held on the 6th day of August, 1975, by the insertion of an advertisement thereof once each week for two successive weeks in the Bulletin, a newspaper published in the City of Bend.

SECTION 4. WHEREAS the improvements referred to herein have been completed and it is necessary to procure funds to pay for same, and it is necessary for the peace, health and safety of the inhabitants of the City of Bend that this ordinance take effect immediately,

NOW, THEREFORE, AN EMERGENCY is declared to exist and this ordinance shall take effect immediately after its enactment and approval.

Read for the first time the 2nd day of July, 1975

Read for the second time the 16th day of July, 1975

YES: 4 NO: 0

Submitted to and approved by the Mayor this 16th day of July, 1975

_____
Mayor

ATTEST:

_____
Recorder-Treasurer

AMENDED BY ORD. # NS-1254 NS-1327

repealed by 1374 3-16-83

ORDINANCE NO. NS-1055

AN ORDINANCE REGULATING SIGNS BY RECODIFYING ORDINANCE NO. NS-968 AS AMENDED.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Title. This ordinance shall be known as the City of Bend Sign Code.

Section 2. Purpose. The purpose of this code is to improve the appearance of the City of Bend and to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, construction, location, electrification, maintenance of all signs and sign structures not located within a building.

Section 3. Definitions.

(1) "Animated Effect" means a sign effect applying sequential illumination of lights, lamps, bulbs or tubes to depict through apparent movement a moving object, thing, person, animal, or event.

(2) "Building Official" means the Building official of the City of Bend or his duly authorized deputy, who shall be charged with the administration and enforcement of this code.

(3) "Chaser Effect" means a sign effect which tends to lead the eye by producing a lateral, vertical, lineal or circular movement through sequential flashing of lights, lamps, bulbs or tubes.

(4) "Curb Line" means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the City Engineer.

(5) "Display Surface" means the area made available by the sign structure for the purpose of displaying an advertising message.

(6) "Electric Sign" means any sign containing electric wiring.

(7) "Electrical Code" means the electric code of the City of Bend, Oregon, a copy of which is on file in the office of the City Recorder.

(8) "Flashing Sign" means an electric sign with an illuminated portion which does not shine continuously and any part of which flashes, pulsates or illuminates intermittently.

(9) "Ground Sign" means a permanent on-premise sign which is supported in or upon the ground and not supported by any part of a building.

(10) "Incidental Sign" means signs indicating services, trading stamps, prices, credit cards or other incidental information.

(11) "Incombustible Material" is any material which will not ignite at a temperature of 1200 degrees F during an exposure of five minutes and which will not continue to burn or glow at that temperature. Tests shall be made as specified in the Uniform Building Code of the City of Bend.

(12) "Legal Setback Line" means the legal setback line beyond which no building may be built as established by the Zoning Ordinance ot the City of Bend. A legal setback line may be a property line.

(13) "Marquee" means a permanent roof structure attached to and supported by a building and projecting over public property, including any object or decoration attached to or as part of said marquee, except a sign attached on the underside of a marquee or structural projection.

(14) "Outdoor Advertising Sign" or "Billboard" means a sign which advertises goods, products, facilities, or services which are not sold, manufactured, located or distributed on or from the premises on which the sign is located.

(15) "Person" means individuals, corporations, firms, partnerships and associations.

(16) "Plastic, Approved" means those plastic materials approved by the Uniform Building Code of the City of Bend.

(17) "Premise Sign" means a sign which carries only advertisements strictly incidental to a lawful use of the premises on which it is located, including signs indicating the business transacted at, services rendered, goods sold or produced on the premises, the name of the business, or the name of the person occupying the premises.

(18) "Projecting Sign" means any sign other than a wall sign which projects from and is supported by a wall of a building.

(19) "Roof Sign" means a sign erected upon or supported by a roof or parapet.

(20) "Rotating Sign" means a sign that rotates 360 degrees.

(21) "Scintillating Effect" means a sign effect employing a sequential illumination of lights, lamps or bulbs, but not tubes, to produce a random twinkling of light.

(22) "Sign" means any medium including its structure and component parts which is used or intended to be used to attract attention to the subject matter for advertising purposes.

(23) "Sign Structure" means any structure which supports or is capable of supporting any sign. A sign structure may be a single pole and may not be an integral part of a building.

(24) "Sign, Under Marquee" means a sign which is erected or maintained under a marquee and which is supported by the marquee.

(25) "Temporary Sign" means any sign, constructed of cloth, canvas, light fabric, cardboard, plywood, wood, wall board, plastic, sheet metal or other similar light material, with or without frames, which is not permanently affixed to any sign structure, or building and which is not an electric sign or an internally illuminated sign.

(26) "Trim, Non-structural" means molding, battens, caps nailing strips, latticing, cutouts or letters and walkways which are attached to a sign structure.

(27) "Uniform Building Code" means the Uniform Building Code, and Uniform Building Code Standard as promulgated by the International Conference of Building Officials and adopted by the City of Bend, Oregon, and adopted by the State as the Oregon State Structural Fire & Life Code.

(28) "Wall Sign" means any sign including painted signs attached to, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall.

(29) "Zoning Map" means the official "Zoning Map of the City of Bend" as established by the Zoning Ordinance of the City of Bend, Oregon.

Section 4. Permits

(1) No sign shall be erected, constructed, altered or maintained in the City of Bend in violation of the provisions of this code and a permit shall be required for the signs for each business and a separate permit for each groups of signs on a single supporting structure, except as provided in subsection (4) and (5) of this section. In addition, State electrical permits shall be obtained for electrical connection of signs and shall be completed within six months.

(2) Application for a sign permit shall be made in writing upon forms furnished by the Building Official. The application shall contain the location by street address of the proposed sign structure, name and address of the owner of the proposed sign, name and address of the owner of the real property on which the sign is to be erected if different from the owner of the sign, and name and address of the sign contractor. The Building Official may require the filing of plans or other pertinent information when in his opinion such information is necessary to insure compliance with this code. Standard plans may be filed with the Building Official.

(3) A sign permit fee shall be paid at the time a permit is issued. Permit fees shall be the same as building permit fees as provided in the uniform Building Code except that permit fees for repair of an existing sign where the sign is removed form the existing structure to another location for repair and then returned to the same location and re-erected on the same

structure shall be $5.00. The regular permit fee shall apply to sign repair work where substantial structural alteration is being made.

(4) No permit shall be required for the following signs but compliance with other provisions of this code shall be required:

(a) Re-painting or cleaning of an advertising structure of the changing of the advertising copy or message thereon, unless a structural change is made.

(b) Signs made of wood or other approved material installed under marquees, but such signs shall be in compliance with Section 17 of this sign code.

(c) Signs constructed of wood or any material permitted by this code with a display surface of six square feet or less, which are not artificially illuminated.

(5) This code does not apply to unlettered barber poles less than 8 feet above the sidewalk level, attached to the side of the building and extending into the street or sidewalk not more than 15 inches from the side of the building, provided the same are safely installed.

CONSTRUCTION AND MAINTENANCE STANDARDS

Section 5. Maintenance of Signs.

(1) All signs together with all their supports, braces guys, and anchors, shall be kept in good repair and in a proper state of preservation. The display surface of all signs shall be kept neatly painted or posted at all times.

(2) All signs shall be subject to inspection by the Building Official at any reasonable time and footing inspections may be required by the Building Official for all signs having footings. Upon presentation of proper credentials the Building Official may enter at any reasonable time any building, structure, or premises in the City of Bend in performance og his duty under this code.

(3) All signs containing electric wiring shall be subject to provisions of the Electrical Code and the electrical components shall bear the label of a testing agency approved by the Building Official.

Section 6. Design.

(1) Signs or sign structures shall be designed to resist wind and seismic forces as specified in this section and the Uniform Building Code. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building in such a manner as not to overstress any of the elements thereof.

(2) The overturning moment produced from lateral forces shall in no case exceed two-thirds of the dead-load resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead-load resisting moment. Such earth shall be carefully placed and thoroughly compacted.

(3) Wind and seismic loads need not be combined in the design of signs or sign structures; only that loading producing the larger stresses need be used. Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with the wind or seismic loads.

(4) Structural design of all signs shall conform to the requirements of the Uniform Building Code.

(5) The working stresses of wire rope and its fastenings shall not exceed 25 per cent of the ultimate strength of the rope or fasteners.

(6) Anchorage members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical shall not exceed the safe values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pull-out amounting to a force of 25 percent greater than the required resistance to overturning. Anchors and support shall penetrate to a depth below ground greater than

that of the frost line.

(7) Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to support safely the loads applied. No wooden blocks or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing.

(8) No anchor or support of any sign shall be connected to, or supported by, an unbraced parapet wall, unless such wall is designed in accordance with the requirements for parapet walls specified in the Uniform Building Code.

Section 7. Safety Clearance.

(1) Clearance from High Voltage Power Line. Signs shall be located not less than eight feet (8') horizontally and eight feet (8') vertically from overhead electrical conductors which are energized in excess of standard service load as determined by the utility company providing the service. The term "overhead conductors" as used in this section means any electrical conductor, either bare or insulated, installed above the ground except such conductors as are enclosed in iron pipe or other material covering of equal strength.

(2) Clearance from Fire Escapes, Exits or Standpipes. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe. Signs erected within five feet of an exterior wall in which there are openings within the area of the sign shall be constructed of incombustible material or approved plastics.

Section 8. Electric Signs.

(1) The enclosed shell of electric signs shall be weather tight, excepting that service holes fitted with tight covers shall be provided for each compartment of such sign.

(2) All electrical equipment used in connection with such signs shall be installed in accordance with the Electric Code.

(3) Every electric sign shall have painted on the surface of the sign the name of the erector and the date the sign was erected. Such name and date shall be of sufficient size and contrast to be visible from a reasonable distance.

Section 9. Material.

(1) Materials for construction of signs and sign structures shall be the quality and grade as specified for buildings in the Uniform Building Code.

(2) In all sign and sign structures the material and detail of construction shall, in the absence of specified requirements, conform to the following:

(a) Structural steel shall be of such quality as to conform with the Uniform Building Code standard. Secondary members in contact with or directly supporting the display surface may be forged of light gauge steel, provided such members are designed in accordance with the specifications of the design of light gauge steel as specified in the Uniform Building Code Standard and in addition shall be galvanized. Secondary members, when formed integrally with the display surface, shall be not less than No. 24 thickness. When not formed integrally with the display surface, the minimum thickness of the secondary members shall be No. 12 gauge. Minimum thickness of hot-rolled steel members furnishing structural support for signs shall be one-fourth inch (1/4") except that if galvanized, such members shall be not less than one-eighth inch (1/8") thick. Steel pipes shall be of such quality as to conform with the Uniform Building Code Standard. Steel members may be connected with one galvanized bolt provided the connection is adequate to transfer the stresses in the members.

(b) Wooden anchors and supports when embedded in the soil, or within six inches of the soil, shall be pressure-treated with an approved preservative. Such members shall be marked and branded by an approved agency recognized by the Uniform Building Code.

(c) Non-structural trim, signs under marquees and portable

display surfaces may be of wood, metal, approved plastics, or any combination thereof.

(d) Display surface may be of any approved material except glass. Glass may be used in any neon tubing and incandescent lamp and tube.

(e) The Building Official may require that sufficient technicaldata be submitted to substantiate the proposed use of any plastic material and, if it is determined that the evidence submitted is satisfactory for the use intended, he may approve its use.

(f) No combustible material other than approved plastics shall be used in the construction of any electric sign.

(g) No signs containing combustible material shall be permitted in Fire Zone 1, or in any Commercial or Industrial Zone; provided, that wood signs are permitted subject to the following:

(i) Wood signs shall be a minimum 2 inch nominal thick plank or 1-1/8 inch thick exterior plywood and shall comply with the Uniform Building Code as adopted by the City of Bend.

(ii) Wood signs shall be supported by a minimum 4 x 4 inch nominal post.

ILLUMINATION AND ROTATION

Section 10. Prohibition of Flashing Lights.

(1) No flashing light, intermittent light, rotating signs or signs with chaser effects, scintillating effects, animated effects or speller effects shall be installed within the City of Bend after September 1, 1975, except for signs expressing time, temperature and date. All such existing signs shall be removed on or before September 1, 1980.

(2) Signs illuminated by exterior illumination shall have the exterior lights so directed that the light does not shine directly into common vehicular or pedestrian ways.

(3) No electric sign in the Commercial Zone or in the High Density Zone shall be so located so as to cast light on property in an adjacent Residential Zone.

(4) No arrow or directional indicator nor any light or lamp or tube or group of lights or lamps or tubes contained in a single unit shall be erected or maintained within view of any public street unless:

(a) Such device is or was constructed as an integral part of a sign and is not later attached or affixed thereto, or;

(b) Such device is not illuminated by flashing or intermittent light and the illumination thereof conforms to all sign illumination requirements of this code, or;

(c) Such device consists of light or lamps designed and intended to be used solely for illumination of a building or pedestrian or vehicular traffic areas, or;

(d) Such device is an official traffic sign or signal.

(5) No lighting or illumination shall be used at any location or in any manner where it may be confused or construed as a traffic control device.

Section 11. Limitation of Sign Illumination.

(1) No exposed or reflective type bulb, incandescent lamp exceeding eleven (11) Watts, or strobe lights shall be used or maintained on the exterior surface of any signs so as to expose the face of the bulb, light or lamp to to any public street; provided however, a reflective type lamp bulb may be used, if not exposed to direct view from a public street for illumination of the display surface of a sign.

(2) When neon tubing is employed on the exterior surface of a sign for sign illumination, the tubing shall not exceed a capacity of 30 milliamperes rating.

(3) No sign shall be erected or maintained which, by use of

lighting, illumination or surface reflection creates an unduly distracting and hazardous condition to vehicular or pedestrian traffic or the general public.

SIGN REGULATION BY TYPE OF SIGN

Section 12. Projecting Signs.

(1) Projection in Residential Zones. No sign shall project over public property in a residential zone.

(2) Projection in Commercial Zones.

(a) In all commercial zones except the C-4, where a building is built to the street property line, or within five feet of the street property line for its entire frontage, a sign may project from the building over a public sidewalk or street right of way a maximum of four feet provided that there is a minimum clearance of eight feet between the bottom of the sign and the finished grade below the sign. When no curb exists a minimum height of fourteen feet between the bottom of the sign and the finished grade below the sign. In a C-4 zone a sign may project not more than two feet over public property provided there is a minimum clearance of eight feet between the bottom of the sign and finished grade below the sign.

(b) No projecting sign shall extend more than three feet above a parapet wall or the roof line of the supporting building.

(c) No sign or sign structure shall project into any public alley below a height of fourteen feet above grade, nor project more than twelve inches horizontally over the alley where the sign is located between fourteen feet above grade. A sign or sign structure may project not more than 36 inches horizontally over the public alley where the sign or sign structure is located more than 16 feet above grade.

Section 13. Wall Signs.

A wall sign made of wood meeting the standards of Section 9 may be installed flat against a building provided that it does not exceed the width of the building frontage serving each occupancy and provided that in Fire Zone 1 no wall sign shall exceed 15 feet above the level of the sidewalk or grade immediately below. No wall sign shall extend above the top of a parapet wall or roof line.

Section 14. Ground Signs.

(1) Ground signs installed in or over a required landscape area shall either be a minimum of 8 feet above the finished grade below the sign or not more than 36 inches in height. A decorative base for a ground sign, or combination sign shall not exceed 36 inches above the finished grade. All signs and sign structures shall meet the zoning ordinance requirement for clear vision areas.

(2) Ground signs may have a display surface of combustible materials as established by City of Bend Ordinances and subject to the provisions of this code and the Uniform Building Code.

(3) Ground signs shall be located at least 5 feet from a building, except when installed parallel to a building the distance shall be 10 feet to a building.

Section 15. Roof Signs.

(1) The supporting members of roof signs shall appear to be free of any extra bracing, angle iron, guy wires, cables, etc.. All supports shall appear to be an architectural and integral part of the building.

(2) No billboard or wood sign shall be installed on the roof of any building within the City of Bend after September 1, 1975. All such existing signs shall be removed on or before September 1, 1980.

(3) A passage, clear of all obstructions, shall be left under, around and immediately adjacent to all signs exceeding a height 4 feet above the roof thereunder. Such passages shall be not less than 3 feet wide and 4 feet high and shall be at parapet or roof level. There shall be one such passage or access opening as follows:

(a) For each roof sign upon a building.

(b) For every 50 lineal feet of horizontal roof sign extension.

(c) Within 20 feet of walls and parapets when roof signs are at right angles to the face of the building.

Section 16. Billboards.

(1) As used in this section, "double-faced sign" means a sign with multiple display services with two or more separate and different messages visible to traffic from one direction of travel.

(2) The face size of any billboard located within the City of Bend shall not exceed 12 feet in vertical height or 48 feet in horizontal length.

(3) Notwithstanding the provisions of sub-paragraph (2) of this section, no sign shall exceed the maximum height established by the Zoning Ordinance of the City of Bend for structures.

(4) All billboards shall be installed behind the legal set-back line of each parcel of property as determined by the Zoning Ordinance of the City of Bend.

(5) All Structural supports for billboards shall be constructed of steel.

(6) All billboards shall be spaced a minimum of 500 feet apart along any street within the City of Bend.

(7) Only flat, single or double-faced signs shall be permitted.

(8) Before erecting any billboard, a permit must be secured from the Building Official. Where applicable, evidence must be provided showing the obtaining of a state permit in compliance with the Oregon Motorists Information Act of 1971.

Section 17. Marquee Signs.

(1) A sign may be attached on the underside of a marquee or structural projection. Such sign shall not exceed 12" in height or 6 feet in length and must have at least 7 feet of clearance between the bottom of the sign and the sidewalk. The location of such signs shall be limited to business entrance ways only.

(2) A roof or mansard shape projection may not project more than two feet over public property. A nonconforming existing roof may be continued indefinitely, but no building permit, alteration or reconstruction of such roof may be permitted which does not bring the roof into conformity with this code, and shall not exceed 15 foot above grade as provided for in the Uniform Building Code for veneer.

Section 18. Temporary Signs.

(1) No temporary sign shall exceed 100 square feet in area. Temporary signs of rigid material shall not exceed 24 square feet in area or 3 feet in height.

(2) Temporary signs shall not project beyond the property line.

(3) A temporary sign shall not be permitted in clear-vision areas or required landscape areas unless approved by the Planning Commission.

SIGN REGULATION BY ZONE

Section 19. Establishment of Sign Zones.

(1) For the purpose of this ordinance, the following zones are hereby established:

(a) Residential zone, composed of the "R-1" or "R-2" zones as shown on the Zoning Map.

(b) Commercial zone, composed of all areas in the City of Bend exclusive of the residential zones set forth in paragraph (a) and the high density zone established in paragraph (c).

(c) High Density zone, composed of the "C-4" zone as shown

on the Official Zoning Map.

Section 20. Location and Number of Signs.

(1) General Requirements. (a) Supports for all signs or sign structures shall be placed in or upon private property. (b) No sign shall exceed a height permitted for a building pursuant to the City Zoning Ordinance.

(2) Signs in Residential Zones. The following signs are permitted:

(a) One non-illuminated name plate or home occupation sign having not more than one and one-half square feet in area for each dwelling unit. Such sign shall not project beyond the property line.

(b) One temporary non-illuminated sign having not more than six square feet of area advertising the sale, lease or rental of the property on which it is located. Such sign shall not project beyond the property line.

(c) One temporary non-illuminated sign having not more than 64 square feet in area advertising the sale of a tract of land or subdivision or of lots in a subdivision. Such sign shall be at least 10 feet from property lines.

(d) One non-illuminated sign, not exceeding 25 feet in area identifying a conditional use. Such a sign shall be at least 10 feet from the nearest property line.

(3) Signs in Commercial Zones. In a commercial zone, the following signs are permitted:

(a) For each parcel of real property there shall be permitted only one principal sign for each 100 feet street frontage or fraction thereof, except that one identifying sign may be permitted for each separate occupancy. When such sign is installed as a ground sign, a second sign may be placed on the building. Duplication of the above signs may be made when real property faces a side street or rear street right-of-way.

(b) Where ground signs are installed in landscaped areas, the landscaping shall be restored in its original condition.

(c) A sign may be painted or installed on the side of a building facing real property of other ownership, except that the sign shall not exceed 100 square feet in area.

(d) Temporary signs shall be limited to one on-site sign per business.

Section 21. Removal of Signs.

(1) The Building Official may remove or may order the removal of signs as follows:

(a) If the Building Official determines that any sign that is being maintained in violation of the provisions of this code or has been erected without the permit required by this code, he shall give 30 days written notice to the owner of the sign and the owner of the building, structure of premises upon which the sign is located, if known. Such notice shall specify the violation of this code. If the owner of the sign refuses to remove the sign or bring it into compliance or cannot be notified to remove the sign or bring it into compliance with the provisions of this code, the Building Official may order its removal. Where the owner of the sign or the owner of the building, structure or premise upon which the sign is located have been notified pursuant to this section or cannot be located after reasonable time, and such person refuses to comply with this code or to remove the sign, the Building official may remove, or authorize others to remove, such signs at the expense of the owner of the sign, and the owner of the building, structure or premise on which the sign is located and such costs and expenses, including but not limited to notification efforts to secure compliance, the painting out of the sign, sign removal, storage or transportation shall be a lien against the land on which the sign is located and may be collected or foreclosed in the same manner a liens which are entered in the lien dockets of the City of Bend, Oregon.

(b) If the Building Official finds that any sign is in violation of this code and that, by reason of its condition, it presents an immediate and serious danger to the public, he may, without prior written notice, order its immediate removal or repair within a period of time that he may specify. The Building Official may remove or authorize others to remove such a sign in the event that the person responsible for such sign cannot be found or such person, after notification, refuses to repair or remove it. The owner of the sign and the owner of the building, structure or premise on which the sign is located are jointly and severally liable for the cost of removing such sign as specified in (a) of this sub-chapter and the costs may be a lien upon the land on which the sign is located and may be collected and foreclosed in the same manner as liens that are entered in the lien dockets of the City of Bend, Oregon.

Section 22. Sign Code Committee. There is established a standing Sign Code Committee comprised of five members to be appointed by the City Commission. The Committee shall meet from time to time to review the sign code and propose amendments thereto.

Section 23. Separability of provisions. If any part of this ordinance is held unconstitutional the remainder shall not be effected.

Section 24. Moratorium.

(1) Signs which do not conform to the regulations of this ordinance at the time of its passage, but which are legally and safely constructed and installed at such time, may continue in use until September 1, 1980, provided they are maintained in good repair.

(2) After September 1, 1980 all signs which are non-conforming at the time of passage of this ordinance shall comply with the regulations of this ordinance.

(3) This moratorium shall not apply to temporary signs and temporary signs shall immediately comply with this ordinance.

Section 25. Penalties. Any person violating any provision of this code shall be guilty of a misdemeanor and any such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of this code is committed, continued or permitted and upon conviction of any such violation such person shall be punishable by a fine of not more than $300 and imprisonment of not more than 90 days or by both such fine and imprisonment.

Section 26. Ordinance No. NS-968 is hereby repealed.

Read for the first time the 6th day of August, 1975.

Read for the second time the 20th day of August, 1975.

Submitted to and approved by the Mayor the 27th day of August, 1975

YES: 6 NO: 0

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1056

AN ORDINANCE AMENDING ORDINANCE NO. NS-737

Relating to Offenses

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 36 of Ordinance No. NS-737 is amended to read:

"Section 36. Children Confined in Vehicles. No person who has under his control or guidance any minor child under eight years of age shall at any time lock or confine, or permit to be locked or confined, or leave unattended, such child in any automobile, stage, coach, bus or other vehicle or place, upon the streets, alleys, or ways for a period of time longer than 10 minutes. It shall be lawful and the duty of any policeman or other police officer, finding a child or children confined in violation of the terms of this ordinance, to enter such automobile, stage, coach, bus or other vehicle and remove such child, such officer having the right, if necessary to break the doors or windows of such vehicle in order to save the life of such child or to save such child from great mental or physical suffering."

Section 2. Section 38 A of Ordinance No. NS-737 is amended to read:

"Section 38A. Possession, use and promotion of marijuana.

(1) Any person who knowingly possesses less than one avoirdupois ounce of marijuana shall be punished by a fine of not more than $100.

(2) Any person who knowingly uses or is under the influence of less than one avoirdupois ounce of marijuana shall be punished by a fine of not more than $100.

(3) Any person who knowingly maintains, frequents or remains at a place where less than one avoirdupois ounce of marijuana is found at the time of an arrest, shall be punished by a fine of not more than $100.

(4) As used in this Section, "marijuana" has the meaning provided for that term in ORS 474.010."

Read for the first time the 6th day of August, 1975.

Read for the second time the 20th day of August, 1975.

Mayor

COUNTERSIGNED:

Julia S. Johnson

Recorder-Treasurer

ORDINANCE NO. NS-1057

AN ORDINANCE AMENDING ORDINANCE NO. NS-469

RELATING TO TRAFFIC CONTROL

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance No. NS-469 is amended to add the following Sections of the State of Oregon Motor Vehicle Laws, as amended by Oregon Laws 1973, which are hereby adopted by reference the same as if fully set out herein:

ORS 483.364 Specific places where parking prohibited.

ORS 483.366 Precautions when vehicle allowed to stand on highway on grade.

Section 2. Section 6 of Ordinance No. NS-469 is amended to read:

"Section 6. Duty to obey traffic signs and signals.
(1) No driver of any vehicle shall disobey the instructions of any police officer, traffic sign, signal, marker, bearer, or parking meter placed in accordance with the motor vehicle laws of Oregon or this Ordinance, including those erected by any authorized public utility and department of this city or other authorized person, unless it is necessary to avoid conflict with other traffic or otherwise directed by a police officer.

(2) No unauthorized person shall move, remove, or alter the position of or deface or tamper with any such sign, signal, marker, bearer,or parking meter.

(3) No person shall drive upon public or private property to avoid complying with any traffic control sign or signal unless otherwise directed to do so by a police officer."

Read for the first time this 20th day of August, 1975.

Read for the Second time this 3rd day of September, 1975.

Placed upon its passage this 3rd day of September, 1975.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 3rd day of September, 1975.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1058

AN ORDINANCE AMENDING ORDINANCE NO. NS-469 RELATING TO PARKING

THE CITY OF BEND IS ORDAINED AS FOLLOWS:

Section 1. Section 11 of Ordinance no. NS-469 is amended to read:

"Section 11. Prohibited Parking. In addition to the provisions of the motor vehicle laws of Oregon prohibiting parking, no person shall park:

(1) A vehicle upon any bridge, viaduct or other elevated

structure used as a street or within a street tunnel within this city.

(2) A vehicle in any alley except to load or unload persons or materials not to exceed 60 consecutive minutes in any 24 hour period, but such parking shall be done in such a way so as not to obstruct traffic.

(3) Any truck on any street between the hours of 12 midnight and 5:00 a.m. of the following day in front of or adjacent to any residence, auto court or apartment house or within 100 feet of any hotel.

(4) A vehicle upon any street for the principle purpose of:

(a) Displaying such vehicle for sale;

(b) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

(c) Displaying advertising from such vehicle.

(d) Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under ordinances of this city;

(e) Storage or as junkage or dead storage for more than 48 hours.

(5) At places where prohibited by street markings, yellow curbs or other signs.

(6) Any vehicle anywhere on a municipally owned parking lot for longer than two consecutive hours in any 24 hour period except where the parking space has been leased to the owner of the vehicle or where otherwise regulated.

(7) Any vehicle for a period longer than one hour between 2:00 a.m. and 9:00 a.m. of the same day on any of the following described streets:

(a) On either side of Wall Street between Louisiana and Vermont;

(b) On either side of Bond Street between Louisiana and Wall Street;

(c) On either side of Louisiana Street from Wall Street to Bond Street;

(d) On the south side of Franklin Avenue from Wall Street to Lava Road and on the north side of Franklin Avenue from Wall Street to Bond Street;

(e) On both sides of Minnesota Avenue from Wall Street to Lava Road;

(f) On both sides of Oregon Avenue from Brooks Street to Lava Road;

(g) On both sides of Greenwood Avenue from Wall Street to Harriman Street;

(h) On both sides of Newport Avenue from Brooks Street to Wall Street."

Read for the first time this 20th day of August 1975.

Read for the second time this 3rd day of September, 1975.

Placed upon its passing this 3rd day of September, 1975.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 3rd day of September, 1975.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1059

AN ORDINANCE AMENDING ORDINANCE NO. NS-796 BY ESTABLISHING AN ADDITIONAL PROCEDURE FOR THE RECLASSIFICATION OF ZONES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Article 9 of Ordinance No. NS-796 is amended to add the following sections:

"Section 9.040. Purpose. It is the purpose and intent of Sections 9.050 to 9.100 to provide an additional procedure for zoning reclassification to insure the health, safety, general welfare and environmental amenities of the citizens of the City as certain development occurs.

Section 9.050. Resolution of Intent to Rezone. If, from the facts and findings presented in the report and recommendation of the Planning Commission, the City Commission determines that the public health, safety, welfare, convenience and environmental amenities will be best served by a reclassification of zone of property or any portion thereof, the City Commission may indicate its general approval in principle of the reclassification by the adoption of a "Resolution of Intent to Rezone" said property. This resolution may include any conditions, stipulations or limitations as a prerequisite to final approval which the City Commission may deem necessary to protect the public interest, including those provisions which the City Commission may deem necessary to prevent speculative holding of the property after reclassification.

Section 9.060. Content of Resolution. In addition to any other conditions, stipulations or limitations which the City Commission may include in a resolution, all Resolutions of Intent shall:

(1) Require that all merchandise and supplies be stored entirely within a building;

(2) Require that any development continuously meet all applicable state and federal regulations governing air and water quality;

(3) Require that any development continuously meet applicable state and federal standards relating to noise level, or any other standards relating to noise level that may be required by the Planning Commission;

(4) Provide for adequate on-site drainage, in compliance with the standards of the City Engineer.

Section 9.070. Site Plan Required. A site plan, approved by the Planning Commission, may be required by the Resolution of Intent. If such requirement is made, such site plan shall be binding upon the property.

Section 9.080. Content of Site Plan. Where a site plan is required pursuant to Section 9.070, it shall include:

(1) Location of existing and proposed buildings, structures, accesses, off-street parking and loading spaces and landscaping;

(2) Topography, existing and proposed;

(3) Mechanical roof facilities if subject properly is so oriented as to become part of the view from adjacent properties;

(4) Architectural perspective, layout and all elevations drawn without exaggeration except where noted including locations, area and design of signs and all landscaping.

Section 9.090. Resolution of Intent Binding. The fulfillment of all conditions, stipulations and limitations contained in the Resolution of Intent, on the part of the applicant, shall make the Resolution binding on the City Commission. Upon compliance with the Resolution by the applicant, the City Commission shall by ordinance effect such reclassification.

Section 9.100. Resolution of Intent Void Upon Failure to Comply. The failure of the applicant to substantially meet any or all conditions, stipulations or limitations contained in a Resolution of Intent, including the time limit placed in the resolution, shall render said resolution null and void, unless an extension is granted by the City Commission upon recommendation of the Planning Commission."

Read for the first time this 3rd day of September, 1975

Read for the second time this 17th day of September, 1975

Placed upon its passage this 17th day of September, 1975

YES: 7 NO: 0

Submitted to and approved by the Mayor this 17th day of September, 1975

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1060

AN ORDINANCE REPEALING SECTION 3 OF ORDINANCE NO. NS-737, RELATING TO PUBLIC INTOXICATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 3 of Ordinance No. NS-737 is repealed.

Read for the first time the 17th day of September, 1975

Read for the second time the 1st day of October, 1975

Placed upon its passage this 1st day of October, 1975

YES: 7 NO: 0

Submitted to and approved by the Mayor this 1st day of October, 1975

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCES NO. NS-1061

AN ORDINANCE PROVIDING FOR THE ADOPTION OF PROVISIONS OF THE OREGON REVISED STATUTES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. All references in the ordinances of the City of Bend to the Oregon Revised Statutes shall mean the Oregon Revised Statutes, as amended by Oregon Laws, 1975, except that such reference shall not mean Oregon Laws 1975 if:

(1) the context of the reference requires otherwise; or

(2) the implementation of the reference would be beyond the City's jurisdiction or power.

Read for the first time the 1st day of October, 1975

Read for the second time the 15th day of October, 1975

Placed upon its passage the 15th day of October, 1975

YES: 6 NO: 0

Submitted to and approved by the Mayor this 15th day of October, 1975

Forrest L. Smith
Mayor

ATTEST:

Julie S. Johnson
Recorder-Treasurer

ORDINANCES NO. NS-1062

AN ORDINANCE PROHIBITING AN ATTEMPT TO COMMIT AN OFFENSE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-737 is amended by adding a new Section 39-A as follows:

"Section 39-A. Attempt. A person is guilty of an attempt to commit a crime when he intentionally engages in conduct which constitutes a substantial step toward commission of a crime."

Read for the first time this 1st day of October, 1975

Read for the second time this 15th day of October, 1975

Placed upon its passage the 15th day of October, 1975

YES: 6 NO: 0

Submitted to and approved by the Mayor this 15th day of October, 1975

Forrest L. Smith
Mayor

ATTEST:

Julie S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-1063

AN ORDINANCE AMENDING ORDINANCE NO. NS-737 RELATING TO LARCENY BY ADOPTING THE STATE THEFT STATUTE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 28 of Ordinance No. NS-737 is amended to read:

"Section 28. Theft.

(1) A person commits the crime of theft if he commits theft as defined in this section, and the total value of the property in a single or aggregate transaction is under $200.00.

(2) As used in this section, a person commits theft when, with intent to deprive another of property or to appropriate property to himself or a third person, he:

(a) takes, appropriates, obtains or withholds such property from an owner thereof; or

(b) commits theft of property lost, mislaid or delivered by mistake as defined in ORS 164.065; or

(c) commits theft by deception as defined in ORS 164.085; or

(d) commits theft by receiving as provided in ORS 164.095."

Read for the first time the 1st day of October, 1975

Read for the second time the 15th day of October, 1975

Placed upon its passage the 15th day of October, 1975

YES: 6 NO: 0

Submitted to and approved by the Mayor this 15th day of October, 1975

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1064

AN ORDINANCE AMENDING ORDINANCE NO. NS-775, MAKING POSSESSION OF ALCOHOLIC BEVERAGE BY A MINOR A VIOLATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

"Section 1. The following sections of Oregon Revised Statutes, as amended by Oregon Laws 1975, are hereby adopted by reference the same as if fully set out herein:

ORS 471.005 - Alcoholic Liquor and Commission, Defined.
ORS 471.035 - Certain Products Exempted From Liquor Laws.
ORS 471.410 - Sale or Gift of Liquor to Person Under 21 Years of Age or to Intoxicated Person.
ORS 471.430 - Purchase or Possession of Liquor by Person Under 21 Years of Age.
ORS 471.620 - Property and Places as Common Nuisances.

ORS 472.310 - Prohibitions."

Section 2. Section 5 of Ordinance No. NS-775 is amended to read:

"Section 5. Penalties. Except for a person under the age of 21 years who attempts to purchase, purchases or acquires alcoholic liquor, or who illegally has in his possession alcoholic liquor, any person violating any provision of this ordinance shall be punished by a fine of not more than $1,000 or by imprisonment for a period not exceeding six months, or both."

Read for the first time the 1st day of October, 1975

Read for the second time the 15th day of October, 1975

Placed upon its passage this 15th day of October, 1975

YES: 6 NO: 0

Submitted to and approved by the Mayor this 15th day of October, 1975

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1065

AN ORDINANCE AMENDING ORDINANCE NO. NS-469 BY ADOPTING PROVISIONS OF THE OREGON MOTOR VEHICLE CODE PROHIBITING PARKING IN CERTAIN PLACES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1(a) of Ordinance No. NS-469 is amended by adding the following:

"ORS 483.364 - Specific Places Where Parking Prohibited."

Read for the first time the 1st day of October, 1975

Read for the second time the 15th day of October, 1975

Placed upon its passage the 15th day of October, 1975

YES: 6 NO: 0

Submitted to and approved by the Mayor this 15th day of October, 1975

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1066

AN ORDINANCE CHANGING THE ZONE OF LOT 15, BLOCK 42 OF WIESTORIA ADDITION IN THE CITY OF BEND, OREGON FROM R-2 HIGH DENSITY RESIDENTIAL TO C-2 LIMITED COMMERCIAL

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2.070 of Ordinance No. NS-796 and the Zoning Map of the City of Bend are changed as follows:

The zone for Lot 15, Block 42 of Wiestoria Addition to the City of Bend, Deschutes County, Oregon, is changed from R-2 High Density Residential to C-2 Limited Commercial.

Read for the first time this 15th day of October, 1975

Read for the second time this 5th day of November, 1975

Placed upon its passage this 5th day of November, 1975

YES: 7 NO: 0

Submitted to and approved by the Mayor this 5th day of November, 1975

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1067

AN ORDINANCE CHANGING THE ZONE OF LOT 6, BLOCK 18 OF CENTER ADDITION IN THE CITY OF BEND, OREGON FROM R-2 HIGH DENSITY RESIDENTIAL TO C-2 LIMITED COMMERCIAL.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2.070 of Ordinance No. NS-796 and the Zoning Map of the City of Bend are changed as follows:

The zone for Lot 6, Block 18 of Center Addition to the City of Bend, Deschutes County Oregon, is changed from R-2 High Density Residential to C-2 Limited Commercial.

Read for the first time this 15th day of October, 1975

Read for the second time this 5th day of November, 1975

Placed upon its passage this 5th day of November, 1975

YES: 7 NO: 0

Submitted to and approved by the Mayor this 5th day of November, 1975

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. 1068

AN ORDINANCE VACATING A PORTION OF THE ALLEY IN BLOCK 47, RIVERSIDE ADDITION TO THE CITY OF BEND, OREGON

A petition having been presented to the Bend City Commission on the 3rd day of September, 1975, requesting that the following described alley location be vacated:

> The alley in Block Forty-seven (47), Riverside Addition to the City of Bend, Deschutes County, Oregon, further described as the alley in the block bounded on the north by Xerxes Avenue, on the south by Webster Avenue, and between NE Fourth Street and NE Fifth Street in the City of Bend, County of Deschutes, State of Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition; and the Recorder of the City of Bend having caused the following notice:

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Harold Marken, said vacation proceedings to vacate the following described alley location:
>
> The alley in Block Forty-seven (47), Riverside Addition to the City of Bend, Deschutes County, Oregon, further described as the alley in the block bounded on the north by Xerxes Avenue, on the south by Webster Avenue, and between NE Fourth Street and NE Fifth Street in the City of Bend, County of Deschutes, State of Oregon,
>
> The City Commissioners of the City of Bend have fixed the 5th day of November, 1975, at 7:30 p.m., in the City Hall, 720 NW Wall Street, as the time and place for hearing upon the said proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings.

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time this 5th day of November, 1975
Read for the second time this 19th day of November, 1975
Placed upon its passage this 19th day of November, 1975

YES: 5 NO: 2

Submitted to and approved by the Mayor this 19th day of November, 1975

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1069

AN ORDINANCE VACATING A PORTION OF THE ALLEY BETWEEN BLOCK 5 AND BLOCK 8, NORTH ADDITION TO THE CITY OF BEND, OREGON

A petition having been presented to the Bend City Commission on the 3rd day of September, 1975, requesting that the following described alley location be vacated:

> The west One Hundred Fifty feet (150.0') of the alley lying between Block Five (5) and Block Eight (8) of North Addition to the City of Bend, County of Deschutes, State of Oregon, further described as lying just north of the Deschutes County Courthouse Annex property,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition; and the Recorder of the City of Bend having caused the following notice:

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Deschutes County Commissioners, said vacation proceedings to vacate the following described alley location:
>
> The west One Hundred Fifty feet (150.0') of the alley lying between Block Five (5) and Block Eight (8) of North Addition to the City of Bend, County of Deschutes, State of Oregon, further described as lying just north of the Deschutes County Courthouse Annex property.
>
> The City Commissioners of the City of Bend have fixed the 5th day of November, 1975, at 7:30 p.m., in the City Hall, 720 NW Wall Street, as the time and place for hearing upon the said proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings.

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time this 5th day of November, 1975

Read for the second time this 19th day of November, 1975

Placed upon its passage this 19th day of November, 1975

YES: 7 NO: 0

Submitted to and approved by the Mayor this 19th day of November, 1975

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1070

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

A portion of the SE 1/4 of the SE 1/4 of Section 28, the SW 1/4 of the SW 1/4 of Section 27, the NW 1/4 of the NW 1/4 of Section 34 and the NE 1/4 of the NE 1/4 of Section 33, all in T. 17 S., R. 12 E.W.M., more particularly described as follows:

Beginning at a point on the north line of Neff Road, said point being located N 0° 11' 41" E. a distance of 120.80 feet from the SW corner of the SE 1/4 of the SE 1/4 of Section 28, T. 17 S., R. 12 E.W.M., thence S 73° 15' E. for 42.50 feet, thence S. 76° 46' E. for 226.00 feet, thence S. 77° 39' 12" E. for 61.46 feet, thence S. 82° 44' 50" E. for 110.90 feet to the southeast corner of Selken Subdivision, to the City of Bend, thence continuing along the north line of Neff Road N. 89° 43' 04" E. for 880.00 feet to the west line of the SW 1/4 of the SW 1/4 of Section 27, thence N. 89° 40' 22" E. for 284.60 feet, to the southeast corner of Lot 1, Block 2, of Eastwood Addition, to the City of Bend, thence S. 0° 19' 38" E. for 60.00 feet, to the south line of Neff Road, thence along the south line of Neff Road S. 89° 40' 22" W. for 284.60 feet, thence S. 89° 43' 04" W. for 884.54 feet, thence N. 82° 44' 50" W. for 116.99 feet, thence N. 77° 39' 12" W. for 64.59 feet, thence N. 76° 46' W. for 228.30 feet, thence N. 73° 15' W. for 26.50 feet, thence N. 0° 11' 41" E. for 62.60 feet, to the point of beginning. This description is to include all of Neff Road from the east line of Wiestoria Addition to the City of Bend, to the east line of Lot 1, Block 2, of Eastwood Addition to the City of Bend, all in Deschutes County, State of Oregon.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 7th day of January, 1976, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

EMERGENCY CLAUSE:

To provide for the safety of the students attending schools in the area, AN EMERGENCY is declared to exist and this ordinance shall take effect immediately after its enactment and approval.

Read for the first time this 3rd day of December, 1975

Read for the second time this 17th day of December, 1975

Placed upon its passage this 17th day of December, 1975

YES: 7 NO: 0

Submitted to and approved by the Mayor this 17th day of December, 1975

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1071

AN ORDINANCE AMENDING THE GAMBLING ORDINANCE TO PERMIT SOCIAL GAMES IN CHARITABLE ORGANIZATIONS

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Subsection (1) of Section 19 of Ordinance No. NS-737 is amended to read:

" Section 19. Gambling.

(1) The following provisions of ORS Chapter 167 as amended by Oregon Laws 1975 Chapter 421 relating to gambling offenses are hereby adopted:

(a) ORS 167.117 except subsection (3)(b).
(b) ORS 167.142
(c) ORS 167.147(1)
(d) ORS 167.150."

Section 2. Subsection (4) of Section 19 of Ordinance No. NS-737 is amended to read:

"(4) Social games shall be permitted only in private homes and charitable organizations when no house player, house income from the operation of the social games, provided such charitable organizations shall have first obtained a social game gambling license approved by the City Commission."

Section 3. The following subsections (5), (6), (7) and (8) are added to Section 19 of Ordinance No. NS-737:

"(5) License Fees. The annual fee for a social game gambling license for premises containing one to four tables shall be the sum of $150, and for each additional table the sum of $75. The license fee shall be paid January 1st of each year. Religious organizations are exempt from this fee."

"(6) Application for License. Applications for licenses issued hereunder shall be made upon blank forms prepared by the City Recorder and shall state:

(a) The full name, age, residence, present and previous occupations of all persons financially interested in the business in which the game will be operated.

(b) The past criminal record, if any, of all persons who may have interest in the business.

(c) A specific description of the location of the principal place of business of the applicant, and of the location of the social game when in operation.

(d) Information concerning the type or types of social game or games to be played, number of participants, number of gambling tables to be used, maximum betting of each game and a statement from the applicant that there will be no house player, house banker, house odds or house income from the operation of the social games.

(e) Such other information as the City shall find reasonably necessary to effectuate the general purpose of this ordinance and to make a fair determination of whether the terms hereof have been complied with.

"(7) Investigation of Applicants. Upon the filing of an application for a social game gambling license, the Chief of Police shall investigate and determine if the character, competency and integrity of the applicant are such as to command the confidence of the public, and if the applicant has ever been convicted of any felony or misdemeanor involving moral turpitude. Upon the completion of the investigation, the Chief of Police shall report his findings upon the applicant to the City Commission, who shall then act upon the application at a regular or special meeting of the City Commission. Licenses under this ordinance shall be granted only to persons of ascertained good moral character and upon approval of the City Commission."

"(8) Conditions of Licensing.

(a) Transferability. Licenses issued hereunder shall not be transferable and any attempt to transfer said license shall work a forfeiture of said license.

(b) Revocation and Suspension. Licenses issued hereunder shall be subject to revocation or suspension by the City Commission for good cause shown.

(c) Term. The term of a license issued under this ordinance shall be one year from the effective date thereof.

(d) Renewal. No renewal of a license issued under this ordinance shall be issued without the approval of the City Commission.

(e) Areas within licensed premises used for social gambling shall be accessible for police inspection upon police request."

Read for the first time the 3rd day of December, 1975

Read for the second time this 17th day of December, 1975

Placed upon its passage this 17th day of December, 1975

YES: 7 NO: 0

Submitted to and approved by the Mayor this 17th day of December, 1975

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1072

AN ORDINANCE AMENDING ORDINANCE NO. NS-691 RELATING TO THE MEMBERSHIP, PROCEDURE AND POWERS OF THE CITY PLANNING COMMISSION, BY ADOPTING NEW STATE LAWS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance NS-691 is amended to read:

"Section 1. Membership and Expenses. (1) The Planning Commission of the City of Bend shall consist of nine members who shall be appointed by the City Commission. The Planning Commission members shall receive no compensation but shall be reimbursed for duly authorized expenses.

"(2) Not more than two members of the Planning Commission may be City officers, who shall serve as ex-officio nonvoting members.

"(3) A member of the Planning Commission may be removed by the City Commission, after hearing, for misconduct or non-performance of duty.

"(4) Any vacancy in the Planning Commission shall be filled by the City Commission for the unexpired term of the predecessor in the office.

"(5) No more than two voting members of the Planning Commission may engage principally in buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of occupation, business, trade or profession. "

Section 2. Section 7 of Ordinance No. NS-691 is amended to read:

"Section 7. Powers and Duties of the Commission except as otherwise provided by the City Commission, the Planning Commission may:

"(1) Recommend and make suggestions to the City Commission and to other public authorities concerning the laying out, widening, extending and locating of public thoroughfares, parking of vehicles, relief of traffic congestion, betterment of housing and sanitation conditions, and establishment of districts for limiting the use, height, area, bulk and other characteristics of buildings and structures related to land development.

"(2) Recommends to the City Commission and other public authorities plans for regulating the future growth, development and beautification of the City in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the City in order to secure to the City and its inhabitants sanitation, proper service of public utilities, including appropriate public incentives for overall energy conservation and harbor, shipping and transportation facilities.

"(3) Recommend to the City Commission and other public authorities plans for promotion, development and regulation of industrial and economic needs of the community in respect to industrial pursuits.

"(4) Advertising industrial advantages and opportunities of City and availability of real estate within the City for industrial settlement.

"(5) Encourage industrial settlement within the City.

"(6) Make economic surveys of present and potential industrial needs of the City.

"(7) Study needs of local industries with a view of strengthening and developing them and stabilizing employment conditions.

"(8) Do and perform all other acts and things necessary or proper to carry out the provisions of ORS 227.010 to 227.180.

"(9) Study and propose such measures as are advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the City and of the area within six miles thereof.

Read for the first time the 17th day of December, 1975

Read for the second time the 7th day of January, 1976

Placed upon its passage this 7th day of January, 1976

YES: 7 NO: 0

Submitted to and approved by the Mayor this 7th day of January, 1976

Jack D. Skeen
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-1073

AN ORDINANCE REFUNDING A PORTION OF THE AMOUNT PRE-ASSESSED TO BENEFITTED PROPERTY FOR THE COST OF AN OFF-STREET MOTOR VEHICLE PARKING FACILITY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City Commission, on February 16, 1972, adopted Ordinance No. NS-895, which levied assessments in advance of the improvement against the property particularly benefitted by Off-Street Motor Vehicle Parking District No. 3.

Section 2. The improvement has been completed and after the determination of final costs, there is a surplus of $5,618.44 in the account, which represents the difference between the amount assessed and the actual cost of the project.

Section 3. The Bend City Commission hereby declares the following property to be entitled to a refund on a pro-rata basis based upon the amount of the original assessment:

OWNER OF RECORD AND/OR CONTRACT PURCHASER	MAP & TAX LOT NO.	LOT	BLOCK	AMOUNT
	17-12-32CA			
"68" Scarteen Corp. (Union Oil Co.) c/o Bill Knight P. O. Box 76 Portland, OR 97207	1200	7 & 8	9	$ 144.98
	17-12-32DB			
Western Bank c/o James Rupert P. O. Box 835 Bend, OR 97701	3300	9 & 10	9	84.55
William D. Mayer 549 NE Clay Ave. Bend, OR 97701	3400	11	9	111.17
Kathryn West & Dorothy Freck c/o G.A.McFaul, Trust Officer U.S. National Bank of Oregon P. O. Box 3168 Portland, OR 97208	3500	12	9	111.17

OWNER ETC.	TAX LOT	LOT	BLOCK	AMOUNT
	17-12-32AC			
Philip Gould Lumbermens Ins. Co. 1026 NW Bond St. Bend, OR 97701	5700	7	10	$ 111.17
Man-Stein, Inc. 926 NW Bond St. Bend, OR 97701	5900	9 (N-1/2)	10	55.59
Local C.I.O. International Woodworkers of America 933 NW Bond St. Bend, OR 97701	6000	10 (S-1/2)	10	55.59
Katheryn West & Dorothy Freck c/o G.A. McFaul, Trust Officer U. S. National Bank of Oregon P. O. Box 3168 Portland, OR 97208	6100	10 (N-1/2)	10	55.59
Estate of Mary Hansen c/o Lloyd Frese O'Kane Bldg. Bend, OR 97701	6200	11 & 12	10	222.35
U. S. National Bank c/o Mr. Ernest Fagan P. O. Box 911 Bend, OR 97701	7100	7 & 8	11	122.30
William J. Baer, Sr. c/o 974 NW Riverside Blvd. Bend, OR 97701	7200	9	11	86.86
LeRoy Fassett 640 Innes Lane NE Bend, OR 97701	7300	10	11	9.93
Allied Christian Foundations, Inc. c/o Mrs. Gay O'Hair 1026 NW Bond St. Bend, OR 97701	8002	Part of Lot 5, Description of which is recorded in Vol. 154,P.59,Desch. Co. Deeds	13	11.45
Duncan McKay c/o 1026 NW Bond St. Bend, OR 97701	8003 & 8100	Part of Lots 5 & 6,Description of which is recorded in Vol.176,P.858, & Vol. 168, P.209,Desch. Co. Deeds	13 Part....	2.46
Owen Panner, et al 1026 NW Bond St. Bend, OR 97701	" "	"	" " " " Part....	46.89
	17-12-32AC			
Philip Gould Lumbermens Ins. Co. 1026 NW Bond St. Bend, OR 97701	8101	Part of Lot 6,Description of which is recorded in Vol.127,P.674, Desch. Co. Deeds	13	43.43
Mike Mahoney 1595 NW Awbrey Rd. Bend, OR 97701	8102	Part of Lot 7,Description of which is recorded in Vol. 153,P. 356 Desch. Co. Deeds	13 Part....	7.15
Richard Gervais Mahoney Office Equipment 1008 NW Bond St. Bend, OR 97701	8102	Description above	13 Part....	50.07

OWNER ETC.	TAX LOT	LOT	BLOCK		REFUND
Charles Boardman(c/o McClelland Rd.) 1002 NW Bond St. Bend, OR 97701	8200	Part of Lot 7, Description of which is recorded in Vol. 123, P. 631 Deschutes. Co. Deeds	13		65.81
Gerald McCann P. O. Box 625 Bend, OR 97701	8300	Part of the Subdivision of Lots 8 & 9, description of which is recorded in Vol.107,P.126,Des. Co. Deeds	13		15.27
	17-12-32DB				
First Baptist Church c/o Paster Wm. E. Knopp 1140 NE Quimby Ave. Bend, OR 97701	1300	All of Block 14, Except S.87' of Lot 3 & N.43.85' of Lot 5	14		196.59
Gayle Powell 1032 NE Lafayette Bend, OR 97701	1800	Lot 5, Except N. 43.85'	14	Part....	1.66
R. J. Fincham P. O. Box 1201 Bend, OR 97701	1800	Same as above	14	Part....	31.81
Pacific 1st Federal Savings & Loan 956 NW Bond St. Bend, OR 97701	1900	Lot 1	15		200.33
Pacific 1st Federal Sav. & Ln. 956 NW Bond St. Bend, OR 97701	2000	Lot 2	15		226.27
Ona A. Blakley E. Hwy. 20 Bend, OR 97701	2100	N-1/2 Lot 3	15		116.38
Boise R. Aune 932 NW Bond St. Bend, OR 97701	2200	S-1/2 Lot 3	15		82.41
V.F.W. Post #1643 c/o Art Johnson 1610 NW 2nd St. Bend, OR 97701	2300	Lot 4	15		122.58
Masterson-St.Clair c/o Hal St. Clair 738 NE Kearney Bend, OR 97701	2400	Lots 5 & 6	15		427.81
J. C. Turner 668 NE 10th St. Bend, OR 97701	2800	10	15		117.75
Beri, Inc. P. O. Box 109 Salem, OR 97308	3000	E-1/2 of lot 13	15		116.38
Keith Shepard P. O. Box 5245 Spokane, WA 99205	3100	W-1/2 Lot 13	15		116.38
Wm. Healy 930 NW Wall St. Bend, OR 97701	3200	Lots 14 & 15	15		463.67
Glenn Payne 834 NE 12th St. Bend, OR 97701	3600	1 & N-1/2 of 2	16		326.43

OWNER ETC.	TAX LOT	LOT	BLOCK	REFUND
Wm. Healy 930 NW Wall St. Bend, OR 97701	3601	15	16	215.11
Moty Bros., Inc. c/o K. M. Moty 824 NW Bond St. Bend, OR 97701	3700,3701,3800	S-1/2 of 2, 3	16	289.15
Moty & Van Dyke, Inc. 824 NW Bond St. Bend, OR 97701	3900	4	16	143.60
Texaco, Inc. c/o R. W. Daniels P. O. Box 188 Medford, OR 97501	4000	5 & 6	16	162.20
Daisy F. Hudson 917 SW Chestnut St. Portland, OR 97219	4100	7 & 8	16	120.81
Allied Realty 3850 Portland Rd. N.E. Salem, OR 97303	4200	9 & 10	16	169.44
Mrs. Faye Gilbert 225 Kaiulani Ave., Apt. 904 Honolulu, Hawaii 96814	4300	11 & 12	16	107.35
K. H. Oakley 164 NW Hawthorne Bend, OR 97701	1200	14	21	19.70
St. Chas. Hospital c/o Sister Kathryn St. Chas. Medical Center 2500 NE Neff Rd. Bend, OR 97701	12000	All of Block A		430.85
				$ 5,618.44

Read for the first time this 7th day of January, 1976

Read for the second time this 21st day of January, 1976

Placed upon its passage this 21st day of January, 1976

YES: 6 NO 0.

Submitted to and approved by the Mayor this 21st day of January, 1976

Jack D. Stenhouse
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-1074

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION, AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1070 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 7th day of January, 1976, at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

A portion of the SE 1/4 of the SE 1/4 of Section 28, the SW 1/4 of the SW 1/4 of Section 27, the NW 1/4 of the NW 1/4 of Section 34 and the NE 1/4 of the NE 1/4 of Section 33, all in T. 17 S., R. 12 E.W.M., more particularly described as follows:

Beginning at a point on the north line of Neff Road, said point being located N. 0° 11' 41" E. a distance of 120.80 feet from the SW corner of the SE 1/4 of the SE 1/4 of Section 28, T. 17 S., R. 12 E.W.M., thence S. 73° 15' E. for 42.50 feet, thence S. 76° 46' E. for 226.00 feet, thence S. 77° 39' 12" E. for 61.46 feet, thence S. 82° 44' 50" E. for 110.90 feet to the southeast corner of Selken Subdivision, to the City of Bend, thence continuing along the north line of Neff Road N. 89° 43' 04" E. for 880.00 feet to the west line of the SW 1/4 of the SW 1/4 of Section 27, thence N. 89° 40' 22" E. for 284.60 feet to the southeast corner of Lot 1, Block 2, of Eastwood Addition, to the City of Bend, thence S. 0° 19' 38" E. for 60.00 feet, to the south line of Neff Road, thence along the south line of Neff Road S. 89° 40' 22" W. for 284.60 feet, thence S. 89° 43' 04" W. for 884.54 feet, thence N. 82° 44' 50" W. for 116.99 feet, thence N. 77° 39' 12" W. for 64.59 feet, thence N. 76° 46' W. for 228.30 feet, thence N. 73° 15' W. for 26.50 feet, thence N. 0° 11' 41" E. for 62.60 feet, to the point of beginning. This description is to include all of Neff Road from the east line of Wiestoria Addition to the City of Bend, to the east line of Lot 1, Block 2, of Eastwood Addition to the City of Bend, all in Deschutes County, State of Oregon.

Section 3. That prior to the time of the aforesaid public hearing at least two-thirds of the landowners who own or who also own at least two-thirds of the land in the area and of real property therein representing at least two-thirds of the assessed value of all real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Section 5. EMERGENCY CLAUSE: That inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof and it is deemed necessary and advisable for this annexation to proceed as speedily as possible to protect pedestrians along Penn Avenue and Neff Road,

NOW THEREFORE, AN EMERGENCY is hereby declared to exist and this ordinance shall take effect immediately after its enactment and approval.

Read for the first time the 7th day of January, 1976

Read for the second time the 21st day of January, 1976

Placed upon its passage the 21st day of January, 1976

YES: 6 NO: 0

Submitted to and approved by the Mayor this 21st day of January, 1976

Mayor

ATTEST:

Recorder-Treasurer

Repealed by ORD. NO. NS-1399

ORDINANCE NO. NS-1075

AN ORDINANCE PROVIDING A COLLECTIVE BARGAINING AND IMPASSE RESOLUTION PROCESS FOR POLICE AND FIRE PERSONNEL.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to provide a procedure for collective bargaining with Police and Fire personnel labor organizations, and particularly to provide a procedure whereby an impasse in such collective bargaining may be resolved. It is determined that the provisions of this ordinance take into consideration local conditions within the City of Bend and it is intended that this ordinance will treat some of the collective bargaining matters that are of local concern. To the extent the provisions of this ordinance conflict with the State collective bargaining laws then the provisions of this ordinance shall control and the State Law shall not apply. If any portion of this ordinance is held unconstitutional by a court of competent jurisdiction such unconstitutionality shall not affect any other remaining parts.

Section 2. Definitions. The terms used in this ordinance shall have those meanings provided in ORS 243.650 (of the State Collective Bargaining Law) to the extent applicable.

Section 3. Timetable. The collective bargaining and impasse resolution process in the City of Bend shall be accomplished within the following timetable within any given year during which Police or Fire labor organization contracts expire:

(1) Collective bargaining negotiations shall begin January 15 and continue until March 14 or until a mutually agreeable contract is executed, whichever happens first.

(2) If a contract is not executed by March 15 then negotiations shall be deemed in a state of impasse.

(3) If impasse occurs, then factfinding shall be accomplished between March 15 and May 1 as provided in this ordinance.

(4) By May 1 a factfinding decision shall be issued.

(5) Between May 1 and May 15 both parties shall engage in negotiations for the purpose of implementing the factfinding decision into a contract. If the parties do not agree then the factfinding board's decision shall be final and binding upon all issues submitted to and decided by the factfinding board.

Section 4. Strikes Prohibited. It shall be unlawful for any Police or Fire personnel to strike or recognize a picket line while in the performance of official duties.

Section 5. Negotiation. Negotiations between the City and any Police or Fire labor organization shall be conducted according to the usual and accepted collective bargaining procedures. The parties shall establish usual and accepted ground rules and the negotiating process shall not be open to the public unless both parties agree.

Section 6. Impasse. If the parties have not executed a mutually agreeable contract by March 15 then the negotiations shall be deemed in state of impasse. Each party shall submit to the other their final offer in writing. The final offer shall include all issues which have been the subject of negotiations.

Section 7. Factfinding. After impasse all issues in dispute shall be submitted to factfinding for decision except that management rights shall not be submitted to, considered by nor be the subject of a decision by the factfinding board. Management rights means the customary rights and functions of management including, but not limited to, directing the activities of the department, determining the levels of service and methods of operation including subcontracting and the introduction of new equipment; the right to hire, lay-off, transfer and promote; to discipline or discharge for cause, to determine work schedules and assign work. Factfinding shall be accomplished as follows:

(1) Within five days of March 15 each party shall designate one person as their representative on the factfinding board. Neither of the representatives shall be employes of the City nor of the labor organization involved, and neither shall have had any prior involvement in the negotiations which have reached impasse. Both representatives shall be residents of the City of Bend. Each party shall give written notice to the other of its election.

(2) Within ten days from March 15 the two representatives designated by each party shall select a third member of the factfinding board. The third member shall serve as Chairman of the Board and must be a resident of Oregon. The third representative shall not be an employe of nor have any direct relationship with either of the parties, and shall be a resident of the City of Bend except if both parties agree a non-resident may be selected. Both parties and their representatives on the factfinding board shall make every reasonable effort to select a third member. But if a third member is not selected or does not accept membership on the factfinding board within ten days from March 15 then a Circuit Court Judge of the 11th Judicial District shall select the third member.

(3) The factfinding board shall issue a decision on all the disputed issues submitted to it by May 1. In reaching its decision the factfinding board shall consider:

(a) Past collective bargaining contracts between the parties including the bargaining that led up to the particular economic issues submitted; and

(b) Comparison of wages, hours and conditions of employment of other employes doing comparable work giving consideration to factors peculiar to the market area and the classification involved; and

(c) Comparison of wages, hours and conditions of employment as reflected in Oregon public employers in general and specifically municipalities reasonably comparable to the City; and

(d) The interest and welfare of the public, the ability of the City to finance the economic consequences of the issues and the effect such economic consequences will have on the normal standard of City services.

(4) Each party shall be entitled to make a formal presentation of its position on the issues submitted to the factfinding board at public hearing. Deliberations of the factfinding board shall be in public or private as it deems fit. Neither party shall communicate with the factfinding board during

its deliberations without first notifying the other party and the factfinding board during its deliberation shall confine itself to the extent practicable to matters presented to it by the parties and information developed by it relevant to the disputed issues submitted.

(5) The factfinding board shall issue its decision by May 1. The decision shall be a clear and unequivocal resolution of each disputed issue submitted. The economic basis of each decision on each economic issue in terms of dollars and cents shall be calculated and stated.

Section 8. Final Negotiations. After the decision of the factfinding board is issued and before May 15 the City and the labor organization involved shall engage in final negotiations for the implementation of the factfinding board's decision. The purpose of these negotiations shall be the incorporation of the factfinding board's decision into the City's budget and contract between the City and the labor organization involved. If the parties cannot agree on implementation of the factfinding board's decision then the factfinding board's decision shall be final and binding upon both parties. Actual implementation of the factfinding board's decision shall be conditioned upon adoption of a City budget.

Section 9. Cost of Proceedings. Each party shall pay its direct costs involved in all of the proceedings provided in this ordinance. The parties shall share equally the cost and expenses of the factfinding board (whose members shall be paid reasonable compensation and their actual expenses).

Section 10. Mediation. Either party may secure mediation at any time during the collective bargaining process described in this ordinance. The other party shall make every reasonable effort to cooperate with the mediation effort as is usual and customary in collective bargaining. Mediation shall not interfere with or delay the collective bargaining timetable and processes described in this ordinance however.

Read for the first time the 21st day of January, 1976

Read for the second time the 4th day of February, 1976

YES: 7 NO: 0

Submitted to and approved by the Mayor this 4th day of February, 1976.

John Henry Stephens
Mayor

ATTEST:

Lucia S. Johnson
Recorder-Treasurer

Repealed by ORD NS-1399

ORDINANCE NO. NS-1076

AN ORDINANCE ADOPTING PROVISIONS OF STATE LAW DESIGNATING THE CITY COMMISSION AS A LOCAL CONTRACT REVIEW BOARD

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Contract Review Board. The City Commission is hereby designated as the Local Contract Review Board and relative to the contract concerns of the City, the City Commission shall have all the powers granted to the State Public Contract Review Board.

Section 2. Definitions. As used in this ordinance:

(1) "Public Contract" means any purchase, lease or sale by the City of personal property, public improvements or services other than agreements which are exclusively for personal services.

(2) "Public Improvement" means any construction of improvements on real property by or for the City.

(3) "Board" means the Local Contract Review Board as established in Section 1 of this ordinance.

Section 3. Competitive Bids; Exemptions. (1) All contracts shall be based upon competitive bids except:

(a) Contracts made with, or the cost of which is provided by, other public agencies or the federal government.

(b) Contracts for any purchase the amount of which is less than $1,000.

(c) Contracts for any item which is available only through one company, firm or individual.

(d) Contracts for any sale the amount of which is less than $1,000.

(2) The Contract Review Board may by resolution exempt other contracts from competitive bidding if it finds:

(a) The lack of bids will not result in favoritism or substantially diminish competition in awarding the contract; and

(b) The exemption will result in substantial cost savings. In making such finding, the Board may consider the type, cost, amount of the contract, number of persons available to bid, and such other factors as the Board may deem appropriate.

Section 4. Emergency Contracts. A contract may also be exempted from competitive bidding if the Board, by unanimous vote, determines that emergency conditions require prompt execution of the contract. A determination of such an emergency shall be entered into the record of the meeting of which the determination was made.

Section 5. Brand Name Specification and Contracts.

(1) Specifications for contracts shall not require any product by any brand name or mark, nor the product of any particular manufacturer or seller, unless the product is exempted from this requirement by the Board under this section. However, this section shall not be construed to prevent reference in the specification to a particular product as a description of the type of item required.

(2) The Board may by resolution exempt certain products or classes of products upon any of the following findings:

(a) It is unlikely that such exemption will encourage favoritism in the awarding of the contract or substantially diminish competition.

(b) The specification of a product by brand name or mark, or the product of a particular manufacturer or seller, would result in substantial costs savings.

(c) There is only one manufacturer or seller of the product of the quality required.

(d) Efficient utilization of existing equipment or supplies requires the acquisition of compatible equipment or supplies.

Section 6. Exemption Hearing. Whenever the Board is considering an exemption to the requirements for competitive bids or brand name specifications, it shall provide for notice to the public and an opportunity for a public hearing on whether the exemption should be allowed.

Section 7. Bid Rejection. The City Commission may reject any bid not in compliance with all of the prescribed public bidding procedures and requirements and may reject all bids if it is in the public interest to do so.

Section 8. Bidder Disqualification. The City Commission may disqualify any person as a bidder on a contract if:

(1) The person does not have sufficient financial ability to perform the contract. Evidence that the person can acquire a surety bond in the amount and type required shall be sufficient to establish financial ability;

(2) The person does not have equipment available to perform the contract;

(3) The person does not have personnel of sufficient experience to perform the contract; or

(4) The person has repeatedly breached contractual obligations to public and private contracting agencies.

Section 9. Appeal of Disqualification. A person who has been disqualified as a bidder may appeal such disqualification to the Board as provided in this section:

(1) The person shall, within three business days after receipt of notice of disqualification, in writing notify the City Manager that he wishes to appeal his disqualification.

(2) Immediately upon receipt of such written notice of appeal, the City Manager shall inform the Board.

(3) Upon receipt of the notice of appeal, the Board shall notify the person appealing of the time and place of the hearing.

(4) The Board shall conduct the hearing according to the provisions of ORS 279.045(3) and decide the appeal within ten (10) days after receiving the notification and shall set forth in writing the reasons for its decisions.

Section 10. Additional Authority of the Board. In addition to the powers and duties established by this ordinance, the Board shall have such additional powers as authorized by State Law.

Read for the first time the 21st day of January, 1976

Read for the second time the 4th day of February, 1976

YES: 7 NO: 0

Submitted to and approved by the Mayor this 4th day of February, 1976.

Jack D. Sterkamp
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-1077

AN ORDINANCE CHANGING THE ZONE OF TRACT 6, LYTLE ACRES TRACTS IN THE CITY OF BEND, OREGON, FROM C-1 TOURIST COMMERCIAL TO C-2 LIMITED COMMERCIAL

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 and the Zoning Map of the City of Bend are changed as follows:

> The zone for Tract 6, Lytle Acres Tracts in the City of Bend, Deschutes County, Oregon is changed from C-1 Tourist Commercial to C-2 Limited Commercial.

Read for the first time the 17th day of March, 1976

Read for the second time the 7th day of April, 1976

YES: 7 NO: 0

Placed upon its passage the 7th day of April, 1976

Submitted to and approved by the Mayor the 7th day of April, 1976

John S. Stenhammer
Mayor

ATTEST:

Julie S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-1078

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF BEND IMPROVEMENT BONDS IN THE SUM OF $43,000; PROVIDING AND APPROVING THE FORM OF THE BONDS TO BE ISSUED AND THE COUPONS ATTACHED THERETO; PROVIDING FOR THE ADVERTISEMENT AND SALE OF SAID BONDS, AND DECLARING AN EMERGENCY.

WHEREAS the Commission of the City of Bend has heretofore proceeded to improve certain streets in said City, and has duly assessed the cost of such improvements to the property benefited thereby or liable therefor, according to the provisions of the Charter of the said City; and

WHEREAS the owners of the property so assessed for such street improvements in the sum of Twenty-five Dollars ($25) or more, aggregating in all the sum of Forty-three Thousand ($43,000) Dollars have filed with the City Recorder of the said City, written applications to pay said assessments in installments, each and all of which written applications did state that said applicant and property owner does thereby waive all irregularities or defects, jurisdictional or otherwise, in the proceedings to improve the street for which said assessment is levied, and in the apportionment of the costs thereof; and

WHEREAS in no application received as aforesaid did the amount of such assessment, including all unpaid assessments or previously bonded liens exceed double its assessed valuation as shown by the last tax roll of Deschutes County; and

WHEREAS the City Recorder has kept all such applications in convenient form for examination; that is to say all applications received for each street improvement have been kept separate; and

WHEREAS the City Recorder has entered in a book kept for that purpose under separate heads for each street improvement, the date of filing for each application, and the names of the applicants, a description of the property and the amount of the assessment as shown in the application, and

WHEREAS each and every act and thing required by the laws of the State of Oregon and by the Charter of the said City precedent to the issuance of these bonds has been heretofore regularly done and performed in the manner and at the time required by law, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the City of Bend shall issue bonds in the name of and under the corporate seal of said City in the amount of Forty-three Thousand ($43,000) Dollars, the first bond which will be in the denomination of Three Thousand ($3,000) Dollars and the next eight bonds which will be in denomination of Five Thousand ($5,000), numbered consecutively from one to nine, both numbers inclusive, said bonds to bear date of June 15, 1976, to be signed by the Mayor and countersigned by the Recorder of the City of Bend and the corporate seal of said City shall be affixed thereto and said bonds shall, by the terms thereof, mature serially at the rate of Three Thousand ($3,000) Dollars on the 15th day of June, 1978, and Five Thousand ($5,000) Dollars on the 15th day of June in each of the years 1979 to 1986, inclusive. Bonds shall bear interest at not to exceed a net effective rate of seven (7%) percent per annum, payable semi-annually, said interest to be evidenced by coupons attached to said bonds, which said coupons shall have the signature of the Mayor and the signature of the Recorder of the City of Bend lithographed thereon, which bonds, together with interest thereon, shall be payable at the office of the Treasurer of the City of Bend, and shall be known as City of Bend Improvement Bonds, Series 17.

SECTION 2. That the bonds hereby authorized and the coupons attached thereto shall be in substantially the following form:

No._____ $_____

UNITED STATES OF AMERICA
STATE OF OREGON
COUNTY OF DESCHUTES
CITY OF BEND IMPROVEMENT BOND
SERIES 17

KNOW ALL MEN BY THESE PRESENTS that the City of Bend, in the County of Deschutes, State of Oregon, for value received hereby agrees and promises to pay to the bearer the sum of

THREE (FIVE) THOUSAND DOLLARS

in lawful money of the United States on the presentation and surrender of this obligation on the 15th day of June, 19___, without grace, with interest thereon at the rate of __% per annum, payable semi-annually on the 15th days June and December of each year on the presentation and surrender of the proper coupons hereto annexed, principal and interest payable at the office of the Treasurer of the City of Bend, Oregon.

This bond is one of a series of bonds authorized by and under the provisions of the Charter of said City and Chapter 223.205 Oregon Revised Statutes et seq. as amended and is an obligation of the City of Bend aforesaid, and it is further certified that all of the requirements of law have been fully complied with by the proper officers in the issuance of this bond.

For the fulfillment of the conditions of this obligation, the full faith and credit of the City of Bend are hereby irrevocably pledged.

IN WITNESS WHEREOF this bond has been signed by the Mayor and countersigned by the Recorder of the City of Bend, and the corporate seal of said City hereto affixed this _____ day of _____, 1976.

COUNTERSIGNED:

_____ Recorder

_____ Mayor

COUPON

No._____ $_____

THE CITY OF BEND, STATE OF OREGON, will pay to bearer on the 15th day of June 19___
December

_____DOLLARS

in lawful money of the United States at the office of the Treasurer of the City of Bend, being six months' interest on Improvement Bond No. _____Series 17.

COUNTERSIGNED:

_____ Recorder

_____ Mayor

SECTION 3. The Recorder is hereby authorized and instructed to advertise the aforesaid bonds for sale at the Commission meeting to be held on the 19th day of May, 1976, by the insertion of an advertisement thereof once each week for two successive weeks in the Bulletin, a newspaper published in the City of Bend.

SECTION 4. WHEREAS the improvements referred to herein have been completed and it is necessary to procure funds to pay for the same, and it is necessary for the peace, health and safety of the inhabitants of the City of Bend that this ordinance take effect immediately,

NOW, THEREFORE, AN EMERGENCY is declared to exist and this ordinance shall take effect immediately after its enactment and approval.

Read for the first time the 7th day of April, 1976

Read for the second time the 21st day of April, 1976

YES: 6 NO: 0

Submitted to and approved by the Mayor this 21st day of April, 1976

ATTEST:

Julia S. Johnson
Recorder-Treasurer

Jack G. Stenhamp
Mayor

ORDINANCE NO. NS-1079

AN ORDINANCE AMENDING SECTION 26 OF ORDINANCE NO. NS-737 BY REPEALING PROVISIONS RELATING TO LOITERING.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 26 of Ordinance No. NS-737 is amended to read:

"Section 26. Begging. A person commits the crime of begging if he:

(1) wanders about and begs, or goes about from door to door to private or commercial and business establishments, or places himself in or upon any public way or public place to bet or receive alms for himself."

Read for the first time the 7th day of April, 1976

Read for the second time the 21st day of April, 1976

YES: 6 NO: 0

Submitted to and approved by the Mayor this 21st day of April, 1976

John G. Stenkamp
Mayor

ATTEST:

Jessie S. Johnson
Recorder-Treasurer

Section 1 repealed by ORD. No. NS-1361 8-4-82
Section 2 repealed by ORD. No. NS-1399

ORDINANCE NO. NS-1080

AN ORDINANCE AMENDING ORDINANCE NO. NS-469 BY ADOPTING PROVISIONS OF THE NEW OREGON MOTOR VEHICLE CODE ELIMINATING TRIAL BY JURY IN CERTAIN TRAFFIC CASES AND DECLARING AN EFFECTIVE DATE.

Section 1. Section 1 of Ordinance No. NS-469 is amended to read:

"Section 1. Adoption of State Traffic Act

(a) The following sections of the State of Oregon Motor Vehicle Laws, as amended by Oregon Laws 1975, are hereby adopted by reference the same as if fully set out herein:

ORS 481.005	"Body," "bus trailer" "cab" defined.
ORS 481.010	"Chassis" and "combined weight" defined.
ORS 481.012	"Commercial vehicle" defined.
ORS 481.015	"County highway," "dealer" "division" "farm tractor" defined.
ORS 481.020	"Highway" defined.
ORS 481.021	"Camper," "motor home," "mobile home" "travel trailer" defined.
ORS 481.023	"Implement of husbandry" defined.
ORS 481.025	"Light weight," "local authorities" "manufacturer" defined.
ORS 481.030	"Motor bus" defined.
ORS 481.035	"Motor truck" defined.
ORS 481.040	"Motor vehicle," "nonresident" "operator" "owner" and "pneumatic tire" defined.
ORS 481.045	"Reconstructed," "security agreement," "security interest," and "semitrailer" defined.
ORS 481.048	"Snowmobile: defined.
ORS 481.050	"State," "state highway," and "taxicab" defined.
ORS 481.055	"Tractor trailer" defined.
ORS 481.060	"Trailer" defined.

ORS 481.065	"Truck tractor," and "truck trailer" defined.
ORS 481.070	"Used vehicle," vehicle" defined; weights and measures.
ORS 481.075(2)	Purposes and application of chapter; exclusions.
ORS 481.080	Applicability of chapter to foreign consuls.
ORS 481.097	Permitting unlawful operation of vehicle which is not registered or licensed.
ORS 481.100	Operation or movement of vehicle.
ORS 481.105	Application for registration; agents to accept applications and fees.
ORS 481.107	Notice of change of address or name.
ORS 481.110	Certificate of title required; exception; how obtained.
ORS 481.115	Contents and effect of certificate of title; fee; trailer numbers.
ORS 481.130	Registration of specially constructed or imported vehicles; use of special numbers.
ORS 481.150(3), (4), (5)	Denial or cancellation of registration or certificate of title; falsifying registration application.
ORS 481.155	Nonresidents' privileges; registration of foreign vehicles operated for profit; reciprocity; campers on such vehicles.
ORS 481.158	Use or operation in this State of house trailer currently registered or licensed elsewhere.
ORS 481.165	Law applicable to foreign vehicles; display of foreign licenses; foreign corporations as residents; purchase or use of foreign licensed vehicle by resident.
ORS 481.255	Display of license plates required.
ORS 481.257	Combined weight required to be painted on or near doors of vehicles; exceptions.
ORS 481.260	Issuance and display of temporary permits.
ORS 481.370	Conduct of wrecking business.
ORS 481.770	Definitions for ORS 481.770 to 481.800.
ORS 481.775	Operation of unregistered snowmobile prohibited.
ORS 481.780	Exemptions from registration.
ORS 481.800	Vehicle registration numbers to be permanently affixed; form of numbers; dealer registration plates may be temporarily affixed.
ORS 482.010	"Cancelled," "chauffeur,: "division," "farm tractor," "highway," "motor vehicle," and "license" defined.
ORS 482.020	"Nonresident," "operator," "owner," and "renewal" defined.
ORS 482.030	"Revocation," "school bus," "suspension,: and "vehicle" defined.
ORS 482.035	"Snowmobile" defined.
ORS 482.040	License required to operate motor vehicle; surrender of prior valid licenses.
ORS 482.050	Nonresident's use of home state license.
ORS 482.060	Exemptions from license.
ORS 482.300	Licensee required to sign and possess license.
ORS 482.610	Misuse of license; fraud in securing license.
ORS 482.630	Minors prohibited from driving school and passenger buses.
ORS 482.640	Employment of unlicensed chauffeur.
ORS 483.002	"Axle," "bicycle," "bicycle path," "bicycle lane," "business district" and "bus trailer" defined.
ORS 483.004	"Chauffeur" defined.
ORS 483.006	"Combination of vehicles," "combined weight," and "department" defined.
ORS 483.008	" Division" "farm tractor," and "gross weight" defined.
ORS 483.010	"Group of axles" defined.
ORS 483.012	"Implement of husbandry: and "metal tires" defined.
ORS 483.014	"Motor bus," "motor truck," and "motor vehicle" defined.
ORS 483.016	"Owner" and "pilot vehicle" defined.
ORS 483.018	"Pneumatic tire," "pole or pipe dolly or pull trailer," "pull trailer," "police officer" and "private road or driveway" defined.
ORS 483.020	"Residence district," "road tractor," and "safety zone" defined.
ORS 483.022	"School bus," and "semitrailer" defined.
ORS 483.024	"Sled," "snowmobile," "solid rubber tire," "solid tire," solid-tired vehicle," "streetcar," and "tandem axles"defined.
ORS 483.026	"Tire," "tire width," "total tire width," and "tow car" defined.
ORS 483.028	"Traffic," "traffic control signal," and "trailer" defined.
ORS 483.030	"Tread," "trolley bus," "truck tractor vehicle" and "vehicle" defined.

ORS 483.038	Effect of this chapter on permissive use of private roadway.
ORS 483.050	Unlawful to drive defectively or unlawfully equipped vehicle; police permitted to stop vehicles and make inspections.
ORS 483.121	Record required when ambulance used; preservation; inspection.
ORS 483.398	Application of chapter to motor vehicles of special interest.
ORS 483.399	Application of equipment rules to implements of husbandry.
ORS 483.402	When lights are required to be on; application of visibility and height provisions.
ORS 483.403	Driving with parking lights lighted prohibited when head lights required.
ORS 483.404	Head lights required.
ORS 483.406	Taillights required.
ORS 483.407	Stop lamps required.
ORS 483.408	Rear reflectors required.
ORS 483.410	Reflectors, clearance and marker lamps, and stop lights on various vehicles.
ORS 483.412	Color of lamps and reflectors; when certain lamps need not be lighted.
ORS 483.414	Mounting reflectors and clearance lamps.
ORS 483.416	Visibility of reflectors, clearance and marker lamps, and stop lights.
ORS 483.418	Lighting required for a combination of vehicles.
ORS 483.420	Lights required on parked vehicles.
ORS 483.422	Lights required on miscellaneous vehicles.
ORS 483.423	Warning lights.
ORS 483.424	Intensity and distribution requirements for head lamps.
ORS 483.426	Light indicator visible to driver.
ORS 483.428	Distribution and intensity of head lights when on road and when meeting vehicles.
ORS 483.430	Requirements when single distribution used.
ORS 483.432	Limitations on lights at front of vehicles or equipment.
ORS 483.434	Spot, auxiliary driving, stop, signal, fender, running board and back up lamps permitted.
ORS 483.435	Optional vehicle rear mounted lighting system.
ORS 483.436	Approval of lamps by Motor Vehicles Division.
ORS 483.444	Brakes required.
ORS 483.445	Specifications for hydraulic brake fluid.
ORS 483.446	Horns and other sound equipment.
ORS 483.448	Mufflers; unnecessary noise prohibited.
ORS 483.450	Rear view mirror.
ORS 483.452	Obstruction of windows prohibited; windshield wiper required.
ORS 483.454	Light or flag at end of load.
ORS 483.456	Flares and similar warnings for trucks and buses.
ORS 483.457	Slow moving vehicle emblem; division of regulation of design, mounting.
ORS 483.458	Fenders or covers on motor vehicles.
ORS 483.460	Standards for fenders and covers.
ORS 483.470	Limitations on use of television viewers in motor vehicles.
ORS 483.474	Minimum clearance from roadway for passenger motor vehicles.
ORS 483.497	Definitions.
ORS 483.499	Operation of recreational vehicle with unsealed disposal system prohibited.
ORS 483.502	Application of size and weight provision; fees; violators liable for damages.
ORS 483.504	Restrictions on width, height and length of vehicles.
ORS 483.506	Meximum axle, wheel and gross weights for vehicles.
ORS 483.508	Restrictions on number of vehicles in a combination; coupling devices.
ORS 483.510	Sifting or leaking loads; permit for food processing by-product.
ORS 483.512	Sleds prohibited except with permit.
ORS 483.514	Dragging object on highway prohibited.
ORS 483.516	Pneumatic tires, when required.
ORS 483.518	Metal objects on tires permitted; conditions.
ORS 483.520	Authority to issue permits for continued operation of vehicles exceeding length, weight or width limits, for special combinations of vehicles.
ORS 483.522	General provisions of permit; cancellation.
ORS 483.524	Conditions of permits for excess length or weight; axle group and gross weight limits.
ORS 483.525	Authority to permit operation of vehicles of excess weight or length over certain highways.

ORS 483.528	Permit for special movement of noncomplying vehicle or article; permit for operation of noncomplying vehicle used for highway construction.
ORS 483.530	Carrying permit in vehicle.
ORS 483.534	Weighing of vehicles on highway; detention of vehicle until its load complies with statutory permit; tolerances.
ORS 483.536	Methods of determining gross weights.
ORS 483.540	Carrying dog or child on external part of vehicle.
ORS 483.542	Designation of streets, roads or highways as truck routes.
ORS 483.544	Truck route designation to be by order, resolution or ordinance; erecting of appropriate signs; when prohibitions are effective; violation prohibited.
ORS 483.547	Parent or guardian prohibited from permitting child to violate bicycle equipment laws.
ORS 483.549	Lamps and other equipment on bicycles.
ORS 483.552	Definitions for ORS 483.552 and 483.554.
ORS 483.554	Drain construction to comply with bicycle safety requirements; guidelines; effect on existing drains.
ORS 483.602	Duties of drivers and witnesses at accidents.
ORS 483.604	Driver's duties when he collides with unattended vehicle or other property.
ORS 483.606	Accident reports required.
ORS 483.608	Form of reports; sending death certificate to division.
ORS 483.610	Confidential nature of reports; publication of statistics; city authorized to require accident report.
ORS 483.612	Report of vehicles brought to garage or repair shop showing accident or bullet contact.
ORS 483.628	Driver or chauffeur may be exonoerated from overloading violation if in good faith.
ORS 483.710	Operation of snowmobile to hunt; while under the influence of liquor or drugs; "dangerous drugs" defined.
ORS 483.725	Operator's license or certification required; age limit for operator; snowmobile safety education courses.
ORS 483.730	Prohibited acts.
ORS 483.735	Crossing two or three lane highways.
ORS 483.740	Operation of snowmobile upon highway or railroad right-of-way.
ORS 483.745	Acts and reports required.
ORS 484.010	Definitions for ORS 484.010 to 484.435 .
ORS 484.020	Traffic offense proceedings to conform to ORS 484.010 to 484.435.
ORS 484.100	Authority of officer to arrest or issue citation.
ORS 484.105	Authority of police officer to issue citation to driver involved in accident.
ORS 484.120	Taking security for appearance of arrested person.
ORS 484.125	When automobile association membership card is acceptable as bail.
ORS 484.130	Putting up bail, driver's license or other security by defendant.
ORS 484.140	Guaranteed arrest bond certificate as security for appearance.
ORS 484.150	Traffic citation requirements; exceptions; uniform citation.
ORS 484.155	Private person may commence action for traffic offense.
ORS 484.160	Minimum requirements for summons.
ORS 484.170	Minimum requirements for complaint.
ORS 484.175	Designation of speed and complaint and summons charging violation of basic rule.
ORS 484.180	Delivery of summons to person cited; deliver of other parts of citation.
ORS 484.190	Appearance by defendant.
ORS 484.200	Effect of statement in explanation or mitigation.
ORS 484.210	Fixing hearing date; notice to defendant; license suspension for failure to appear.
ORS 484.220	Hearing discretionary with court; exceptions.
ORS 484.222	Impounding vehicles upon certain driver convictions; redemption; suspension of registration; rights of security interest holders.
ORS 484.350	Traffic infraction described.
ORS 484.355	Classification of traffic infractions.
ORS 484.360	Fines for traffic infractions.
ORS 484.365	Class A traffic infraction classified as misdemeanor because of prior conviction.
ORS 484.370	Penalty for offense not otherwise classified.

ORS 484.375	Trial; burden of proof; pretrial discovery.
ORS 484.380	Disclosure of prior conviction to jury.
ORS 484.385	Plea agreements limited; rehabilitation option.
ORS 484.390	Counsel for state and defendant.
ORS 484.395	Former jeopardy, res judicata and collateral estoppel not applicable in traffic infraction cases.
ORS 484.405	Appeal.
ORS 484.415	Trial judge's authority to order suspension of license, permit or right to apply.
ORS 484.425	Court ordered suspension to run concurrently.
ORS 484.435	Searches and seizures restricted in certain traffic infraction arrests.
ORS 485.010	Definitions for ORS 485.010 to 485.060.
ORS 485.025	Certain buses required to flash red lights.
ORS 485.030	School bus markings.
ORS 487.005	Definitions for ORS Chapters 483 and 487.
ORS 487.015	Application uniform throughout State.
ORS 487.035	Application when referring to vehicles upon the highways and ocean shore; exceptions.
ORS 487.065	Application to prior and subsequent actions.
ORS 487.075	Application of speed regulations and traffic signals to emergency vehicles.
ORS 487.085	Application speed, regulations and traffic signals to ambulances.
ORS 487.095	Permitting unlawful operation of vehicle.
ORS 487.100	Failing to obey a police officer.
ORS 487.105	Uniform or badge required.
ORS 487.120	Obedience to and required traffic control devices.
ORS 487.125	Obedience to traffic control signals required.
ORS 487.130	When vehicle turns at intersection with red traffic control light authorized.
ORS 487.135	Obedience to pedestrian control signals required.
ORS 487.140	Obedience to flashing signals required.
ORS 487.145	Obedience to lane direction control signals required.
ORS 487.150	When display of signs, signals or markings unlawful.
ORS 487.155	When interference with official traffic control device or railroad sign or signal unlawful.
ORS 487.165	Driving on right side of roadway.
ORS 487.170	Slow driver duty to drive on right.
ORS 487.175	Duty to drive on right on two-way four-lane roadway.
ORS 487.180	Slower driver duty to yield.
ORS 487.185	Duty of driver of certain vehicles to drive to right.
ORS 487.190	Passing vehicles proceeding in opposite direction.
ORS 487.195	Overtaking on left.
ORS 487.200	Overtaking on right.
ORS 487.205	Further limitations on driving on left of center of roadway.
ORS 487.210	No passing zone.
ORS 487.215	One way roadways and rotary traffic islands.
ORS 487.220	Driving on roadways laned for traffic.
ORS 487.225	Following too closely.
ORS 487.230	Driving on divided highway.
ORS 487.235	Careless driving.
ORS 487.245	Right-of-way at uncontrolled highway intersection.
ORS 487.250	Driver turning left.
ORS 487.255	Stop signs and yield signs.
ORS 487.260	Right-of-way at merging lanes of arterial highway.
ORS 487.265	Entering roadway from private road, alley or place.
ORS 487.270	Operation of vehicles on approach of emergency vehicle or ambulance.
ORS 487.285	Pedestrian obedience to traffic control devices and traffic regulations.
ORS 487.290	Pedestrians right-of-way in crosswalk.
ORS 487.295	Pedestrian tunnel or overhead crossing.
ORS 487.300	Pedestrian leaving curb.
ORS 487.305	Drivers not to overtake stopped vehicle.
ORS 487.310	Crossing at other than crosswalks.
ORS 487.315	Exercise of due care.
ORS 487.320	Pedestrians use of sidewalk, shoulder and roadway edge.
ORS 487.325	Pedestrian must yield right-of-way.

ORS 487.330	Pedestrian soliciting rides or business.
ORS 487.335	Driving through safety zone prohibited.
ORS 487.340	Pedestrians right-of-way on sidewalks.
ORS 487.345	Pedestrians yield to emergency vehicle or ambulance.
ORS 487.350	Unlawful use of bridge by pedestrian.
ORS 487.355	Pedestrian crossing closed bridge or railroad grade crossing barrier prohibited.
ORS 487.360	"Blind person," "dog guide," and "white cane" defined.
ORS 487.365	Use of white cane restricted.
ORS 487.370	Duty of driver to yield to blind pedestrian.
ORS 487.375	Blind pedestrian in roadway with traffic control signals.
ORS 487.380	Rights of blind pedestrian without white cane or guide dog.
ORS 487.390	Required position in method of turning.
ORS 487.395	U-Turns prohibited.
ORS 487.400	Moving a stopped, standing or parked vehicle.
ORS 487.405	Turning and stopping movements and signals required.
ORS 487.410	Signals by hand and arm or by signal lamps.
ORS 487.415	Method of giving required signals.
ORS 487.425	Stopping at railroad crossing upon signal of approaching train.
ORS 487.430	Certain vehicles must stop at all railroad grade crossings.
ORS 487.435	Railroad grade crossing exempt from special stopping rule.
ORS 487.440	Moving heavy equipment at railroad grade crossings.
ORS 487.445	Overtaking and passing school bus.
ORS 487.450	Stopping before driving onto sidewalk from alley, driveway or building.
ORS 487.465	Basic Speed rule.
ORS 487.470	Speed constituting prima facie evidence of violation.
ORS 487.475	Fuel conservation; maximum speed limit.
ORS 487.477	Limit on suspension or revocation under ORS 487.475.
ORS 487.500	Arrest without warrant in radar cases.
ORS 487.505	Impeding traffic.
ORS 487.510	Maximum speeds for motor trucks and passenger transport vehicles.
ORS 487.515	Speed races prohibited on public ways.
ORS 487.530	Definitions for ORS 487.530 to 487.560.
ORS 487.535	Application of serious traffic offenses upon premises open to the public.
ORS 487.540	Driving while under the influence of intoxicants.
ORS 487.545	Use of chemical analysis to show intoxication.
ORS 487.550	Reckless driving.
ORS 487.555	Fleeing or attempting to elude a police officer.
ORS 487.560(1), (2)(3)(4)(5)	Driving while suspended or revoked.
ORS 487.575	Stopping, standing or parking outside business or residence districts.
ORS 487.580	Stopping, standing or parking prohibited in specific places.
ORS 487.585	Position of vehicle when parallel parked.
ORS 487.590	Disabled vehicle exception.
ORS 487.595	Obstruction of roadway by wrecker or tow car.
ORS 487.600	Police officers authorized to move vehicles.
ORS 487.605	Parking vehicles on State highway for vending purposes prohibited.
ORS 487.615	Unattended motor vehicles.
ORS 487.620	Limitations on backing.
ORS 487.625	Obstruction of driver's view; passengers interfering with driver or in mobile home or travel trailer.
ORS 487.630	Opening and closing vehicle.
ORS 487.635	Coasting prohibited.
ORS 487.640	Following fire apparatus prohibited.
ORS 487.645	Crossing fire hose.
ORS 487.650	Removing injurious substance from highway.
ORS 487.655	Stop when traffic obstructed.
ORS 487.665	Application of ORS Chapters 483 and 487 to persons riding, driving or leading animals.
ORS 487.670	Livestock on highway; duty of caution; yielding right-of-way to livestock.
ORS 487.675	Duty of driver striking animal.
ORS 487.705	Unlawful motorcycle operation.
ORS 487.710	Required position of equipment.

ORS 487.715	Motorcyclist's right to full traffic lane.
ORS 487.720	Unlawful passing or moving in lane with vehicle.
ORS 487.725	Clinging to other vehicles.
ORS 487.730	Protective headgear required.
ORS 487.740	Motorcycle head lamps required to be on.
ORS 487.750	Application of ORS Chapters 483 and 487 to bicyclists.
ORS 487.755	Bicycle regulations generally.
ORS 487.760	Unlawful bicycle operation.
ORS 487.765	Riding on roadways, bicycle paths and lanes.
ORS 487.770	Use of bicycle lane by vehicle restricted; right of way on bicycle lane.
ORS 487.775	Use of bicycle path by vehicles prohibited.
ORS 487.780	Bicyclist to yield right-of-way at intersections except to left turning and stopped vehicles; driver right-of-way to bicyclists.
ORS 487.785	Bicyclists on sidewalks required to warn pedestrians; careless bicycle operation on sidewalk prohibited.
ORS 487.790	Regulations of bicycle racing.
ORS 487.795	Clinging by persons on bicycles or toy vehicles.
ORS 487.837	"Motor vehicle" defined for purpose of ORS 487.837 to 487.843.
ORS 487.839	Drinking alcoholic liquor in vehicle on highway prohibited.
ORS 487.841	Possessing open liquor container in vehicle on highway prohibited.
ORS 487.843	Owner or operator of vehicle prohibited from having open liquor container in vehicle on highway unless container is in area normally unoccupied by operator or passengers.
ORS 487.915	Definitions for ORS 487.915 to 487.925.
ORS 487.920	Application of parking regulations to disabled person.
ORS 487.925	Identification of motor vehicle used by disabled person.
ORS 161.615	Prison terms for misdemeanors.
ORS 161.635	Fines for misdemeanors and violations.

(b) Except where the context clearly indicates a different meaning, the definitions in ORS Chapter 483 shall apply to all other sections of this Ordinance.

Section 2. Section 1 of Ordinance No. NS-536 is amended to read:

"Section 1. Except as provided in Ordinance No. NS-469, in all prosecutions for any crime or offense defined and made punishable by any ordinance of the City of Bend the defendant shall have the right of trial by jury, of six in number, and juries shall be selected from the latest tax roll and registration books used at the last City election in the same manner in which juries are selected for Circuit Courts."

Section 3. Repealer. Section 1(c), Section 35, Section 35-A, Section 36, Section 37, Section 38, Section 45, Section 47-A, Section 53-A of Ordinance No. NS-469 are hereby repealed.

Section 4. Effective Date. This Ordinance shall become effective on July 1, 1976.

Read for the first time the 5th day of May, 1976

Read for the second time the 19th day of May, 1976

YES: 7 NO: 0

Submitted to and approved by the Mayor this 19th day of May, 1976.

Joe D. Stenkamp
Mayor

ATTEST:

Laura S. Johnson
Recorder-Treasurer

Repealed 8-19-81 NS-1340
Repealed 8-4-83 NS-1361

ORDINANCE NO. NS-1081

AN ORDINANCE ESTABLISHING STRICTER DOG CONTROL

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Definition of Terms. As used in this Ordinance,

(1) "dog" shall mean both male and female,
(2) "owner" shall mean a person, firm, association or corporation owning, keeping, or harboring a dog,
(3) "at large" shall mean off the premises of the owner or person having control, custody, or possession of the dog while the dog is not under the complete control of the owner or such person by adequate leash; except that a dog in obedience or field training exercise under the direct supervision of a handler and, a dog within a vehicle, shall not be considered to be "at large" as herein defined if it is off a leash.

Section 2. Dogs Not to be at Large. It shall be unlawful for a dog to run at large or to be permitted to run at large.

Section 3. Dogs which are Nuisances. A dog is a nuisance if it:

(1) Runs at large, or
(2) Howls or barks and thereby disturbs more than one household or barks continuously for more than fifteen minutes.

Section 4. Impounding. A dog which is a nuisance as herein defined; or is unlicensed as required by law may be impounded by the Animal Control Officer of the City of Bend or by his agent, or by a police officer.

Section 5. Dog waste. It shall be unlawful for a person owning or keeping a dog to allow the dog to deposit solid waste matter on any property other than that of the person owning or keeping said dog, but it shall be a defense to this action if such owner or keeper removes the solid waste deposited by his dog on any property other than his own.

Section 6. Seizing Certain Dogs. A dog found biting a person or which has bitten any person may be summarily seized by any person and promptly delivered to any member of the Bend Police Department or Dog Control Officer for impounding.

Section 7. Killing Rabid Dogs. A dog which is rabid may be summarily killed by any person.

Section 8. Penalties. A person who violates this ordinance may be punished by a fine of not more than $300.00 or imprisonment in the City jail for not more than 90 days or by both such fine and imprisonment.

Section 9. Section 2 of Oridnance NS-744 of the Code of The City of Bend is repealed.

Approved by the Voters at Primary Election of May 25, 1976

Attest:

Recorder-Treasurer

Mayor

ORDINANCE NO. NS-1082

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property, to-wit:

> Lots Four (4), Five (5) and Six (6), Block Two (2) Bonne Home Addition, together with the north twenty-five (25.0') feet of NW Milwaukee Avenue adjoining said Lots 4, 5, & 6, Block 2, Bonne Home Addition, Deschutes County, Oregon.

Section 2. In accordance with applicable State statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 21st day of July, 1976, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City of Bend may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 19th day of May, 1976

Read for the second time the 2nd day of June, 1976

Placed upon its passage the 2nd day of June, 1976

YES: 7 NO: 0

Submitted to and approved by the Mayor this 2nd day of June, 1976

John G. Stenhouse
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-1083

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property, to-wit:

> That portion of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section Twenty-seven (27), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon described as follows: Beginning at the South Quarter (S1/4) corner of said Section 27; thence East 22 rods; thence North 80 rods; thence West 22 rods; thence South 80 rods to the point of beginning, excepting therefrom the right-of-way of Alumus Neff County Road.
>
> Also that portion of the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section 27, Township 17 South, Range 12 E.W.M., Deschutes County, Oregon described as follows: Beginning at a point on the North side line of Neff Road whence the Southwest corner of Section 27, Township 17 South, Range 12, E.W.M., bears South 55.43 feet and West 942.04 feet; thence South 85°08'45" East 249.94 feet along the North side line of Neff Road to a point; thence East along the North line of Neff Road 450 feet to the true point of beginning; thence North 1°42'09" West to the North line of said SE1/4SW1/4; thence East to the Northeast corner of said SE1/4SW1/4' thence South along the east line of said SE1/4 SW1/4 to the north line of Neff Road; thence West along the North line of Neff Road to the point of beginning.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 21st day of July, 1976, at the hour of 7:30 p.m., in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of hearing.

Read for the first time the 19th day of May, 1976

Read for the second time the 2nd day of June, 1976

Placed upon its passage the 2nd day of June, 1976

YES: 7 NO: 0

Submitted to and approved by the Mayor this 2nd day of June, 1976

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1084

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property, to-wit:

a portion of NW Kingston Avenue and Lots 31 and 32, Block 12, Bonne Home Addition, located in Deschutes County, more particularly described as follows:

Beginning at the southwest corner of Block 22, Northwest Townsite Company's Second Addition in the City of Bend, thence due south for 80.0 feet; thence due west for 6,65 feet; thence on a curve to the left whose radius is 80.0 feet and whose central angle is 58° 00', the long chord bears S. 61° W. for 77.57 feet; thence south 32° W. for 151.17 feet; thence on a curve to the right whose radius is 600.0 feet and whose central angle is 4°31'49" for 47.44 feet, the long chord bears S. 34°15' 55" W. for 47.44 feet, to the SW corner of Lot 3, Block 13, Bonne Home Addition; thence due west for 50,79 feet; thence northeasterly on a curve to the left whose radius is 560.0 feet and whose central angle is 7°37'33" for 74.53 feet, the long chord bears N. 35°48'47" E. for 74.48 feet; thence N. 32° 00' E. for 103.26 feet; thence N. 35° 00' W. for 43.45 feet to the southwest corner of Lot 31, Block 12, Bonne Home Addition, thence N. 35° W. along the southwesterly line of said Lot 31 for 87.76 feet; thence N. 32° 00' E. for 108.64 feet, to the northerly corner of Lot 32, Block 12, Bonne Home Addition; thence S. 35°55'22" E. for 105.78 feet to the easterly corner of Lot 32, said Block 12 (this does not agree with the platted lot line. It was found to be in error in the original platting of Bonne Home Addition); thence northeasterly along a curve to the right whose radius is 160.0 feet and whose central angle is 31°09'30" for 87.01 feet, the long chord bears N. 74°25'15" E. for 85.94 feet; thence due east for 6.65 feet to the point of beginning. This tract contains 0.69 acres, more or less.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 4th day of August, 1976, at the hour of 7:30 p.m. o'clock in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 2nd day of June, 1976

Read for the second time the 16th day of June, 1976

Placed upon its passage the 16th day of June, 1976

YES: 6 NO: 0

Submitted to and approved by the Mayor this 16th day of June, 1976

Jack D. Stenhart
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-1085

AN ORDINANCE VACATING A PORTION OF NE NINTH STREET IN THE CITY OF BEND, OREGON

A petition having been presented to the Bend City Commission on the 21st day of April, 1976, requesting that the following described street location be vacated:

> The east 6.0 feet of NE Ninth Street, from a point which is 20.0 feet south of the south line of NE Larch Avenue, south to a point which is 189.26 feet south of the south line of NE Larch Avenue, containing 1,015.6 square feet more or less, in the City of Bend, County of Deschutes, State of Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition; and the Recorder of the City of Bend having caused the following notice:

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Carol Malone said vacation proceedings to vacate the following described property:
>
> The east 6.0 feet of NE Ninth Street, from a point which is 20.0 feet south of the south line of NE Larch Avenue, south to a point which is 189.26 feet south of the south line of NE Larch Avenue, containing 1,015.6 square feet more or less,
>
> The City Commissioners of the City of Bend have fixed the 2nd day of June, 1976, at 7:30 p.m., in the City Hall in the City of Bend as the time and place for hearing upon the said proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings.

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

In order to abate a dangerous situation where an unfinished building encroaches in the public right-of-way, and to allow the owners to obtain a building permit to correct the deficiencies in the building, so as to protect the peace, health and safety of the inhabitants of the City of Bend.

AN EMERGENCY IS HEREBY DECLARED TO EXIST and this ordinance will become effective upon the passage hereof.

Read for the first time this 2nd day of June, 1976

Read for the second time this 16th day of June, 1976

Placed upon its passage this 16th day of June, 1976

YES: 6 NO: 0

Submitted to and approved by the Mayor this 16th day of June, 1976

John G. Stenkamp
Mayor

ATTEST:

Lucia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-1086

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF BEND AIRPORT HANGAR BONDS IN THE SUM OF $125,000; PROVIDING AND APPROVING THE FORM OF THE BONDS TO BE ISSUED AND THE COUPONS ATTACHED THERETO; PROVIDING FOR THE ADVERTISEMENT AND SALE OF SAID BONDS, AND DECLARING AN EMERGENCY.

SECTION 1. An election was duly called and held in the City of Bend, Oregon, on the 25th day of May, 1976, and the City Commission was duly authorized and empowered to issue and sell bonds in the sum of $125,000 to procure funds to finance the construction of airport hangars.

SECTION 2. It is necessary at this time to issue and sell these bonds and each and every act and thing required by the laws of the State of Oregon and by the Charter of the said City precedent to the issuance of these bonds has been heretofore regularly done and performed in the manner and at the time required by law.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 3. That the City of Bend shall issue bonds in the name of and under the corporate seal of said City in the amount of One Hundred Twenty-five Thousand Dollars ($125,000), which will be in denomination of Five Thousand ($5,000) Dollars, numbered consecutively from one to 25, both numbers inclusive, said bonds to bear date of August 15, 1976, to be signed by the Mayor and countersigned by the Recorder of the City of Bend and the corporate seal of said City shall be affixed thereto and said bonds shall, by the terms thereof, mature serially at the rate of Five Thousand ($5,000) Dollars on the 15th day of August in each of the years 1977 to 1991, inclusive, and at the rate of Ten Thousand $10,000) Dollars on the 15th day of August in each of the years 1992 to 1996, inclusive. Bonds shall bear interest at not to exceed a net effective rate of ten (10%) percent per annum, payable semi-annually, said interest to be evidenced by coupons attached to said bonds, which said coupons shall have the signature of the Mayor and the signature of the Recorder of the City of Bend printed thereon, which bonds, together with interest thereon, shall be payable at the office of the Treasurer of the City of Bend, and shall be known as City of Bend Airport Hangar Bonds, Series 1976.

SECTION 4. That the bonds hereby authorized and the coupons attached thereto shall be in substantially the following form:

No._____ $5,000

UNITED STATES OF AMERICA
STATE OF OREGON
COUNTY OF DESCHUTES
CITY OF BEND AIRPORT HANGAR BONDS
SERIES 1976

THE CITY OF BEND, DESCHUTES COUNTY, OREGON, for value received, hereby promises to pay to bearer the sum of

FIVE THOUSAND DOLLARS

on the _____day of_____, 19____, with interest thereon at the rate of (____%) per annum, payable semiannually on the 15th days of February and August in each year, to the bearer of the respective coupons therefor hereto attached upon presentation and surrender thereof as they mature, both principal and interest being payable in lawful money of the United States of America at the office of the City Recorder-Treasurer of the City of Bend, Oregon. This bond is one of an issue of like date and tenor, except as to maturities, aggregating $125,000 par value in amount, authorized by an amendment to the Charter of said City, duly submitted to and approved by the legal voters of said City at an election held for said purpose on the 25th day of May, 1976, after due notice given, at which said election an indebtedness in said sum was authorized by the legal voters of said City, to be created for the purpose of procuring funds with which to finance the construction of airport hangars.

It is hereby certified that every requirement of law relating to the issue hereof has been duly complied with and that this bond is within every debt and other limit prescribed by the Constitution or laws of the State of Oregon or the Charter of said City. For the punctual payment of the principal hereof and the interest hereon, the full faith and credit of the City of Bend are irrevocably pledged.

IN WITNESS WHEREOF the City of Bend has caused this bond to be signed by its Mayor and countersigned by its Recorder-Treasurer under the corporate seal of said City, and the interest coupons attached to bear the facsimile signatures of said Mayor and Recorder-Treasurer this 15th day of August, 1976.

_____
Mayor

Countersigned:

_____
Recorder-Treasurer

COUPON

No._____ $_____

On the 15th day of _____, 19____ City of Bend, Deschutes County, Oregon, will pay to bearer

_____DOLLARS

in lawful money of the United States of America at the office of the City Recorder-Treasurer of the City of Bend, Oregon, for six months' interest then due on City of Bend Airport Hangar Bond, Series 1976, dated August 15, 1976, No._____.

_____
Mayor

Countersigned:

_____
Recorder-Treasurer

There shall be no supplementary coupons to the bonds.

SECTION 5. The Commission shall each year make a tax levy in an amount which, with other available funds, shall be sufficient to pay the principal and interest on said bonds as they become due.

SECTION 6. The Recorder is hereby authorized and instructed to advertise the aforesaid bonds for sale at the Commission meeting to be held on the 4th day of August, 1976, by complying with all the requirements of ORS Chapter 287.

SECTION 7. The improvements referred to herein are necessary for the development of the City's airport as soon as possible. It is therefore necessary for the peace, health and safety of the inhabitants of the City of Bend that this ordinance take effect immediately and

AN EMERGENCY is delcared to exist and this ordinance shall take effect immediately after its enactment and approval.

Read for the first time the 16th day of June, 1976

Read for the second time the 7th day of July, 1976

YES: 7 NO: 0

Placed upon its passage the 7th day of July, 1976

John D. Stenhouse
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-1087

AN ORDINANCE AMENDING ORDINANCE NO. NS-796 RELATING TO ZONING

THE CITY OF BEND IS ORDAINED AS FOLLOWS:

Section 1. Article Four of Ordinance No. NS-796 is amended to add a new section 4.110 as follows:

"Section 4.110. River Setback. In all zones where a new building is to be erected, an existing building enlarged or a new off-street parking facility created on property abutting the Deschutes River, the following set-backs from the river's edge shall apply:

(1) In residential zones where a single family, duplex or triplex is being constructed, there shall be a minimum set-back of 50 feet from the river's edge, the measurement of which shall include both horizontal and vertical distances. Where this set-back reduces the buildable area below 35% of the lot, the front yard set-back provided by this ordinance may be reduced to ten feet and the side yard set-back may be reduced to a minimum of five feet on each side in order to obtain a 35% buildable area.

(2) In commercial or industrial zones or multi-family housing projects subject to site plan review, the minimum set-back from the river's edge shall be established during the site plan review process. Appropriate set-back adjustments may be made during the review process using the standards in subsection (1) of this section as a guideline."

Read for the first time the 16th day of June, 1976

Read for the second time the 7th day of July, 1976

YES: 7 NO: 0

Placed upon its passage the 7th day of July, 1976

John D. Stenhouse
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-1088

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CLARIFYING THE STATUS OF LOTS ABUTTING THE RIVER

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1.030.46 of Ordinance NS-796 is amended to read:

"1.030.46 'Yard' means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance. In determining the required yard for properties abutting the Deschutes River, the edge of the river shall be considered the property line. The edge of the river shall be determined by the ordinary high water mark which shall be the mark on the Deschutes River that will be found by examining the banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition existed on April 1, 1976, or as it may naturally change after; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining the Deschutes River shall be the line of mean high water or as determined by the City Planning Commission on evidence submitted by the applicant and other agencies."

Read for the first time the 21st day of June, 1976

Read for the second time the 7th day of July, 1976

YES: 7 NO: 0

Placed upon its passage the 7th day of July, 1976

John D. Stenhamp
Mayor

ATTEST:

Julian S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-1089

AN ORDINANCE AMENDING THE ZONING ORDINANCE

THE CITY DOES ORDAIN AS FOLLOWS:

Section 1. Section 3.220 of Ordinance No. NS-796 is amended by adding:

"Section 3.220

8. Dry cleaning plant" as conditional use in C-1 Zone.

Read for the first time the 7th day of July, 1976

Read for the second time the 21st day of July, 1976

Placed upon its passage the 21st day of July, 1976

YES: 6 NO: 0

Approved by the Mayor this 21st day of July, 1976

John D. Stenhamp
Mayor

ATTEST:

James W. Kerbo
Recorder-Treasurer

ORDINANCE NO. NS-1090

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1082 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 21st day of July, 1976, at the hour of 7:30 p.m., in the City commission chambers of the City hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

> Lots Four (4), Five (5) and Six (6), Block two (2) Bonne Home Addition, together with the north twenty-five (25.0') feet of NW Milwaukee Avenue adjoining said Lots 4, 5 & 6, Block 2, Bonne Home Addition, Deschutes County, Oregon.

Section 3. That prior to the time of the aforesaid public hearing at least more than half of the landowners who own more than half of the land in the area and of real property therein, representing more than half of the assessed value of all real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 21st day of July, 1976

Read for the Second time the 4th day of August, 1976

Placed upon its passage this 4th day of August, 1976

YES: 7 NO: 0

Submitted to and approved by the Mayor this 4th day of August, 1976

John D. Stenkamp
Mayor

ATTEST:

James M. Kinzer
Recorder-Treasurer

ORDINANCE NO. NS-1091

AN ORDINANCE AMENDING THE ZONING ORDINANCE RELATING TO CONDITIONAL USES PERMITTED IN A C-1 TOURIST COMMERCIAL ZONE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 3.220 of Ordinance NS-796 is amended to add the following new uses:

"9. Retail store provided that all business activity is conducted wholly within a building.

10. Bank or other financial institution."

Read for the first time the 4th day of August, 1976

Read for the second time the 18th day of August, 1976

YES: 5 NO: 0

Submitted to and approved by the Mayor this 18th day of August, 1976

John S. Sleahan
Mayor

ATTEST:

James W. Kryger
Recorder-Treasurer

ORDINANCE NO. NS-1092

AN ORDINANCE CHANGING THE ZONE OF TAX LOT 5700 FROM R-2 HIGH DENSITY RESIDENTIAL TO C-2 LIMITED COMMERCIAL ZONE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance NS-796 and the Zoning Map of the City of Bend are changed as follows:

The zone for Tax Lot 5700, particularly described as Section 33: A portion of the SW 1/4 SW 1/4 of said Section 33 described as follows: Beginning at a point 121.14 feet North and S. 89° 32' 30" East 721.09 feet from the Southwest corner of said Section 33; thence North 208.44 feet to the South line of East Burnside Street; thence East 70 feet along the said street to the intersection with East Fourth Street, being the Northeast corner of Block 13 of Keystone Terrace; thence South 208.44 feet along the West line of East Fourth Street; thence West 70 feet to the point of beginning.

is changed from a R-2 High Densith Residential Zone to C-2 Limited Commercial zone.

Read for the first time the 4th day of August, 1976

Read for the second time the 18th day of August, 1976

YES: 5 NO: 0

Submitted to and approved by the Mayor this 18th day of August, 1976

John S. Sleahan
Mayor

ATTEST:

James W. Kryger
Recorder-Treasurer

ORDINANCE NO. NS-1093

AN ORDINANCE AMENDING THE PRESENT ORDINANCE RELATING TO PARKING METER HOODS

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 27 of Ordinance NS-469 is amended to read:

"Section 27. Parking Meter Hoods. The Police Chief may issue parking meter hoods to contractors engaged in the construction, reconstruction or repair of a building or installation of equipment in a building adjacent to a street where parking meters are installed. Such hoods shall be used only where sufficient unmetered areas, including alleys which might be used or blocked off without interference with commerce, are not available reasonably near the construction job. Such hoods shall be issued only for use at a specific construction job. A deposit of $10 shall be paid for each parking meter hood issued. A charge of ten cents per hour shall be paid for each hour the meter hood is used. All meter hoods shall be returned to the City within 30 days after issuance, unless a longer period of time is requested by the contractor and allowed by the Police Chief, in which case the meter hood shall be returned to the City within the extended time permitted. If the meter hood is returned to the City within the time required, the $10 deposit shall be returned. If the meter hood is not returned within the time required, the $10 deposit shall be forfeited to the City."

Read for the first time the 4th day of August, 1976

Read for the second time the 18th day of August, 1976

YES: 4 NO: 1

Submitted to and approved by the Mayor this 18th day of August, 1976

John S. Stenkamp
Mayor

ATTEST:

James W. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1094

AN ORDINANCE AMENDING PRESENT CITY ORDINANCES TO PERMIT THE PAINTING OF HOUSE NUMBERS ON CURBS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 9 of Ordinance No. NS-469 is amended to read:

"Section 9. Private marking unlawful. It shall be unlawful for any person to letter, mark or paint in any manner any letters, marks, or signs on any sidewalk, curb, street, or alley, or to post on a parking strip anything designed or intended to prohibit or restrict parking in front of any sidewalk, dwelling house, business house, or in any alley, except in compliance with the provisions of this ordinance; provided, however, the City Commission may permit the painting of house numbers upon a curb immediately in front of a residence according to the following requirements:

(1) All numbers shall be in black on white background;
(2) All numbers shall be stenciled;
(3) All paint shall be water resistent;
(4) The numbers only shall be painted on the curb;
(5) The white background shall be only so large as to reasonably accommodate the numerals;
(6) The Water and Street Superintendent may impose any other requirement necessary to promote uniformity of such curb painting throughout the City."

Read for the first time the 18th day of August, 1976

Read for the second time the 1st day of September, 1976

YES: 6 NO: 0

Submitted to and approved by the Mayor the 1st day of September, 1976

John S. Stenhammer
Mayor

ATTEST:

James O. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1095

AN ORDINANCE CHANGING THE ZONE OF LOTS 12 - 15 OF BLOCK 6 OF WIESTORIA ADDITION FROM R-2 HIGH DENSITY RESIDENTIAL TO C-2T TRANSITIONAL ZONE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 and the Zoning Map of the City of Bend are changed as follows:

> The zone for Lots 12-15, Block 6 of Wiestoria Addition in the City of Bend, Deschutes County, Oregon is changed from R-2 High Density Residential to C-2T Transitional Zone.

Read for the first time the 1st day of September, 1976

Read for the second time the 15th day of September, 1976

YES: 7 NO: 0

Submitted to and approved by the Mayor this 15th day of September, 1976

John S. Stenhammer
Mayor

ATTEST:

James O. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1096

NS-1096 repealed by NS-1495, passed 7-19-89.

AN ORDINANCE AMENDING ORDINANCE NO. NS-701 REGULATING THE MOVING OF BUILDINGS

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1(3)(d) of Ordinance No. NS-701 is amended to read:

"(d) Deposit with the City $1500 in cash, cashier's check or bond or other security satisfactory to the City. City's costs and expenses incurred in issuing and enforcing the permit, but not to exceed 10% of the deposit, shall be deducted from the deposit and the balance shall be returned to the permitee upon complete performance of all of the following:

(1) Permitee shall not move the building until the Building Official has conducted a pre-inspection of the building to be moved and has generally advised the permitee what will be necessary to bring the building to compliance with all applicable laws, codes and regulations after it has been moved; and

(2) The permitee has completed moving of the building and has installed the building on a permanent foundation in conformance with all applicable laws, codes and regulations within 60 days (or such further time as the City Commission may extend) after issuance of the permit; and

(3) The moved building must comply with all applicable laws, codes and regulations within 120 days (or such further time as the City Commission may extend) from the issuance of the permit."

Section 2. This ordinance being necessary for the immediate preservation of the safety of the City because of the problems being encountered in moving of buildings not adequately handled by the existing ordinance, an emergency is declared to exist and this ordinance shall become immediately operative upon its passage.

Read for the first time the 15th day of September, 1976

Read for the second time the 6th day of October, 1976

YES: 7 NO: 0

Submitted to and approved by the Mayor this 6th day of October, 1976

John L. Stanhope
Mayor

ATTEST:

James O. Keyser
Recorder-Treasurer

ORDINANCE NO. NS-1097

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY TO BE ANNEXED: AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property, to-wit:

A portion of NW Kingston Avenue and Lots 31 and 32, Block 12, Bonne Home Addition, located in Deschutes County, more particularly described as follows:

Beginning at the southwest corner of Block 22, Northwest Townsite Company's Second Addition in the City of Bend, thence due south for 80.0 feet; thence due west for 6.65 feet; thence on a curve to the left whose radius is 80.0 feet and whose central angle is 58° 00', the long chord bears S. 61° W. for 77.57 feet; thence south 32° W. for 151.17 feet; thence on a curve to the right whose radius is 600.0 feet and whose central angle is 4° 31' 49" for 47.44 feet, the long chord bears S. 34° 15' 55" W. for 47.44 feet, to the SW corner of Lot 3, Block 13, Bonne Home Addition; thence due west for 50.79 feet; thence northeasterly on a curve to the left whose radius is 560.0 feet and whose central angle is 7° 37' 33" for 74.53 feet, the long chord bears N. 35° 48' 47" E. for 74.48 feet; thence N. 32° 00' E. for 103.26 feet; thence N. 35° 00' W. for 43.45 feet to the southwest corner of Lot 31, Block 12, Bonne Home Addition, thence N. 35° W. along the southwesterly line of said Lot 31 for 87.76 feet; thence N. 32° 00' E. for 108.64 feet, to the northerly corner of Lot 32, Block 12, Bonne Home Addition; thence S. 35° 55' 22" E. for 105.78 feet to the easterly corner of Lot 32, said Block 12 (this does not agree with the platted lot line. It was found to be in error in the original platting of Bonne Home Addition); thence northeasterly along a curve to the right whose radius is 160.0 feet and whose central angle is 31° 09' 30" for 87.01 feet, the long chord bears N. 74° 25' 15" E. for 85.94 feet; thence due east for 6.65 feet to the point of beginning. This tract contains 0.69 acres, more or less.

SECTION 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 17th day of November, 1976 at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

SECTION 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

SECTION 4. Ordinance No. NS-1084 is hereby repealed.

Read for the first time the 6th day of October, 1976

Read for the second time the 20th day of October, 1976

Placed upon its passage the 20th day of October, 1976

YES: 6 NO: 0

Submitted to and approved by the Mayor this 20th day of October, 1976

ATTEST:

James C Forbes

Recorder-Treasurer

John D Stenkamp

Mayor

ORDINANCE NO. NS-1098

AN ORDINANCE CHANGING THE ZONE OF A PORTION OF THE SW 1/4 SW 1/4 OF SECTION 33 IN T. 17 S., R. 12 E. of WILLAMETTE MERIDIAN AND BETWEEN 3rd AND 4th STREETS SOUTH OF BURNSIDE AVENUE IN THE CITY OF BEND, OREGON FROM R-2 HIGH DENSITY RESIDENTIAL TO C-2 LIMITED COMMERCIAL.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 and the Zoning Map of the City of Bend are changed as follows:

The zone of a portion of the SW 1/4 of SW 1/4 of Section 33 in T 17 S., R. 12 E. of Willamette Meridian and between 3rd and 4th Streets South of Burnside Avenue in the City of Bend, Deschutes County, Oregon described as follows: Beginning at a point 121.4 feet North and S. 89° 32' 30" East 721.09 feet from the Southwest corner of said Section 33; thence North 208.44 feet to the South line of East Burnside Street; thence West 130 feet along said street; thence South 208.44 feet; thence East 130 feet to the point of beginning, all being a part of Block 13 of Keystone Terrace, is changed from R-2 High Density Residential to C-2 Limited Commercial.

Read for the first time this 6th day of October, 1976

Read for the second time this 20th day of October, 1976

Placed upon its passage this 20th day of October, 1976

YES: 6 NO: 0

Submitted to and approved by the Mayor this 20th day of October, 1976

John D. Stenkamp
Mayor

ATTEST:

James O. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1099

AN ORDINANCE CHANGING THE ZONE OF LOTS 14 AND 15, BLOCK 15, BEND ADDITION IN THE CITY OF BEND, OREGON FROM C-3 GENERAL COMMERCIAL TO C-4 CENTRAL COMMERCIAL.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 and the Zoning Map of the City of Bend are changed as follows:

The zone of Lots 14 and 15, Block 15, Bend Addition in the City of Bend, Deschutes County Oregon, is changed from C-3 General Commercial to C-4 Central Commercial.

Read for the first time the 6th day of October, 1976

Read for the second time the 20th day of October, 1976

Placed upon its passage the 20th day of October, 1976

YES: 6 NO: 0

Submitted to and approved by the Mayor this 20th day of October, 1976

John D. Stenkamp
Mayor

ATTEST:

James O. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1100 NS-806 expired 7-19-89

AN ORDINANCE AMENDING ORDINANCE NO. NS-806 BY PERMITTING THE CATV FRANCHISEE TO MAINTAIN AN OFFICE IN THE BEND URBAN GROWTH AREA.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 18 of Ordinance No. NS-806 is amended to read:

"Section 18. System Data Company shall maintain at an office located in the Bend Urban Growth Area all current maps and other operational data relating to its system operations in the City of Bend. The City may inspect these maps and data at any time during normal business hours."

Read for the first time the 3rd day of November, 1976

Read for the second time the 17th day of November, 1976

Placed upon its passage the 17th day of November, 1976

YES: 6 NO: 0

Submitted to and approved by the Mayor this 17th day of November, 1976

John S. Stenhammer
Mayor

ATTEST:

James C. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1101 Repealed by NS 1132

AN ORDINANCE AMENDING ORDINANCE NO. NS-773 BY DELETING THE REQUIREMENTS THAT POOLROOMS CLOSE AT 12:00 AND THAT PERSONS UNDER 21 MAY NOT USE MECHANICAL AMUSEMENT DEVICES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 3(c)(3) of Ordinance No. NS-773 is deleted.

Section 2. Section 5(c)(2) of Ordinance No. NS-773 is deleted.

Section 3. Section 5(a) is amended by adding thereto the following sentence:

"Mechanical amusement device' shall not include any machine intended solely for the amusement or entertainment of children."

Section 4. Now, therefore, an emergency is declared to exist and this ordinance shall take effect immediately after its enactment and approval.

Read for the first time the 3rd day of November, 1976

Read for the second time the 17th day of November, 1976

Placed upon its passage the 17th day of November, 1976

YES: 6 NO: 0

Submitted to and approved by the Mayor this 17th day of November, 1976

John S. Stenhammer
Mayor

ATTEST:

James C. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1102

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1097 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 17th day of November, 1976 at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

Beginning at the southwest corner of Block 22, Northwest Townsite Company's Second Addition in the City of Bend, thence due south for 80.0 feet; thence due west for 6.65 feet; thence on a curve to the left whose radius is 80.0 feet and whose central angle is 58° 00', the long chord bears S. 61° W. for 77.57 feet; thence south 32° W. for 151.17 feet; thence on a curve to the right whose radius is 600.0 feet and whose radius is 600.0 feet and whose central angle is 4° 31' 49" for 47.44 feet, the long chord bears S. 34° 15' 55" W. for 47.44 feet, to the SW corner of Lot 3, Block 13, Bonne Home Addition; thence due west for 50.79 feet; thence northeasterly on a curve to the left whose radius is 560.0 feet and whose central angle is 7° 37' 33" for 74.53 feet, the long chord bears N. 35° 48' 47" E. for 74.48 feet; thence N. 32° 00' E. for 103.26 feet; thence N. 35° 00' W. for 43.45 feet to the southwest corner of Lot 31, Block 12, Bonne Home Addition, thence N. 35° W. along the southwesterly line of said Lot 31 for 87.76 feet; thence N. 32° 00' E. for 108.64 feet, to the northerly corner of Lot 32, Block 12, Bonne Home Addition; thence S. 34° 55' 22" E. for 105.78 feet to the easterly corner of Lot 32, said Block 12 (this does not agree with the platted lot line. It was found to be in error in the original platting of Bonne Home Addition); thence northeasterly along a curve to the right whose radius is 160.0 feet and whose central angle is 31° 09' 30" for 87.01 feet, the long chord bears N. 74° 25' 15" E. for 85.94 feet; thence due east for 6.65 feet to the point of beginning. This tract contains 0.69 acres, more or less.

Section 3. That prior to the time of the aforesaid public hearing at least one half of the landowners who own or who also own at least one half of the land in the area and of real property therein representing at least one half of the assessed value of all real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 17th day of November, 1976

Read for the second time the 1st day of December, 1976

Placed upon its passage the 1st day of December, 1976

YES: 7 NO: 0

Submitted to and approved by the Mayor this 1st day of December, 1976

ATTEST:

James V. Kerfoot
Recorder-Treasurer

John D. Stinchcomb
Mayor

Ordinance No. NS-1103

AN ORDINANCE REZONING ALL OR PORTIONS OF BLOCKS 13, 14, 15 and 16, PLAT OF BEND, FROM C-3 TO C-4T AND ESTABLISHING TRANSITIONAL STANDARDS REQUIRING SITE PLAN REVIEW AND AUTHORIZING THE PLANNING COMMISSION TO SET PARKING REQUIREMENTS FOR NEW CONSTRUCTION WITHIN THE AREA.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance NS-796 Section 2.070 is amended by changing the zone from C-3 General Commercial to C-4T Central Commercial-Transitional for property more particularly described as follows:

All of Block 13 east of the alley in Block 13, all of Block 14, and all of Blocks 15 and 16 east of the northerly running alleys in these blocks, in the Plat of Bend.

Section 2. The following transitional standards shall apply to this property:

1. Section 4.009 Site Plan Review shall apply to the construction of any new building or conversion of an existing building from a non-commercial to a commercial use, and

2. The Planning Commission shall establish minimum off-street parking requirements for all uses or buildings within this area subject to Section 4.009 as described above.

Read for the first time the 1st day of December, 1976

Read for the second time the 15th day of December, 1976

Placed upon its passage the 15th day of December, 1976

YES: 7 NO: 0

Submitted to and approved by the Mayor this 15th day of December, 1976

John A. Stenhouse
Mayor

ATTEST:

James O. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1104 Repealed by NS-1132

AN ORDINANCE AMENDING THE BUSINESS LICENSING CODE BY CHANGING THE LICENSE FEES FOR CIGARETTES IN VENDING MACHINES, JUKE BOXES AND MECHANICAL AMUSEMENT DEVICES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The license fee schedule for cigarette vending machines, juke boxes and mechanical amusement devices in Article I, Section 1 of Ordinance No. NS-773 is changed from $24 per calendar year for each machine to read:

"Mechanical Amusement Devices (except pinball, flipper type games or other mechanical amusement devices where there is an opportunity to win a free chance at the game)	$20 per machine per year

Pinball, flipper type games or other mechanical amusement devices where there is an opportunity to win a free chance at the game.	$40 per machine per year
Juke Box	$10 per machine per year
Cigarette Machines	No license fee
Vending Machines	No license fee."

Section 2. Section 5 of Ordinance No. NS-773 is amended by adding thereto a new subsection (d) to read:

"(d) The annual license fee shall be determined by the number of machines subject to license on the business premises. Machines subject to licensing may be substituted for machines that have been licensed on the business premises without payment of additional license fees. If machines subject to licensing are added to the business premises during the year the full license fee must be paid for such additional machines without proration of the fee.

Read for the first time the 1st day of December, 1976

Read for the second time the 15th day of December, 1976

Placed upon its passage the 15th day of December, 1976

YES: 7 NO: 0

Submitted to and approved by the Mayor this 15th day of December, 1976

John D. Stenhamp
Mayor

ATTEST:

James C. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1105

AN ORDINANCE CHANGING THE ZONE OF LOTS 3 AND WEST 1/2 OF LOT 2, BLOCK 40, NORTHWEST TOWNSITE CO'S SECOND ADDITION FROM R-1 LOW DENSITY RESIDENTIAL TO C-1 TOURIST COMMERCIAL

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 and the Zoning Map of the City of Bend are chagned as follows:

The zone for Lot 3 and the west 1/2 of Lot 2, Block 40, Northwest Townsite Company's Second Addition, in Bend, Deschutes County, Oregon, is changed from R-1 Low Density Residential to C-1 Tourist Commercial.

Read for the first time the 5th day of January, 1977

Read for the second time the 19th day of January, 1977

Placed upon its passage the 19th day of January, 1977

YES: 7 NO: 0

Submitted to and approved by the Mayor the 19th day of January, 1977

Mayor

ATTEST:

James C. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1106 Repealed by NS-1122

AN ORDINANCE REGULATING AMBULANCES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. DEFINITIONS. As used in this ordinance, the following terms mean:

(1) "AMBULANCE" means any privately owned motor vehicle that is constructed or equipped for and intended to be used commercially for the transportation of a person because of his or her illness, injury or disability.

(2) "AMBULANCE BUSINESS" means the owning, operating, managing or maintaining as principal or agent of any ambulance for hire as herein defined.

(3) "AMBULANCE OPERATOR" means any person who, as owner, agent, or otherwise, furnishes or operates, advertises or otherwise professes to be engaged in the business of furnishing or operating ambulances.

(4) "AMBULANCE SERVICE CHARGES" means any charge, fare or other consideration for ambulance service.

(5) "DRIVER" means the person who drives an ambulance or invalid or wheelchair coach when the same is operated by or for an ambulance operator while engaged in the ambulance business, and who shall be certified as an Emergency Medical Technician.

(6) "DRIVER-TECHNICIAN" means a person qualified and licensed as both a driver and technician independently.

(7) "INVALID OR WHEELCHAIR COACH" means any motor vehicle especially designed, equipped and used for the transportation of invalid persons on a rental basis with driver furnished and which has no first aid equipment, flashing red lights or sirens.

(8) "LICENSE HOLDER" means any person to whom an ambulance operator's license has been issued under the provisions of this ordinance and which license has not been revoked.

(9) "OPERATION" means the receiving, picking up or embarking within the City of Bend of a sick or injured person for transportation or conveyance for hire to any point within or without the City of Bend.

(10) "PERSON" means individuals either male or female, partnerships, firms, corporations and associations of every kind, and their agents, servants or employees.

(11) "TECHNICIAN" means any person who is qualified to render first aid and who shall be certified as an Emergency Medical Technician.

Section 2. LICENSE REQUIRED. No person shall engage in the ambulance business or operate an invalid or wheelchair coach business within the City of Bend, without first obtaining a license therefor from the City Recorder as hereinafter provided. A license to operate an ambulance or a license to operate an invalid or wheelchair coach shall be issued for a period commencing July 1 and ending June 30 of the following year, or commencing at a later date, but ending the following June 30th, and shall be renewed upon review and approval by the City Commission annually. The City Commission shall determine the need for additional ambulance operators and wheelchair or invalid coach operators and shall cause additional licenses to be issued only if existing operators fail to meet the needs and requirements of the City of Bend. Renewal of any license granted hereunder, upon expiration for any reason or after revocation, shall require conformance with all the requirements of this Ordinance as upon original licensing.

Section 3. APPLICATION FOR LICENSES. Any person desiring to obtain an ambulance operator's license or a license to operate an invalid or wheelchair coach shall make application therefor upon forms available from the office of the City Recorder. Each application shall be accompanied by a policy of insurance in the amount provided for by this Ordinance. The application shall include the following information:

(1) The name of the applicant and trade name, if any, under which he intends to conduct his business; or if a corporation, its name, date and place of incorporation, address of its principal place of business, and the names of its principal officers, together with their respective residence addresses; or if a partnership, association or unincorporated company, the names of the partners, or of the persons comprising such association or company, and the business and residence address of each partner or person.

(2) A description of each ambulance or other vehicle used or proposed to be used by the applicant, with the name of the manufacturer, engine and serial numbers, license number, together with a certification that each ambulance is adequate and safe for the purposes for which it is to be used, and that it is equipped as required by this Ordinance and the laws of the State of Oregon.

(3) The address and a description of the premises at and from which it is proposed to maintain and operate such ambulances.

(4) The applicant shall furnish any and all additional information as the City Recorder may in his discretion require.

Section 4. INVESTIGATION.

(1) It shall be the duty of the Fire Chief to cause an investigation to be made of the moral character of the applicant and his financial responsibility. The Fire Chief shall also determine if the motor vehicles described in the application are fit and suitable for use as ambulances, or as invalid or wheelchair coaches.

(2) It shall be the duty of the Fire Chief to determine whether the applicant has complied with the laws of the State of Oregon and the ordinanes of the City of Bend, relating to health, safety and sanitation.

Section 5. PUBLIC HEARING BEFORE CITY COMMISSION. Upon the filing of an application, the City Recorder shall fix a time and place for public hearing before the City Commission. Ten days written notice of said hearing shall be given to the applicant by certified mail and to all persons to whom ambulance operator's licenses or invalid or wheelchair coach licenses have previously been issued. Any interested person may file with the City Recorder a memorandum in support of or in opposition to the issuance of a license.

Section 6. FEES. Any owner or person desiring to operate an ambulance or invalid or wheelchair coach on any street in the City shall, at the time of filing the application for a license with the City Recorder, pay to the City Recorder a license fee of twenty dollars per annum for each vehicle, payable in advance. In the event a new license be obtained after January first, only one-half of the annual fee need be paid. Before the license is issued such applicant shall also pay to the City Recorder, when receiving application blanks, the sum of $10.00 to cover the cost of making inspections under the provisions of Section 4, which sum shall be in addition to the license fee and which sum shall be retained by the City whether the application for a license be granted or not.

Section 7. SUSPENSION AND REVOCATION OF LICENSE.

(1) A license may be revoked by the City Commission upon the following grounds:

(a) The license holder knowingly and after written notice from the City Recorder fails to operate his business in accordance with the provisions of this ordinance and any and all City, State and Federal Laws applicable to the ambulance business.

(b) The license holder has committed acts or carried on a course of conduct which the City Commission finds, after hearing, establishes a lack of good moral character.

(c) The license holder shall abandon its operation of the ambulance business for a period of one (1) or more days. Acts of God, labor disputes, and other acts beyond the control of the license holder which cause abandonment or limitation of service shall not be considered an abandonment within the meaning of this section.

(d) The license holder has failed to render satisfactory service.

(e) The license holder made false or misleading statements in his application.

(2) No suspension or revocation shall be made permanent until a hearing has been held by the City Commission.

(3) The City Recorder may suspend temporarily an operator's license without notice, if it appears that the continued operation of the licensee's business is not in the public interest. The City Commission shall hold a hearing after 10 days notice to the license holder and not more than 15 days from the date of the temporary suspension to consider permanent suspension or reinstatement of the operator's license.

Section 8. APPLICATIONS FOR DRIVER'S, "TECHNICIANS'S" AND DRIVER-TECHNICIANS'S LICENSE. Applications for driver's, technician's and driver-technician's licenses hereunder shall be made upon such forms as may be prepared or prescribed by the City Recorder and shall contain:

(1) The applicant's full name, current residence, places of residence for two years previous to moving to his present address, and length of time he has resided in Deschutes County.

(2) The applicant's age, marital status, height, color of eyes and hair.

(3) Whether he has ever been convicted of a felony or misdemeanor, and if so, when and where and for what cause.

(4) The applicant's training and experience in the transportation and care of patients, and whether he has previously been licensed as a driver, chauffeur, technician or driver-technician and if so, when and where, and whether his license has ever been revoked or suspended in any jurisdiction and for what cause.

(5) Affidavits of good character from two reputable citizens of the United States and residents of Deschutes County who have personally known such applicant and observed his conduct during one year preceeding the date of his application.

(6) Two recent photographs of the applicant, of a size designated by the City Recorder, one of which shall be attached by the City Recorder to the license.

(7) Such other information as the City Recorder shall deem reasonably necessary to a fair determination of compliance with this ordinance.

(8) An accompanying license fee of $5.00.

Section 9. STANDARDS FOR DRIVER'S, TECHNICIANS'S AND DRIVER-TECHNICIANS'S LICENSE.

(1) The City Recorder shall, within a reasonable time after receipt of an application as provided for herein cause such investigation as he deems necessary to be made of the applicant for a driver's, technicians's or driver-technician's license.

(2) The City Recorder shall issue a license to a driver, technician or driver-technician hereunder, valid for a period of one year, unless earlier suspended, revoked or terminated, when he finds that the applicant:

(a) is not addicted to the use of intoxicating liquors, or narcotic or dangerous drugs, and is morally fit for the position;

(b) is able to speak, read and write the English language;

(c) has been found by a duly licensed physician, upon examination attested to on a form provided by the City Recorder, to be of sound physique, possessing eyesight corrected to at least 20/40 in

the better eye, and free of physical defects or diseases which might impair the ability to drive or attend an ambulance; and

(d) is currently certified as an Emergency Medical Technician.

(e) holds a currently valid chauffeur's permit from the State of Oregon.

(3) A license as driver, technician or driver-technician issued hereunder shall not be assignable or transferable.

(4) No official entry made upon a license may be defaced, removed or obliterated.

Section 10. DRIVER TO BE ACCOMPANIED. At least one licensed technician in addition to the licensed driver, shall accompany the driver when an ambulance is in operation.

Section 11. OPERATOR'S BOND. Every ambulance operator shall furnish the City with a good and sufficient cash bond or surety bond in the sum of one thousand dollars which shall be continued in effect during the period that such ambulance operator shall do business in the City. The bond shall be given as a guarantee that the ambulance operator will furnish and maintain ambulance service from the date of obtaining a City license and during the period covered by each renewal thereof, without interruption of service, except that by giving sixty days' notice to the City such ambulance operator shall be authorized to discontinue his service without penalty. If for any reason the licensed ambulance operator shall cease operations or discontinue business for any reason whatsoever, voluntarily or involuntarily, without giving notice herein required, such cash bond or surety bond shall be forfeited to the City. The bond must be approved as to form by the City Attorney and shall be filed with the City Recorder.

Section 12. REQUIRED EQUIPMENT.

(1) No operator's license shall be issued unless the Fire Chief or his designated officer or agent has determined upon personal inspection that the construction, capacity and first aid supplies and equipment of each ambulance proposed to be operated is in full compliance with all laws of the State of Oregon and the Ordinances of the City of Bend.

(2) Upon making application for ambulance operator's license or an invalid or wheelchair coach license, the applicant shall submit a list of equipment to be carried in each vehicle. This list shall be subject to approval of the City Commission at the time that the applicant's license is before the Commission for consideration. The list shall be subject to review and approval annually at the time of the license holder's renewal, and shall be filed with the City Recorder.

Section 13. RATES AND CHARGES TO BE POSTED.

(1) Each ambulance and invalid or wheelchair coach operated within the City shall plainly display in the passenger compartment thereof a schedule of maximum tariff rates and charges.

(2) Upon making application for an ambulance operator's license for an invalid or wheelchair coach license, the applicant shall submit a list of tariff rates and charges, which shall be subject to approval of the City Commission at the time that the applicant's license is before the Commission for consideration. The list shall be subject to review and approval annually at the time of the license holders renewal and shall be filed with the City Recorder.

Section 14. FUMIGATION AND DISINFECTION. Any ambulance carrying a patient afflicted with contagious or infectious disease shall thereafter be carefully and thoroughly fumigated or disinfected in its passenger compartment and equipment, before being used for another patient.

Section 15. RESPONSIBILITY OF OPERATOR. It is hereby made the duty of the ambulance operator to supervise his employees, the drivers of the ambulances, the technicians thereon, and the ambulance, to assure that at

all times such vehicles are in condition to meet the requirements of this ordinance, to assure that a competent licensed driver is operating the same when making calls, and that a licensed technician be present and accompany such vehicle. Such operator shall not permit any person who is under the influence of intoxicating liquor or drug to drive any ambulance or to accompany the same as a technician. In case the driver-technician violates any provision of this chapter, the operator may be held responsible and his license may be revoked for such violations.

Section 16. LIABILITY INSURANCE.

(1) No operator's license shall be issued unless there is on file with the City an insurance policy approved by the City Recorder, whereby the owner and the driver of each of the vehicles described in said license are insured against liability for damage to property and for injury to or death of any person resulting from the ownership, operation or other use thereof. Said policy shall be in the sum of not less than ONE HUNDRED THOUSAND DOLLARS ($100,000) for personal injury to or death of any one person in any single accident and THREE HUNDRED THOUSAND DOLLARS ($300,000) on account of personal injuries to or death of two or more persons in any one accident, and the limits on each such vehicle shall not be less than FIFTY THOUSAND DOLLARS ($50,000) for damage to or destruction of property in any one accident.

(2) The insurance policy shall contain an endorsement providing that said policy of insurance will not be cancelled until notice in writing shall have been given to the City, addressed to the City Recorder, City Hall, Bend, Oregon, at least thirty (30) days prior to the time such cancellation shall become effective.

(3) The insurance policy must be issued by a company authorized to do business in the State of Oregon. Said policy shall further provide that there shall be a continuing liability thereon, notwithstanding any recovery on said policy. If, at any time, said insurance policy shall be cancelled by the company issuing the same, or the authority of said company to do business in the State of Oregon shall be revoked, the certificate holder shall replace said policy with another policy approved by the City Recorder.

Section 17. REPLACEMENT OR ADDITION OF VEHICLES. Whenever a license holder replaces a vehicle, he shall file with the City Recorder a description of the vehicle to be abandoned, and a description of the vehicle to be placed in use with the name of the manufacturer, engine and serial numbers and State Motor Vehicle license number. Such information shall also be furnished for any vehicle or vehicles being added to the operation. Each new vehicle shall be presented for inspection according to the provisions of Section 4 of this ordinance.

Section 18. CITY AMBULANCE. The provisions of this ordinance shall not apply to the City's municipal ambulance service except that all drivers, technicians and driver-technicians shall be certified as Emergency Medical Technicians.

Section 19. PENALTY. Any person convicted of violating any provision of this ordinance shall be punished by imprisonment in the City jail for a period not to exceed 100 days or by a fine not to exceed $500.00 or both.

Read for the first time the 5th day of January, 1977

Read for the second time the 19th day of January, 1977

Placed upon its passage the 19th day of January, 1977

YES: 7 NO: 0

Submitted to and approved by the Mayor this 19th day of January, 1977

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1107

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY REQUIRING COMPLIANCE WITH CONDITIONS ATTACHED TO CONDITIONAL USES, VARIANCES AND SITE PLANS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.010 of Ordinance No. NS-796 is amended by adding thereto a new sentence to read:

"Failure to comply with all of the terms and conditions attached to any conditional use, variance or site plan shall constitute a violation of this ordinance."

Read for the first time the 17th day of January, 1977

Read for the second time the 2nd day of February, 1977

Placed upon its passage the 2nd day of February, 1977

YES: 6 NO: 0

Submitted to and approved by the Mayor this 2nd day of February, 1977

ATTEST:

Recorder-Treasurer

Mayor

ORDINANCE NO. NS-1108

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY ADDING DAY NURSERY AS A PERMITTED USE IN THE C-1 TOURIST COMMERCIAL ZONE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 3.210 of Ordinance No. NS-796 is amended by adding thereto a new permitted use to read:

"14. Day nursery."

Read for the first time the 17th day of January, 1977

Read for the second time the 2nd day of February, 1977

Placed upon its passage the 2nd day of February, 1977

YES: 6 NO: 0

Submitted to and approved by the Mayor this 2nd day of February, 1977

ATTEST:

Recorder-Treasurer

Mayor

ORDINANCE NO. NS-1109 Repealed by ORD. NO. NS-1399

AN ORDINANCE CHANGING COMMISSION PROCEDURES FOR APPROVAL OF BILLS AGAINST THE CITY

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 21 of Ordinance No. NS-433 is amended to read:

"Section 21. Claims Against the City. All claims against the City shall be reviewed by the City Manager; and he shall recommend to the City Commission for payment those he considers valid and proper. No claim shall be paid except after City Commission approval.

Read for the first time the 2nd day of February, 1977

Read for the second time the 16th day of February, 1977

Placed upon its passage the 16th day of February, 1977

YES: 7 NO: 0

Submitted to and approved by the Mayorthis 16th day of February, 1977

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1110

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

> A tract of land located in Section 27, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, State of Oregon, more particularly described as follows:
>
> Beginning at the Southwest corner of the Northeast one quarter of the Southeast one quarter of said Section 27, thence North 89° 44' 20" East, 540.00 feet, thence North 0° 05' 41" East, 330.00 feet, thence South 89° 44' 20" West, 540.00 feet, thence South 0° 05' 41" West, 330.00 feet to the true point of beginning,
>
> EXCEPT established easements, if any, for roads, utility lines and irrigation water;

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 6th day of April, 1977, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted at four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 21st day of February, 1977

Read for the second time the 2nd day of March, 1977

Placed upon its passage this 2nd day of March, 1977

YES: 5 NO: 0

Submitted to and approved by the Mayor this 2nd day of March, 1977

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1111

AN ORDINANCE ADOPTING THE STATE CRIMINAL MISCHIEF STATUTE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 33 of Ordinance No. NS-737 is amended to read:

"Section 33. Criminal mischief. A person commits the crime of criminal mischief if, with intent to cause substantial inconvenience to the owner or to another person, and having no right to do so or reasonable grounds to believe that he has such right, he tampers or interfers with the property of another, and as a result thereof, damages the property in an amount not exceeding $1,000."

Read for the first time the 16th day of February, 1977

Read for the second time the 2nd day of March, 1977

Placed upon its passage this 2nd day of March, 1977

YES: 5 NO: 0

Submitted to and approved by the Mayor this 2nd day of March, 1977

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1112

AN ORDINANCE AMENDING THE CATV FRANCHISE BY INCREASING RATES TO FINANCE IMPROVEMENTS IN THE MICROWAVE SYSTEM.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

NS-806 expired 7-19-89

Section 1. Section 15 of Ordinance No. NS-806 is amended by adding thereto a new subsection (2) to read:

"(2) Company shall purchase, construct, install and maintain as part of its technical facilities a new microwave relay system which shall pick up signal for its television system services at Vineyard Mountain, microwave relay this signal to Green Peter Mountain, then to Hoodoo Mountain and distribute it through its CATV system within the City of Bend. This new microwave relay system shall:

(1) Comply with all the standards and specifications required by this franchise including Exhibit "A" as amended.

(2) Be installed and maintained as contemplated in Section 2.0 of that report titled 'Reliability and System Performance Goals for Liberty Communications' prepared by Microwave Associates, Inc. dated January 31, 1977; and which is attached hereto and made a part of this Ordinance as Exhibit "E".

(3) Use the equipment listed on Exhibit "F" which is attached to and made a part of this Ordinance.

Section 2. That part of Exhibit "A" of Ordinance No. NS-806 dealing with microwave equipment specifications is amended to read:

"C. Microwave Equipment Specifications (3 hop)

1. All solid state equipment.
2. Frequency Band: 12.7 - 13.25 GHz
3. Stability: ± 0.005%
4. Impedence: 50 ohms
5. Transmitter Power: +23.0 dbm min
6. Video Frequency Response: ± 0.50db (10 KHz-4.5 MHz)
7. Video Signal to Noise Ratio: 65 db (p-p/rms CCIR weighted)
8. Signal to hum ratio: 57db (p-p/rms)
9. Differential Phase: 10° (10% - 90% APL)
10. Differential Gain: 2.0 db (10% - 90% APL)"

Section 3. Section 16 (1) of Ordinance No. NS-806 is amended to read:

""Section 16. Rate Schedule.

(1) Upon company completing the improvement of its technical facilities by addition of the new microwave relay system from Vineyard Mountain to Hoodoo Mountain as described in Section 15, and upon the improved facilities providing good quality system services as determined by the criteria described in Section 14, company may charge the following maximum rates for its services under this franchise:

	Connection (For new subscribers)	Monthly (For new subscribers)
(a) Single-family residence, one outlet	$19.95	$ 7.50
Rental plan	None	8.45
Extra TV Outlets, each for all Subscribers	$10.00	$ 1.00

		Connection	Monthly
(b)	Multiple residential buildings, Trailer or Mobile Home Parks, etc. (one outlet per unit);		
	(A) If owner pays all charges:		
	2 units	$34.95	$11.30
	3 units or more, for each unit over 2, add to above	$15.00	$ 3.80
	(B) If cable company contracts with individual tenants	$10.00	$ 7.50
(c)	Single night rental establishments (Motels and Hotels) including Nursing homes and Hospitals (one outlet per unit) Owner pays all charges:		
	(A) 2 units	$34.95	$ 9.30
	3 units or more, for each unit over 2, add to above	$15.00	$ 1.80
(d)	Reconnection of existing single-family residential drop (one outlet)	$10.00	$ 7.50
	Extra Outlets (already in), each	$ 5.00	$ 1.00
	Extra Outlets (new install), each	$10.00	$ 1.00
(e)	Transfer to new address by a present subscriber	$ 5.00	No charge
	Extra Outlets (already in), each	$ 5.00	$ 1.00
	Extra Outlets (new install), each	$10.00	$ 1.00
(f)	FM-radio tap-off, each	$15.00	None
(g)	TV Dealers and Repairmen	$19.95	$ 7.50
(h)	Other Businesses	$19.95	$ 7.50
	Extra Outlets, each	$15.00	$ 1.80
(i)	Schools:		
	One Outlet	None	None
	Additional Outlets	Negotiate Charges	
(j)	For other or unusual service or for special equipment, charges will be negotiated for individual contracts the charges to be compatible with other rates of the Company and reasonable.		
(k)	Various discounts may be allowed from time to time as promotional devices for which any new subscriber would be eligible,		
(l)	Underground installations shall be at Company's cost or $75.00, whichever is less.		
(m)	Unwarranted complaint calls:		
	First such call, no charge		
	Additional calls (optional), each $3.00"		

Section 4. Except as amended by this ordinance all other terms and conditions of Ordinance No. NS-806 shall remain in full force and effect.

Section 5. Within thirty days from the effective date of this amending ordinance Company and Liberty Television, Inc. shall file with the City Recorder-Treasurer a written unconditional acceptance of this amendment to the franchise and all of its terms and conditions, and if they fail to do so this ordinance shall be void and of no effect.

Exhibit "E"

RELIABILITY AND SYSTEM PERFORMANCE GOALS FOR LIBERTY COMMUNICATIONS

Prepared by:

MICROWAVE ASSOCIATES, INC.
Burlington, MA
January 31, 1977

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1.0 Scope

2.0 System Description

3.0 Reliability Considerations

4.0 Reliability Calculations

5.0 System Performance Goals

6.0 Appendixes

1.0 SCOPE

The purpose of this report is to examine a proposed microwave relay system in Central Oregon, in order to determine the expected system performance and reliability goals to be expected.

2.0 SYSTEM DESCRIPTION

The proposed relay system will consist of an off-air pick-up point located on Vineyard Point approximately 50 miles south of Portland, Oregon. The signal measurements have been made at this location, and it has been determined that the signal quality at that point is extremely good. The signals are quite strong, and there is no evidence of ghosts in the picture or any significant alterations of the transmitted signal. Seven new receivers called off-air demodulators, are proposed for this site. These receivers will feed seven CARS band microwave transmitters whose signals will all be combined and connected to a signal transmit antenna. The path to Green Peter, the first intermediate relay point, is approximately 35 miles. At this location there will be a seven channel microwave receive system which will be coupled to a seven channel transmit microwave system, and will then relay the signals to Hoodoo Butte, the next intermediate point. This is the same location as is currently being used for off-air reception for the Bend Cable system. The third microwave hop will be the same as the existing one; namely, approximately 40 miles from Hoodoo Butte to Bend. A seven channel receive system is proposed for Bend.

2.0 (Continued...)

All the equipment proposed is brand new and represents the latest concepts in optimum system design and performance.

3.0 RELIABILITY CONSIDERATIONS

The proposed system reliability is the sum total of the following factors:

1. Quality from the off-air receive signals.
2. Performance of the three hop microwave system.
3. Performance of the cable modulators and associated equipment at Bend.
4. The transmission reliability for not only the off-air signals, but for the three microwave paths.

All proposed new equipment is completely solid state and has been manufactured for several years. The result of these two factors is extremely good reliability from an equipment operation standpoint. The general yardstick used in evaluating the equipment reliability is called "mean time between failures (MTBF)". The typical figure for the proposed microwave system is in the vicinity of 20,000 hours. In other words, each of the individual pieces of equipment proposed is expected to run for atleast 20,000 hours before a failure of any kind should occur. The failures may or may not result in a signal outage. The 20,000 hours represents a period of over two (2) years.

The mean time between failure is normally calculated by examining the individual components, which make up a system, and performing a stress analysis on them. In other words, how close to their rated capacity are they being used in the circuit

3.0 (Continued...)

in question. This is a long and involved calculation process, but is usually done on every piece of equipment manufactured.

The reliability of the transmitted signals should be extremely good at Vineyard Mt. The signal evaluations have been made at that site, and the results are most favorable. The location is much closer to the Portland TV stations, and is the current off-air pick-up point at Hoodoo Butte. This will result in the following improvement:

1. The signal strength will be much stronger, which means that any fading conditions which occur will not result in any visible changes to the receive pictures.

2. A condition which occurs mainly in the summer is known as co-channel interference. This results when signals from a distant television station are picked along with the signals from the local television station. Since the local received signals will be much stronger, the visual interference caused by this phenomena will be considerably reduced.

The transmission reliability of the microwave system is a function of an operating frequency, the length of the paths, and the amount of clearance that the signal has over the terrain as it passes from one end of the path (the transmit end) to the other end. Two of the three microwave paths proposed did not need careful study, since it was obvious that they had the necessary ground clearance, and were in areas that did not suffer from temperature inversions and other factors which would normally cause fading problems on microwave systems. The middle hop, however, between Green Peter and Hoodoo Butte did warrant a closer look in order to predict its reliability.

The work was done in the form of a preliminary map study, and a field survey which was performed in the month of January.

3.0 (Continued...)

The results of the survey were that the path did possess a sufficient ground clearance, such that fading problems were not and are not anticipated. The findings were correlated against other statistical data, which is available for this part of the world, and the results appear in the next section on reliability calculations.

In summary, it can be anticipated that the proposed microwave system will provide the subscribers in Bend, Oregon with significantly higher-quality pictures than are presently available, and with a reliability that is equivalent or superior to most of the other microwave cable television installations presently in operation in the country.

4.0 RELIABILITY CALCULATIONS

The outage time is defined as the amount of hours or minutes per year that the quality of the microwave received signals is below the desired minimum standards. The commonly agreed upon standard is a signal-to-noise ratio of 30dB. At this point signals are viewable, although there is a considerable amount of noise or snow in the picture. It has been subjectively determined that this sort of condition can be tolerated by the average viewer for short periods of time.

In the 13GHz CARS band, fades occur infrequently, but when they do they are quite short in duration (less than one or two seconds) and quite deep. The formula for predicting outages is expressed as follows:

$$\text{Outage} = A \times B \times 1.25 \times 10^{-6} \times F_r^{1.5} \times D^3 \times 10^{-F/10}$$

Where: A = Terrain Factor, B = Atmospheric Factor, Fr = Frequency in GHz, D = Path distance in miles, F = Fade Margin in dB

4.0 (Continued...)

This formula takes into account the terrain affects of the local area, and the atmospheric conditions which are normally present, as well as the operating frequency, the distance of the path, and the amount of fade margin or reserve signal which is designed into microwave equipment. Normally, a fade margin of 40dB is designed in, which means that the receive signal can fade or decrease in strength by a factor of 10,000 times and still produce a viewable picture.

Substituting values for the above equation yields an outage probability on each of the microwave paths of less than .06% per year, which means the reliability probability is 99.94% per year, and since there are 8,760 hours per year, this means that the total outage time will be less than 2½ hours per year. Bear in mind that this will never occur all at one time but during brief intervals of one or two seconds, and usually during the late at night and early morning hours when viewers are at a minimum.

5.0 SYSTEM PERFORMANCE GOALS

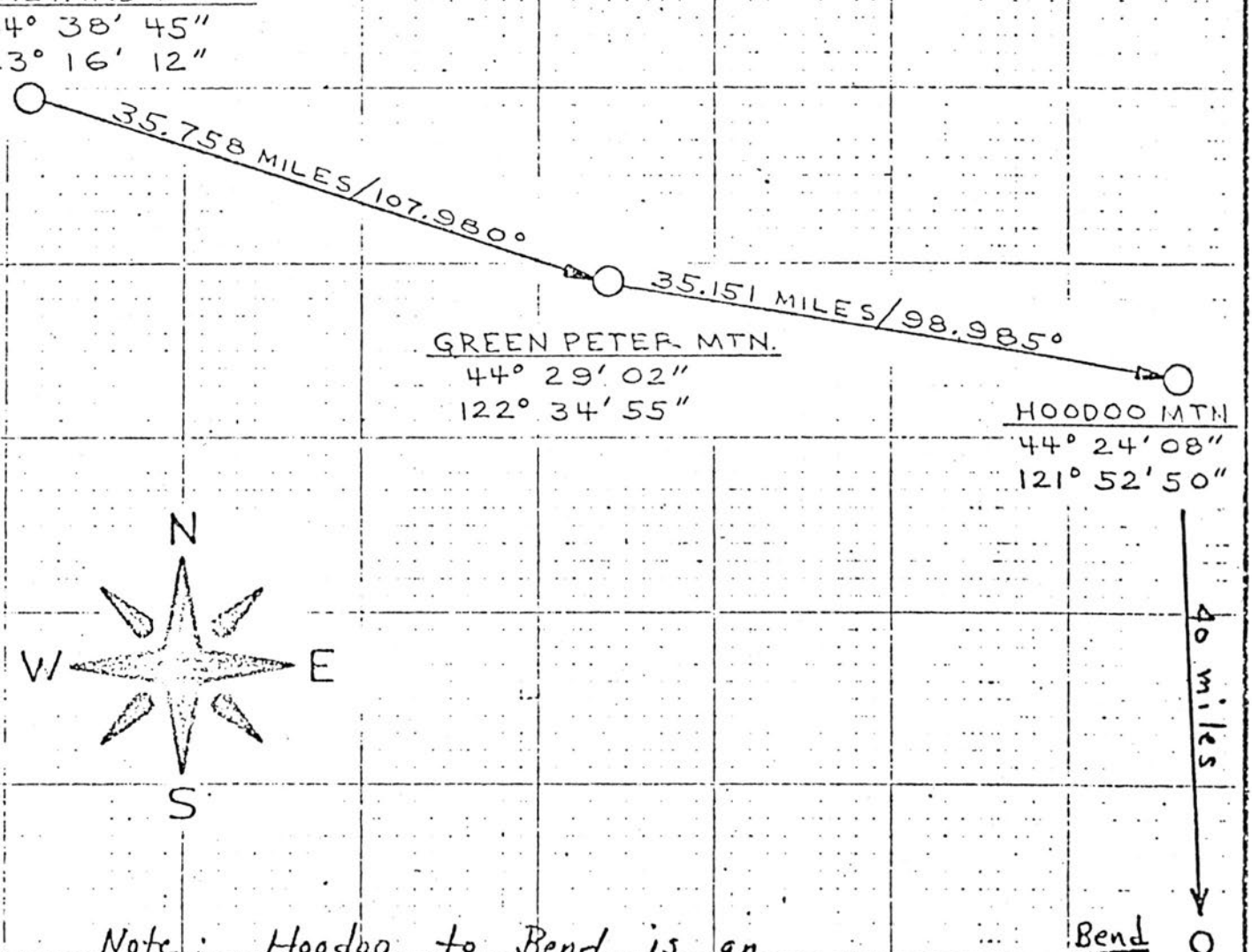
The microwave performance goals for a three hop system using the proposed equipment are as follows:

1. Video Frequency Response ± 0.25dB (10Hz - 4.5MHz)
2. Video signal-to-noise ratio 65dB or better (EIA Weighted)
3. Signal to hum 57dB or better
4. Differential Phase Less than 2.0° (10-90% APL)
5. Differential Gain Less than 0.5dB (10-90% APL)

5.0 (Continued...)

The above specifications, although familiar to those in the microwave field, may not mean too much to the cable televisions subscribers; however, if these specifications are compared to those of the television broadcast transmitter and off-air demodulator, and cable modulator which are part of the proposed system, it will be seen that these specifications are many, many times better than the other equipment in the system is capable of delivering.

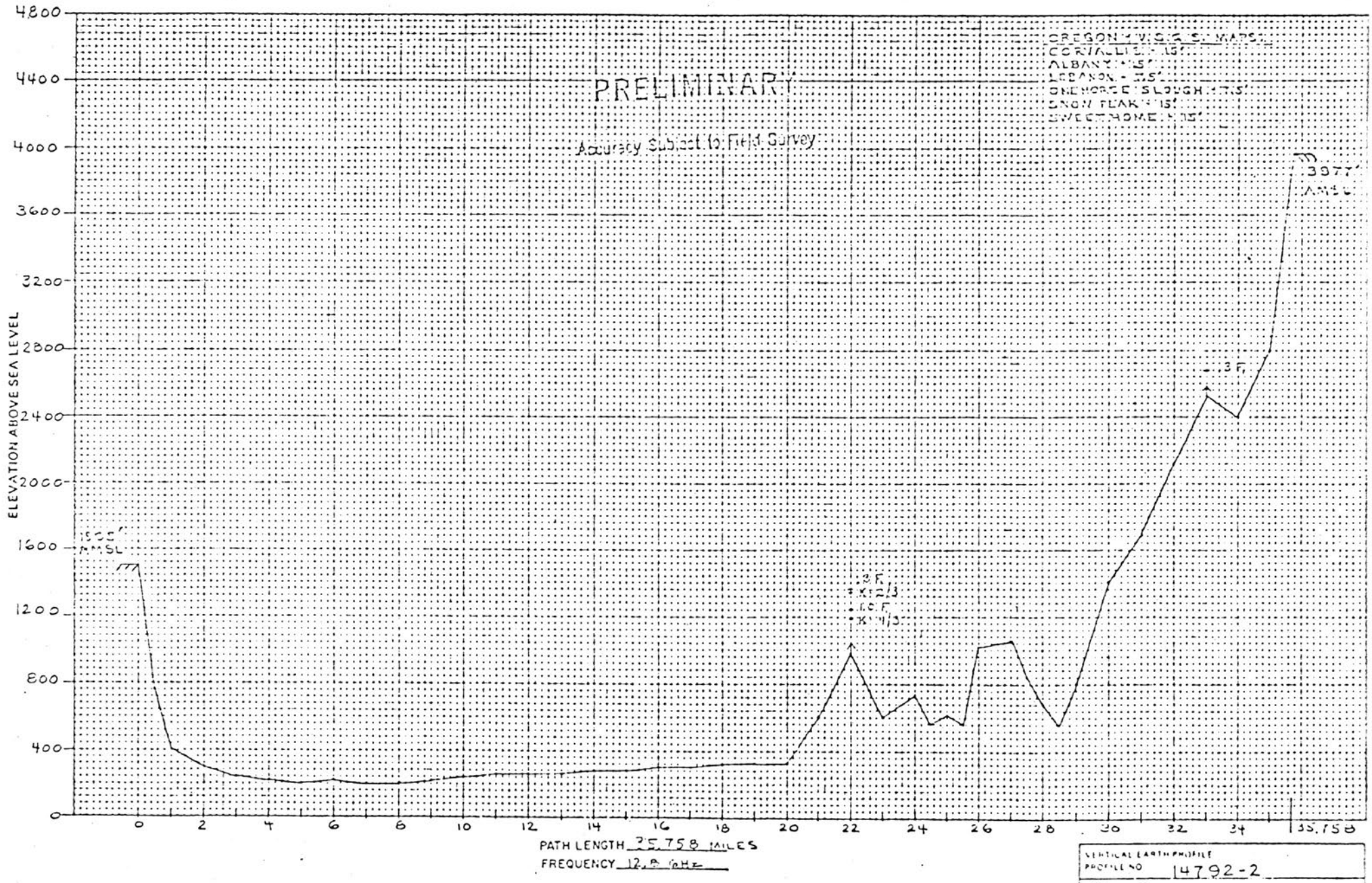
Considering the fact that all new equipment is proposed, the quality of the pictures which are to be delivered to the Bend subscribers, will be significantly better than is currently available at Bend, and will essentially be of the same quality as homeowners in the Vineyard Mt. of Oregon can receive off the air. In other words, the proposed system will not degrade the quality of the transmitted signals to a point where the degradation can be noticed or viewed in the picture.



Note: Hoodoo to Bend is an existing microwave path

REVISIONS	TOLERANCES UNLESS SPECIFIED .XXXX = ± .0005 .XXX = .005 .XX = ± .02 ANG. ± ½°		
ORIGINATOR V. MURRAY / DATE 12-13-76	Microwave Associates Inc.	TITLE ROUTING DIAGRAM	
MATERIAL Q-14792-674	ENGINEERING SKETCH	SK-14792-1	REV.
USED ON LIBERTY COMM.			

FORM 105



STATION VINEYARD MTN.
N. LATITUDE 44° 38' 45"
W. [redacted] 123° 16' 12"

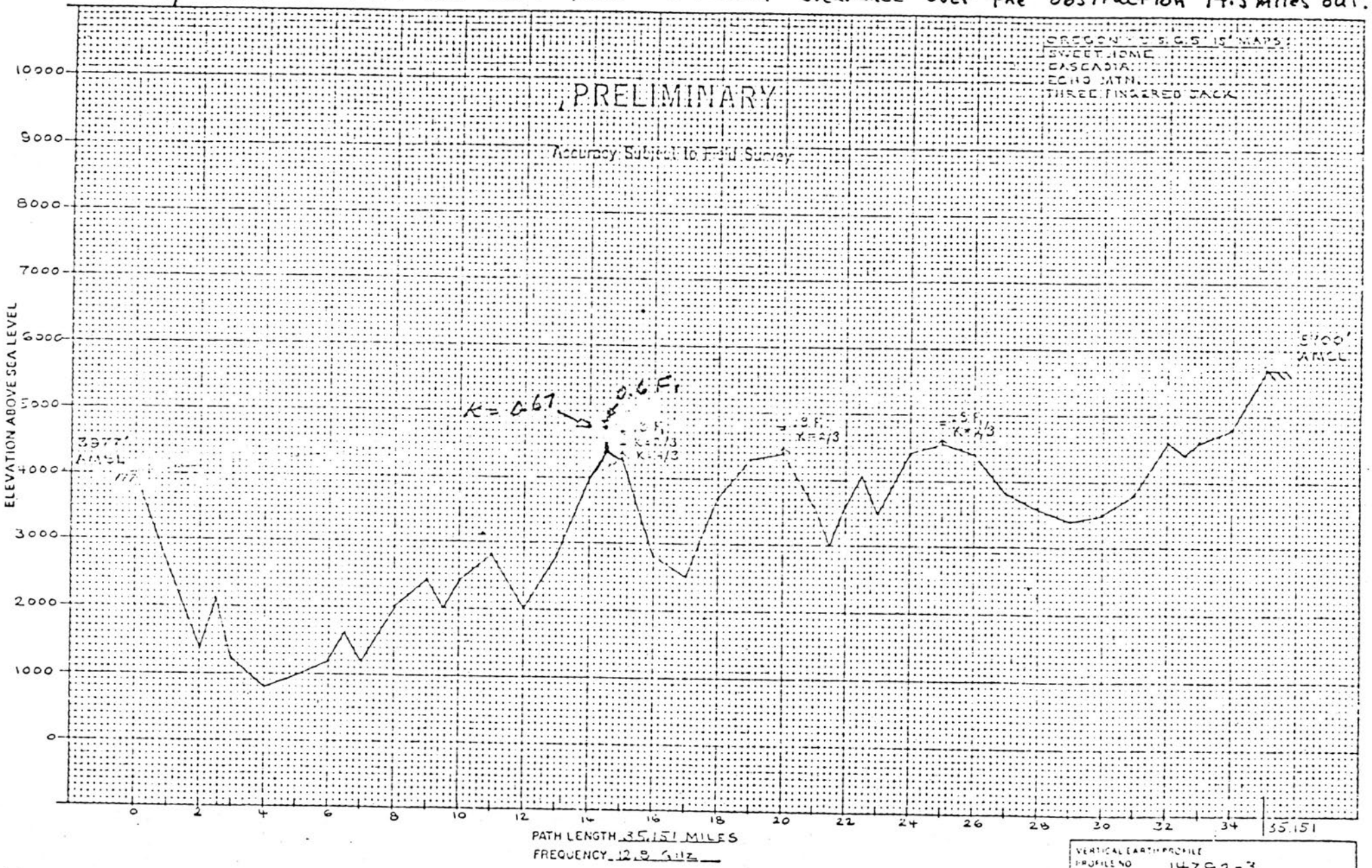
PATH AZIMUTH 107.980° EAST OF TRUE NORTH
DATA REFERENCE U.S.G.S. TOP[redacted]

STATION GREEN PETER MTN.
N. LATITUDE 44° 29' 02"
W. LONGITUDE 122° 34' 55"

VERTICAL EARTH PROFILE
PROFILE NO 14792-2
Alicrolave
DRAWN BY K[redacted] DATE 12-13-76
SYSTEM FOR LIBER[redacted] 874 VNICATIONS

FORM 1023

Survey Results: Path has more than 0.6 Fresnel Clearance over the obstruction 14.5 miles out.



STATION GREEN PETER MTN.
N. LAT[redacted]° 29' 02"
W. LON[redacted]° 34' 55"

PATH AZIMUTH 98.985° EAST OF [redacted]
DATA REFERENCE U.S.G.S. TOPO[redacted]

STATION HOODOO MTN.
N. LATITUDE 44° 24' 08"
W. LONGITUDE 121° 52' 50"

VERTICAL EARTH PROFILE
PROFILE NO 14792-3
[redacted] COMMUNICATION
DRAWN K [redacted] DATE 12-13-76
SYSTEM [redacted] 4-14792

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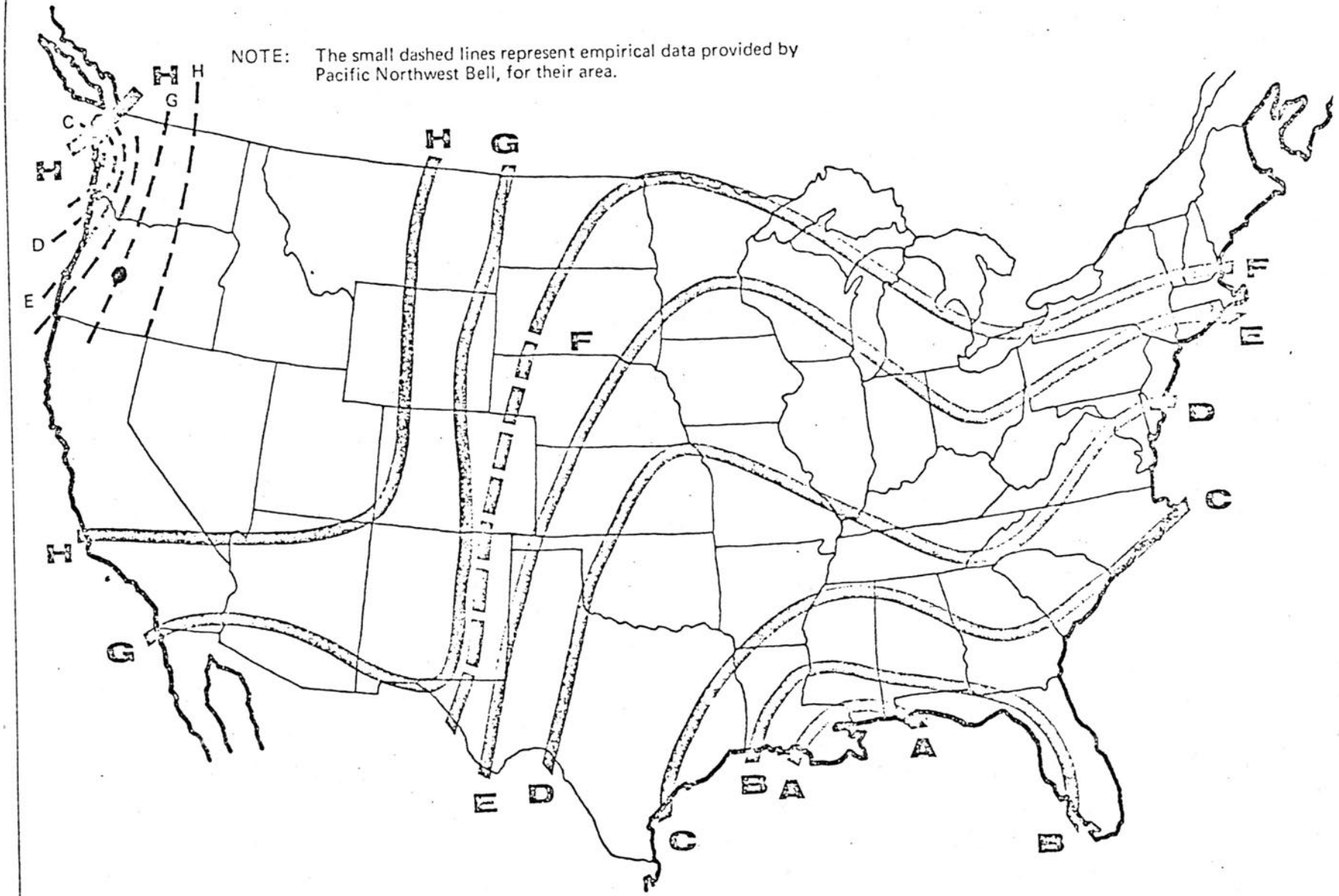

Figure 19. Contours Of Constant Path Length For Fixed Outage Time.

Note: Areas G and H are the most reliable in the country for rain outage

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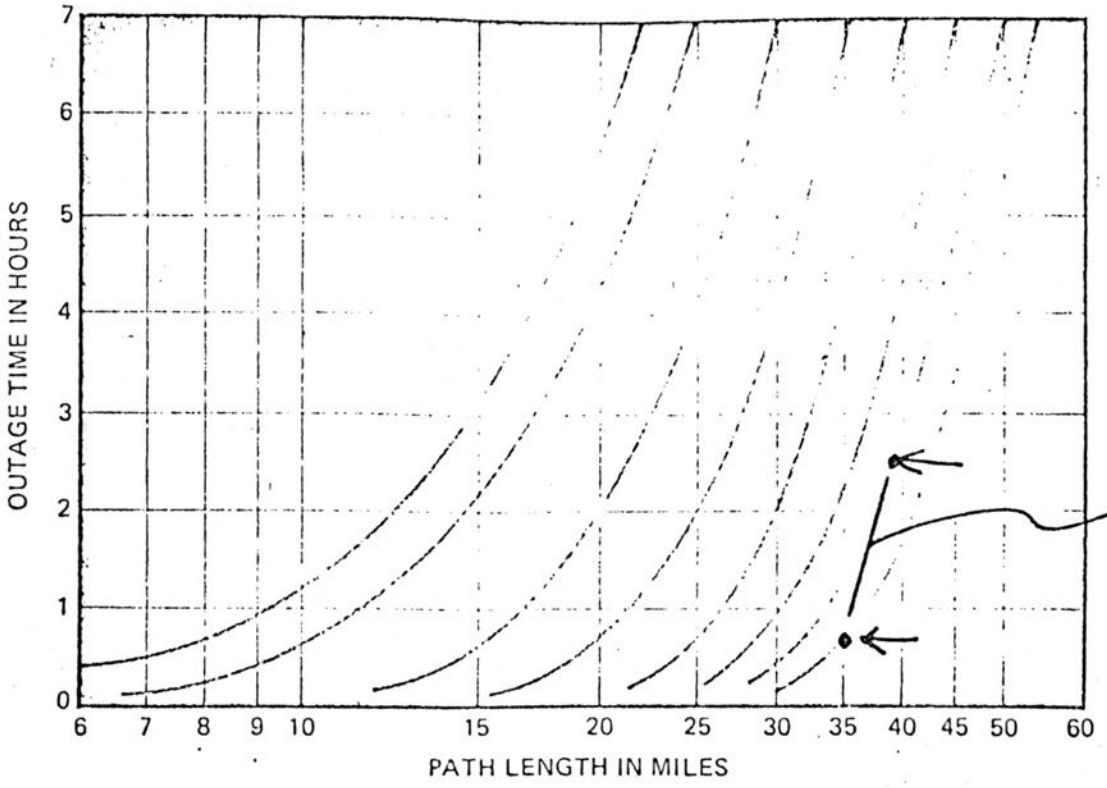


Figure 20. Expected Outage Time In Hours Per Year vs. Path Length In Miles For Various Areas of the United States. (Based on 11 GHz paths with 40 dB fade margin; for 13 GHz paths, reduce path lengths by 30%. For 45 dB fade margin, decrease outage time by 15%; for 35 dB fade margin, increase it by 25%.)

ground, the total amount of water in the air remains substantially the same, but part of the water condenses into minute droplets. Its contribution to the refractive index is then substantially less than when it is in the form of vapor. The weather effect normally accompanying a fog is very still air, and some temperature inversion. These are the conditions for a sub-standard surface layer with an M profile as in Figure 16c. The result is to reduce the effective beam clearance at all frequencies and, in extreme cases, will put the system out of service. The term "earth bulging" is often applied to the refractive effect.

Fog which occurs very close to the ground in the early morning, usually in a valley immediately over a small stream, has quite another effect. In this case, the normal beam is in the clear, but the surface at the fog layer is a smooth strata which forms a good reflector of microwave energy.

Attenuation by Atmospheric Gases

The principal gaseous absorption is by oxygen and water vapor. The attenuation due to oxygen is relatively constant in the 2 GHz to 14 GHz frequency range, and is slightly under 0.01 dB/mile at 2 GHz and slightly above at the 14 GHz end. Water vapor absorption, on the other hand, is highly dependent on the frequency (as well as the density of water vapor). It is extremely low at 2 GHz, on the order of 0.0002 dB/mile, and still negligible, on the order of 0.002 dB/mile, in the 8 GHz range. But at about 14 GHz it is approximately equal to the oxygen absorption, at about 0.01 dB/mile, and at frequencies in the vicinity of 20 GHz it is up to nearly 0.2 dB/mile. These data are taken from NBS Monograph No. 92, "Radio Meteorology", and Table C is also based on that source.

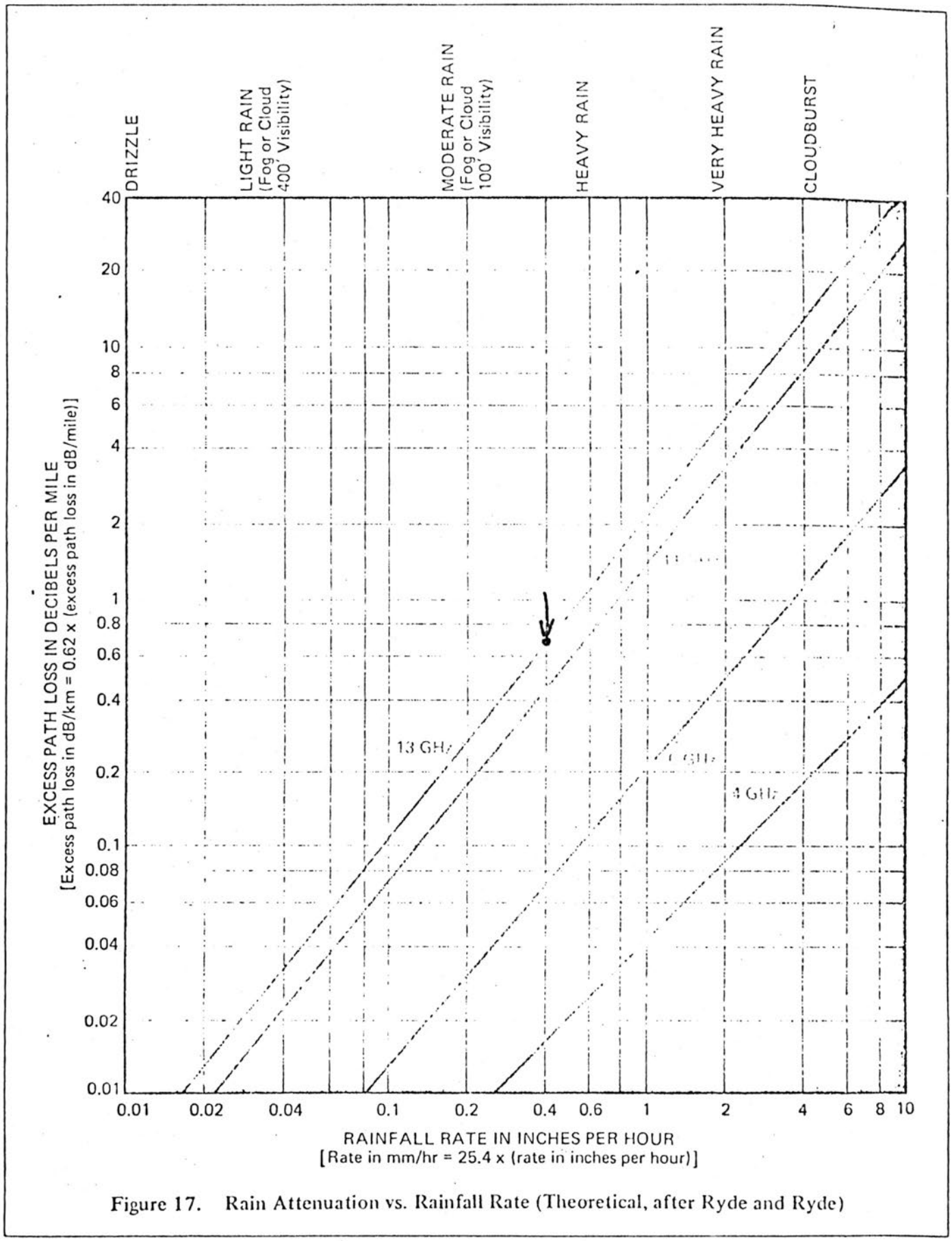
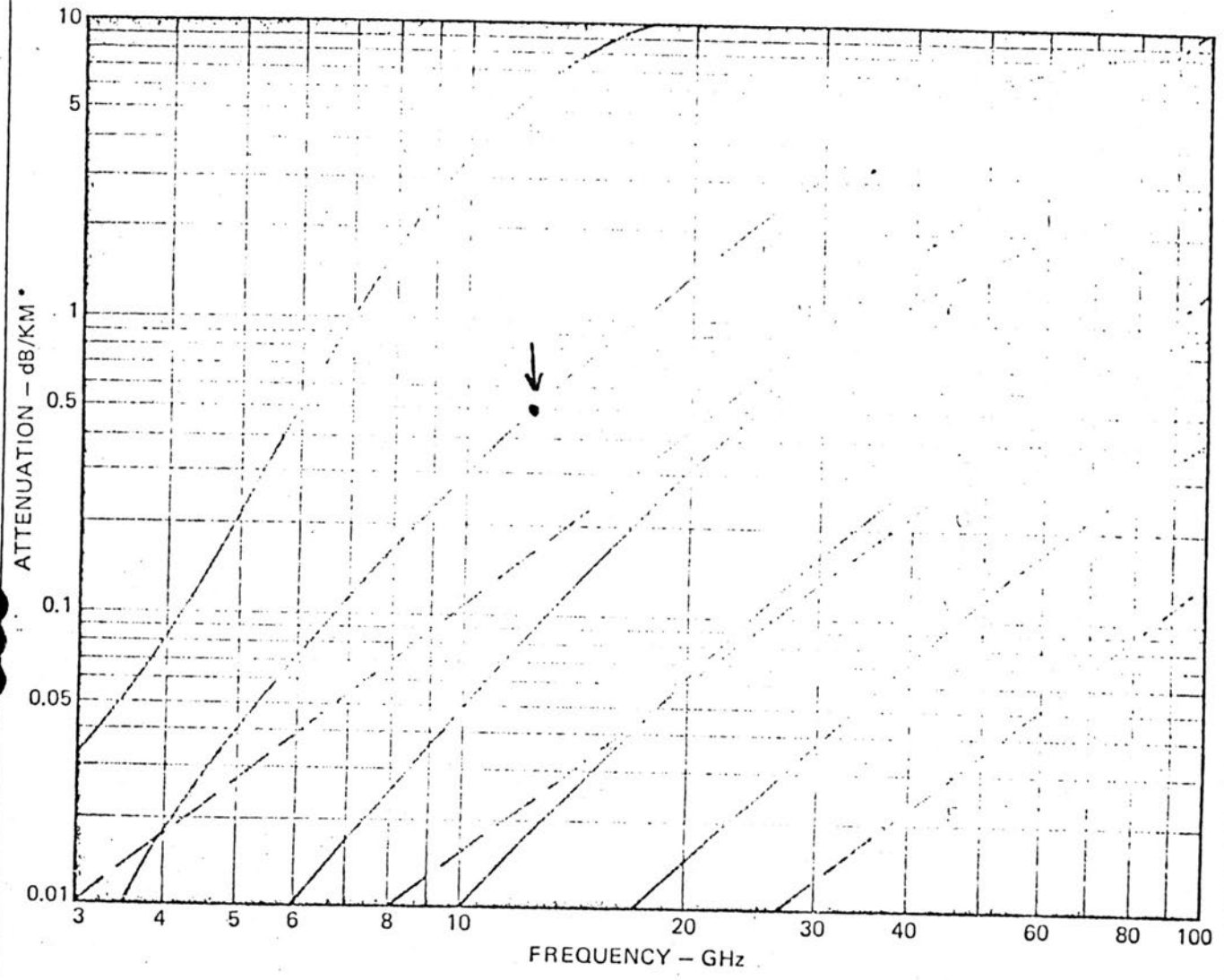


Figure 17. Rain Attenuation vs. Rainfall Rate (Theoretical, after Ryde and Ryde)



——— Attenuation in rainfall intensity of:

A, 0.25 mm/hr (drizzle) – .01 in/hr
B, 1.0 mm/hr (light rain) – .04 in/hr
C, 4.0 mm/hr (moderate rain) – .16 in/hr
D, 16 mm/hr (heavy rain) – .64 in/hr
E, 100 mm/hr (very heavy rain) – 4.0 in/hr

— — — Attenuation in fog or cloud:

F, 0.032 gm/m^3 (visibility greater than 600 meters)
G, 0.32 gm/m^3 (visibility about 120 meters)
H, 2.3 gm/m^3 (visibility about 30 meters)

*Attn – dB/mile = 1.61 x (Attn in dB/km)

Figure 18. Attenuation Due To Precipitation (after CCIR)

Reliability Calculations

1. Determination of Multipath Outage.

Non-Diversity Outage:

$$U = \frac{ab\ (2.5 \times 10^{-6})\ fD^3}{10^{F/10}}$$

Where U = outage per year

a = terrain factor;

4 for very smooth terrain, including over water,

1 for average terrain, with some roughness,

1/4 for mountainous, very rough, or very dry.

b = climate factor;

1/2 for Gulf Coast or similar hot, humid areas,

1/4 for normal interior temperate or northern,

1/8 for mountainous or very dry.

f = frequency in GHz

D = path length in miles

F = fade margin in dB. On space diversity paths, the larger fade margin.

Diversity Improvement Factors by which U (above) is to be divided:

Frequency Diversity,

$$I_F = \frac{K\Delta f \times 10^{F/10}}{f}$$

Where I_F = frequency diversity improvement factor

K = frequency constant from attached graph.

Δf = diversity frequency separation

f = mean frequency

F = fade margin, dB.

Cross Band Diversity improvement factor = 100

Space Diversity,

$$Is = \frac{fs^2 (7 \times 10^{-5}) \times 10^{\overline{F}/10}}{D}$$

Where Is = space diversity improvement factor

f = frequency in GHz

s = vertical antenna separation between centers, in feet

D = path length in miles

$\overline{F}$ = smaller fade margin, if margins differ on upper and lower paths.

2. Determination of Precipitation Outage on 11.2GHz Microwave Paths

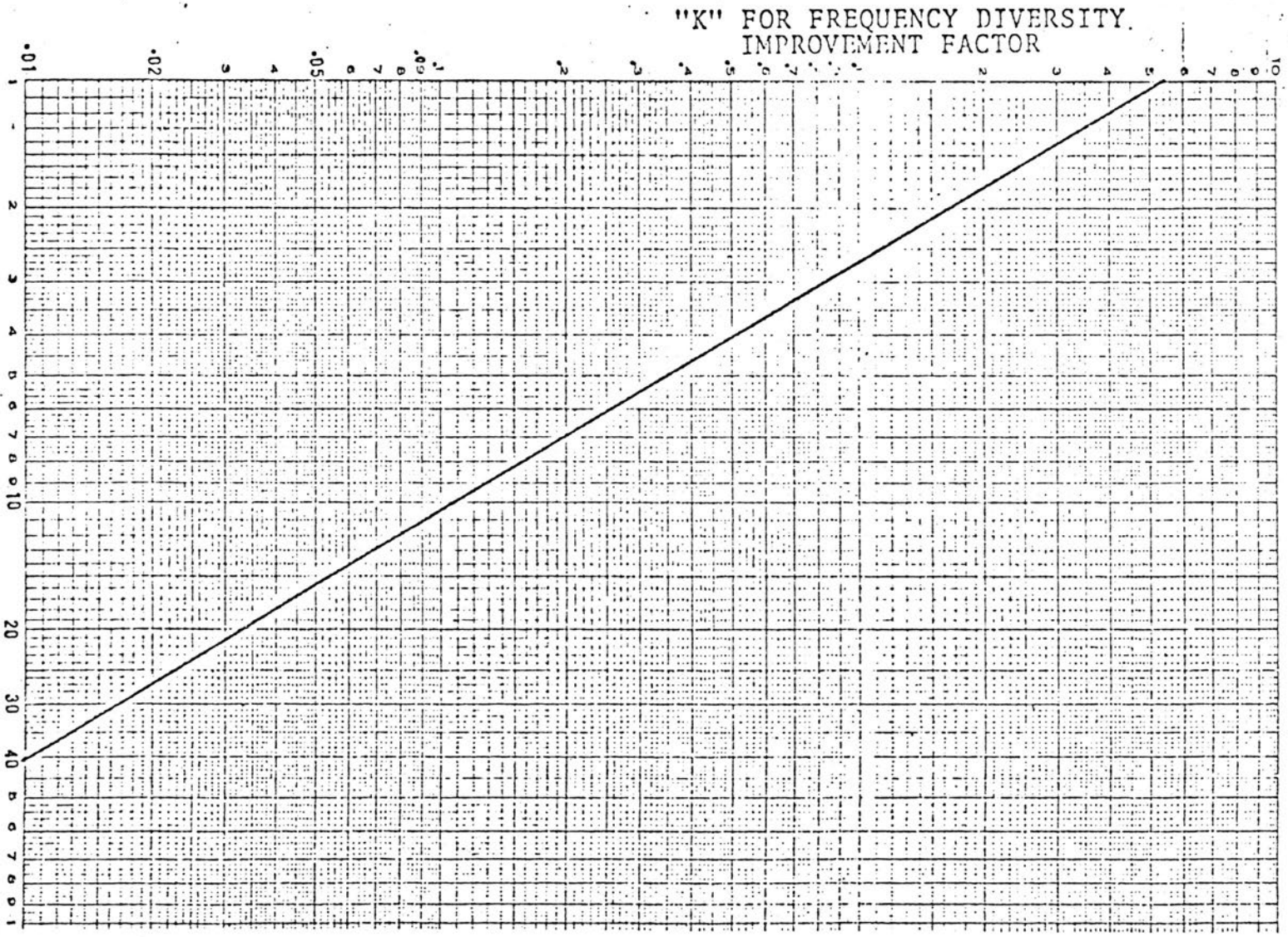
a. Using path length, go into the "Path Length vs. corrected Path Length" graph to get corrected path length.

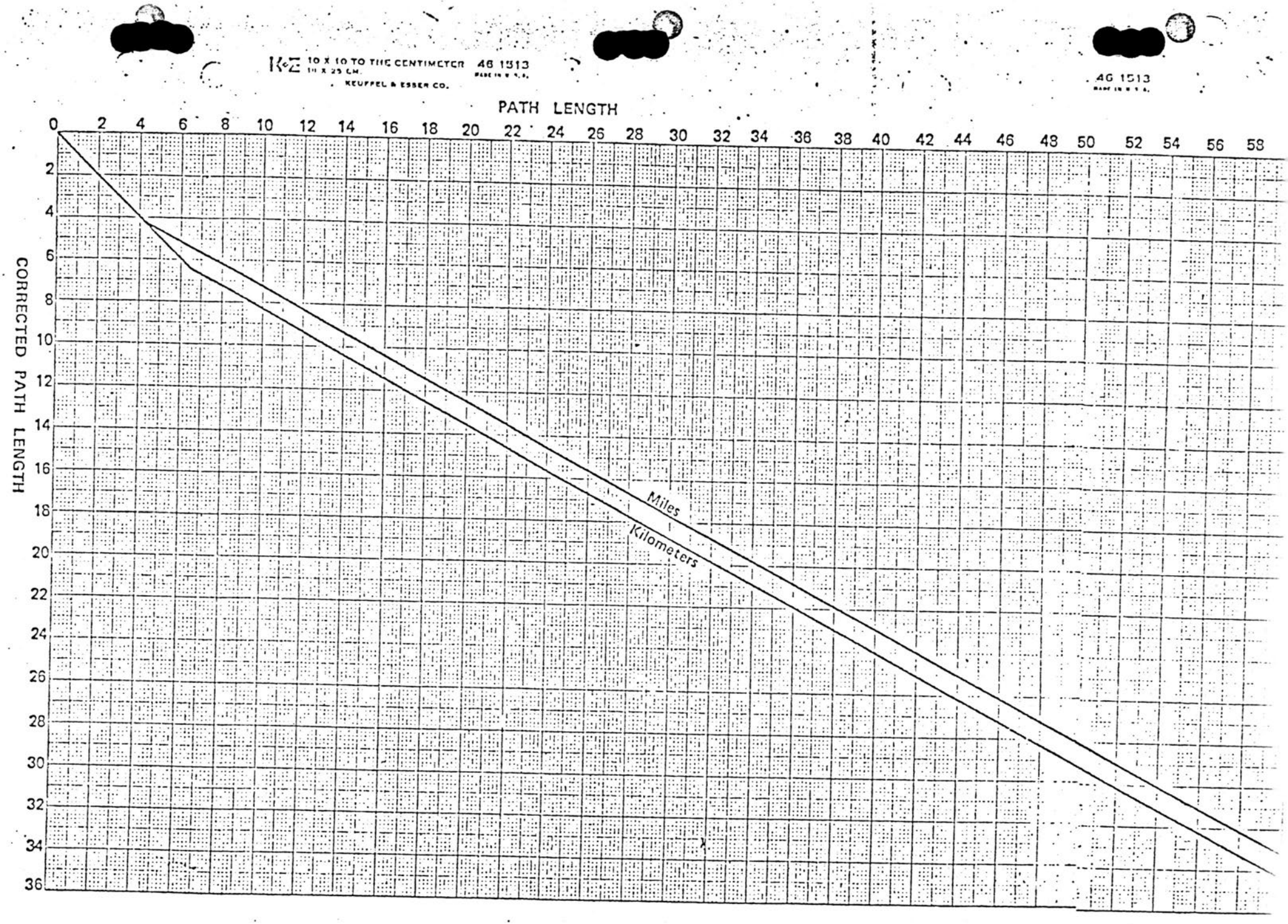
b. Locate path on map of 5 Minute maximum rainfall rate. Interpolate for nearest appropriate number.

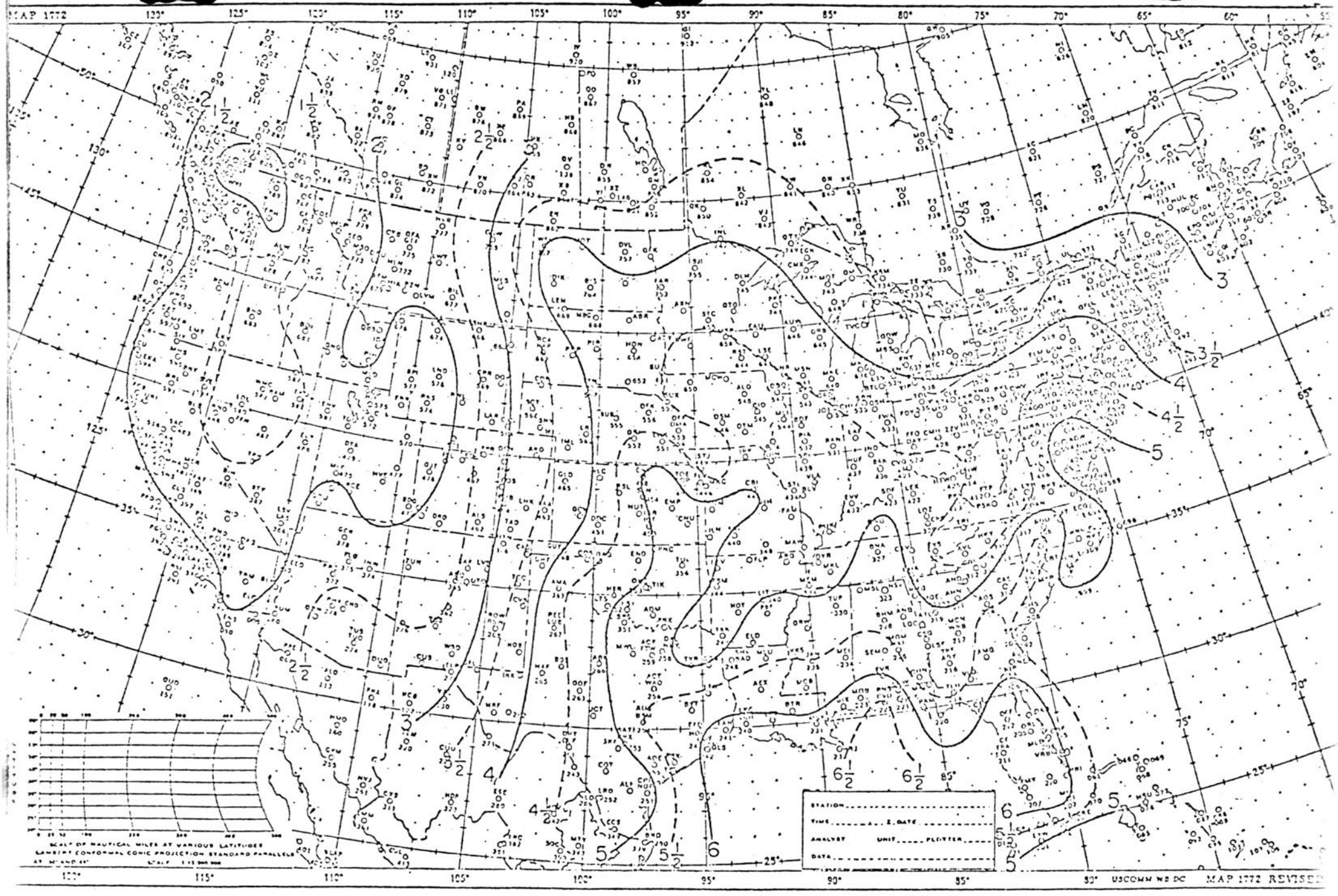
c. Divide fade margin by corrected path length to get allowable attenuation per mile or kilometer.

d. Go into appropriate path attenuation graph (miles or kilometers). Find intersection of allowable dB attenuation with rain rate numbered curve. Read % of path outage on vertical scale.

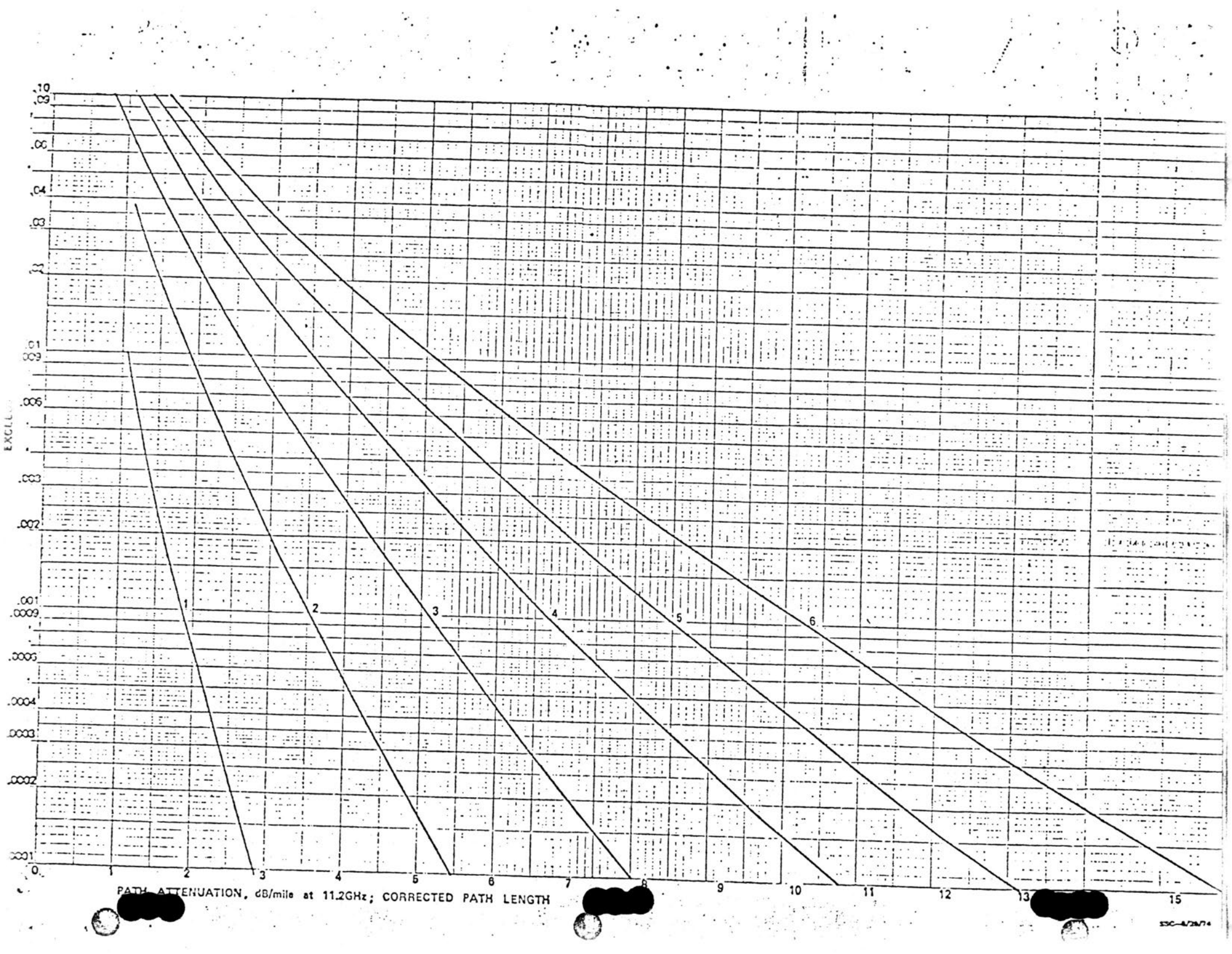
Note: For reference, there are 31.5576×10^6 seconds per year and 525,960 minutes per year. Outages are most meaningful when converted to these units.


"K" FOR FREQUENCY DIVERSITY.
IMPROVEMENT FACTOR
GHz


KE 10 X 10 TO THE CENTIMETER 46 1513
11 X 25 CM.
KEUFFEL & ESSER CO.
46 1513
PATH LENGTH
0 2 4 6 8 10 12 14 16 18 20 22 24 26 28 30 32 34 36 38 40 42 44 46 48 50 52 54 56 58
CORRECTED PATH LENGTH
2 4 6 8 10 12 14 16 18 20 22 24 26 28 30 32 34 36
Miles
Kilometers



5-min rainfall rate (inches/hour) to be expected once in 2 yr on the average, or about 2 1/2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PATH ATTENUATION, dB/mile at 11.2GHz; CORRECTED PATH LENGTH

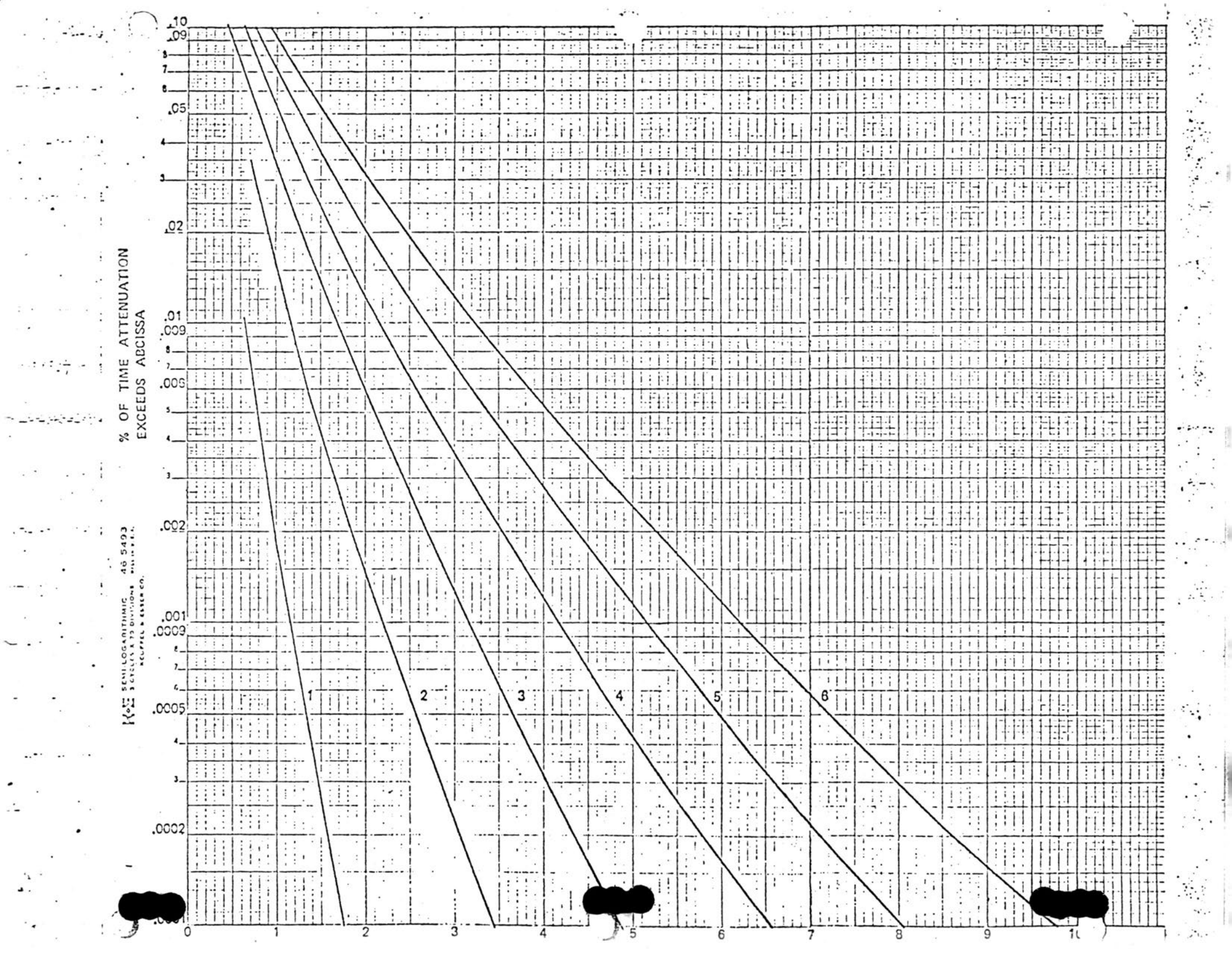
% OF TIME ATTENUATION
EXCEEDS ABCISSA
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Exhibit "F"

7 Channels, CARS band microwave equipment (3 hop system)

Vineyard Mountain:

- 7 each demodulators
- 7 each MA12G transmitters
- 1 each 10-foot dual polarized antenna

Green Peter Butte:

- 7 each MA12G repeaters
- 1 each 10 foot dual polarized antenna [transmit]
- 1 each 8 foot dual polarized antenna [receive]
- 1 4 mile power line or substitute power source

Hoodoo Butte:

- 7 each MA12G repeaters
- 1 each 8 foot dual polarized antenna [receive]
- 1 each 10 foot dual polarized antenna [transmit]

Bend Office:

- 7 each MA12G receivers
- 1 each 10 foot dual polarized antenna [receive]

Spare parts and miscellaneous materials for the system.

Total estimated costs - $300,000

Read for the first time the 16th day of February, 1977

Read for the second time the 2nd day of March, 1977

Placed upon its passage the 2nd day of March, 1977

YES: 5 NO: 0

Submitted to and approved by the Mayor this 2nd day of March, 1977

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1113

AN ORDINANCE ANNEXING TERRITORY SURROUNDED BY THE CITY OF BEND

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend, an Oregon municipal corporation, hereby annexes pursuant to ORS 222.750 the following described property which is not part of an incorporated City and which is surrounded by the City of Bend:

A parcel of land situated in the SE 1/4 SE 1/2 of Section 28, T. 17 S, Range 12 E.W.M. Deschutes County, State of Oregon. More particularly described as follows:

Beginning at a point on the north right-of-way line of Neff Road, said point bearing North 00° 12' 00" E. a distance of 30' from the Section corner common to Sections 27, 28, 33 and 34, T. 17 S. Range 12 E.W.M. Thence continuing North 00° 12' 00" E. a distance of 620.71' to a point being the SE corner of Lot 1, Block 2, Monarch Estates First Addition, as platted in Deschutes County, Oregon. Thence along the south boundary of Monarch Estates First Addition, North 70° 29' 39" West a distance of 112.55', thence South 79° 20' 23" West a distance of 126.21', thence North 37° 04' 23" West a distance of 90.00', thence South 66° 47' 03" West a distance of 461.50', thence North 70° 45' 00" West a distance of 190.00' to the SE corner of Lot 1, Block 2, Selken Subdivision. Thence South a distance of 660.00' + - to the North right-of-way line of Neff Road. Thence Easterly along the North right-of-way line of Neff Road to the point of beginning.

Read for the first time the 2nd day of March, 1977

Read for the second time the 16th day of March, 1977

Placed upon its passage the 16th day of March, 1977

YES: 7 NO: 0

Approved by the Mayor the 16th day of March, 1977

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1114

AN ORDINANCE CHANGING THE ZONE OF LOTS 7, 8, 9, 10, 11 and 12, BLOCK 5 AND ALL OF BLOCK 8, BEND ADDITION, FROM C-3 GENERAL COMMERCIAL TO C-4T CENTRAL COMMERCIAL TRANSITIONAL.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 and the Zoning Map of the City of Bend are changed as follows:

The zone for Lots 7, 8, 9, 10, 11 and 12, Block 5, and all of Block 8, Bend Addition, Deschutes County, Oregon, is changed from C-3 General Commercial to C-4T Central Commercial Transitional. The transitional standard to be the maintenance of all existing off-street parking.

Read for the first time the 2nd day of March, 1977

Read for the second time the 16th day of March, 1977

Placed upon its passage the 16th day of March, 1977

YES: 7 NO: 0

Submitted to and approved by the Mayor the 16th day of March, 1977

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1115

AN ORDINANCE CONTINUING THE TRANSIENT ROOM TAX ORDINANCE OF THE CITY OF BEND

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. All of the terms and conditions of Ordinance No. NS-1052 are hereby re-enacted the same as if fully set forth herein.

Section 2. The effective date of this ordinance re-enacting Ordinance No. NS-1052 is 12:01 A.M., July 1, 1977.

Read for the first time the 16th day of March, 1977

Read for the second time the 6th day of April, 1977
Placed upon its passage the 6th day of April, 1977
YES: 7 NO: 0

Submitted to and approved by the Mayor the 6th day of April, 1977

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1116

AN ORDINANCE VACATING A PORTION OF NW FOURTH STREET AND A PORTION OF NW FIFTH STREET IN THE CITY OF BEND, OREGON

A petition having been presented to the Bend City Commission on the 1st day of September, 1976, requesting that the following described street location be vacated:

> All of that portion of NW Fourth Street lying adjacent to Lots 2, 3, 4, 5, 6, 7, 8, 9 and 10 of Block 4 of Awbrey Heights Addition; all of that portion of NW Fifth Street lying between the north line of Block 10, Bend View Addition & the south line of Lot 6, Block 3, Awbrey Heights Addition; also Lots 1, 2, 3, 4, 5, 15, 16, 17, 18, 19 and 20, Block 3, Awbrey Heights Addition; Lots 2, 3, 4, 5, 6, 7, 8, 9 and 10, Block 4, Awbrey Heights Addition, all in the City of Bend, County of Deschutes, State of Oregon; also Lot 15, Block 2,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition; and the Recorder of the City of Bend having caused the following notice:

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Darrell V. Mallery said vacation proceedings to vacate the following described property:
>
> All of that portion of NW Fourth Street lying adjacent to Lots 2, 3, 4, 5, 6, 7, 8, 9 and 10 of Block 4 of Awbrey Heights Addition; all of that portion of NW Fifth Street lying bewteen the north line of Block 10, Bend View Addition and the south line of Lot 6, Block 3, Awbrey Heights Addition; also Lots 1, 2, 3, 4, 5, 15, 16, 17, 18, 19 and 20, Block 3, Awbrey Heights Addition; Lots 2, 3, 4, 5, 6, 7, 8, 9 and 10, Block 4, Awbrey Heights Addition, all in the City of Bend, County of Deschutes, State of Oregon; also Lot 15, Block 2.
>
> The City Commissioners of the City of Bend have fixed the 6th day of October, 1976, at 7:30 p.m., in the City Hall in the City of Bend as the time and place for hearing upon the said proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings.

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 6th day of October, 1976

Read for the second time the 6th day of April, 1977

Placed upon its passage this 6th day of April, 1977

YES: 6 NO: 0 ABSTAIN: 1

Submitted to and approved by the Mayor this 6th day of April, 1977

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1117

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1110 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 6th day of April, 1977 at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

> A tract of land located in Section 27, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, State of Oregon, more particularly described as follows:
>
> Beginning at the Southwest corner of the Northeast one quarter (NE 1/4) of the Southeast one quarter (SE 1/4) of said Section 27, thence North 89° 44' 20" East, 540.00 feet, thence North 0° 05' 41" East, 330.00 feet, thence South 89° 44' 20" West, 540.00 feet, thence South 0° 05' 41" West, 330.00 feet to the true point of beginning,
>
> EXCEPT established easements if any for roads, utility lines and irrigation water;

Section 3. That prior to the time of the aforesaid public hearing at least one half of the landowners who own or who also own at least one half of the land in the area and of real property therein representing at least one half of the assessed value of all real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby

and herewith annexed to the City of Bend, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the afore-described real property.

Read for the first time the 6th day of April, 1977

Read for the second time the 20th day of April, 1977

Placed upon its passage the 20th day of April, 1977

YES: 6 NO: 0

Submitted to and approved by the Mayor this 20th day of April, 1977

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1118

AN ORDINANCE AMENDING THE CITY REFUSE COLLECTION FRANCHISES BY INCREASING THE RATES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 6 of Ordinance No. NS-819 and Section 6 of Ordinance No. NS-820 are amended to read:

"Section 6. The maximum rates that may be charged by the grantee for francise services are:

For collection in containers holding 32 gallons or less:

a. One pickup of one can each week	
* curb or readside	$3.15 per month
** backyard or other	$3.75 per month
b. One pickup of additional can each week	
*curb or roadside	$1.90 per month
** backyard or other	$2.50 per month
c. Special pickup	$2.50 per can

*Curbside means "at the curb," "foot of the driveway," "at the alley," "where the truck or scooter can drive to the pickup area."

** Any location other than "curb pickup."

For collection of containers holding 1 cubic yard or 1-1/2 cubic yards: (Seven 32 gallon cans - 1 yard ten 32 gallon cans = 1-1/2 yards)

a. One pickup for 1 cubic yard each week	$17.50 per month plus container rent and maintenance
b. One pickup of 1-1/2 cubic yards each week	$22.50 per month plus container rent

c. Additional pickups for container collections shall be charged by multiplying these rates by the number of additional pickups per week

For collections in containers holding 30 gallons or less for persons age 65 or older the rate will be $2.20 per month for one pickup per week if such persons apply to the refuse collector for this reduced rate.

$2.20 curb rate
$2.60 backyard rate

Compactor Rates:

a. 1-3 yard container	Double loose rate
b. 4-6 yard container	Triple loose rate

Collection of bulk refuse:

$3.00 for each yeard per pickup or $16.50 for each hour or work requiring one truck and one man or $27.50 for each hour of work requiring one truck and 2 men.

Rate increases for extra distance to container or bulk refuse from pickup point:

Up to 75 feet	Regular rate
75 to 100 feet	Additional 25%
100 to 125 feet	Additional 50%
125 to 150 feet	Additional 75%
Over 150 feet	Additional 100%

Pickups inside buildings and different floors:

Pickup inside building	Additional 50%
Pickup from one flight above or one flight below ground level	Additional 75%
Two flights above or below ground level	Additional 75% "

Read for the first time the 6th day of April, 1977

Read for the second time the 20th day of April, 1977

Placed upon its passage the 20th day of April, 1977

YES: 6 NO: 0

Submitted to and approved by the Mayor this 20th day of April, 1977

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1119

An ordinance amending Ordinance No. NS-796 by adding architects, accountants and lawyers offices to the Conditional Uses Permitted in the R-2 Zone.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 3.120 Conditional Uses Permitted. is hereby amended by adding thereto the following:

9. Architects, accountants and lawyers offices.

Read for the first time the 20th day of April, 1977

Read for the second time the 4th day of May, 1977

Placed upon its passage the 4th day of May, 1977

YES: 6 NO: 0

Approved by the Mayor this 4th day of May, 1977

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1120

AN ORDINANCE VACATING THE SOUTH TEN FEET OF PUBLIC RIGHT-OF-WAY ON NW SAGINAW BETWEEN NW FIFTH STREET AND NW SIXTH STREET IN THE CITY OF BEND, OREGON

A petition having been presented to the Bend City Commission on the 2nd day of February, 1977, requesting that the following described public right-of-way be vacated:

> The South Ten (10) feet of N.W. Saginaw Avenue between N.W. Fifth Street and N.W. Sixth Street, in the City of Bend, Deschutes County, Oregon

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition; and the Recorder of the City of Bend having caused the following notices:

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by James Wilson said vacation proceedings to vacate the following described property:
>
> The South Ten (10) feet of N.W. Saginaw Avenue between N.W. Fifth Street and N.W. Sixth Street, in the City of Bend, Deschutes County, Oregon
>
> The City Commissioners of the City of Bend have fixed the 4th day of May, 1977, at 7:30 p.m., in the City Hall in the City of Bend as the time and place for hearing upon the said proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings.

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 4th day of May, 1977

Read for the second time the 18th day of May, 1977

Placed upon its passage this 18th day of May, 1977

YES: 5 NO: 0

Submitted to and approved by the Mayor this 18th day of May, 1977

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1121

AN ORDINANCE VACATING A PORTION OF THE ALLEY IN BLOCK 162, SECOND ADDITION TO BEND PARK, CITY OF BEND, OREGON

A petition having been presented to the Bend City Commission on the 4th day of August, 1976, requesting that the following described alley location be vacated:

> The alley in Block 162, Second Addition to Bend Park lying between SE McKinley Avenue and SE Cleveland Avenue and SE First Street and SE Second Street in the City of Bend, County of Deschutes, State of Oregon.

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition; and the Recorder of the City of Bend having caused the following notice:

> NOTICE is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Ray Springer, said vacation proceedings to vacate the following described public way:

THE ALLEY in Block 162, Second Addition to Bend Park lying between SE McKinley Avenue and SE Cleveland Avenue and SE First Street and SE Second Street in the City of Bend, County of Deschutes, State of Oregon.

The City Commissioners of the City of Bend have fixed the 4th day of May, 1977 at 7:30 p.m., in the City Hall in the City of Bend as the time and place for hearing upon the said proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings.

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time this 4th day of May, 1977

Read for the second time this 18th day of May, 1977

Placed upon its passage this 18th day of May, 1977

YES: 5 NO: 0

Submitted to and approved by the Mayor this 18th day of May, 1977

Mayor

ATTEST:

Recorder-Treasurer

AMENDED BY ORD # NS-1327

repealed 4-6-83

ORDINANCE NO. NS-1122

AN ORDINANCE REGULATING BUSINESSES ENGAGED IN TRANSPORTATION OF SICK, INJURED OR DISABLED PERSONS

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Definitions. As used in this ordinance, words have their ordinary common use meaning, except as more fully defined in this section.

(1) "Ambulance" means any privately or publicly owned motor vehicle that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury or disability.

(2) "Convalescent coach" means any privately or publicly owned motor vehicle regularly used for prone transportation of sick, injured or disabled persons on a non-emergency transportation basis.

(3) "Wheelchair coach" means any privately or publicly owned motor vehicle regularly used for the transportation of sick, injured or disabled persons and which is not an ambulance or a convalescent coach.

(4) "Emergency transportation" means transportation of any sick, injured or disabled person when there is a substantial chance that the sick, injured or disabled person will require emergency medical services immediately prior to or during conveyance from one point to another.

(5) "Operate" or "operation" means the receiving, picking up or embarking within the City of Bend of any sick, injured or disabled person for transportation or conveyance for hire.

Section 2. License Required.

(1) No person shall conduct a business engaged in the transportation or sick, injured or disabled persons within the City of Bend without first obtaining a license therefor from the City Recorder as hereinafter provided. A license to conduct a business engaged in the transportation of sick, injured or disabled persons with one of the following endorsements: ambulance only, convalescent coach only, wheelchair coach only, or any combination of the three shall be issued on a yearly basis commencing July 1 and expiring June 30 of the following year. Such licenses shall be renewed automatically upon application and payment of the annual fee as long as the operator abides by the terms of this ordinance and the laws of the State of Oregon.

(2) Operators operating at the time this ordinance becomes effective shall be granted an appropriate license upon application and payment of the fee if they meet the requirements of this ordinance.

(3) The City Commission shall from time to time determine the public need for additional businesses engaged in the transportation of sick, injured or disabled persons and shall cause additional licenses to be issued only if the then existing operators fail to meet the needs and requirements of the City of Bend.

Section 3. Application for Licenses. Any person desiring to obtain a license to operate a business engaged in the transportation of sick, injured or disabled persons, shall make application therefor upon forms available from the office of the City Recorder. Each application shall be accompanied by a binder of insurance in the amount provided for by this ordinance. The application shall include the following information:

(1) The name of the applicant and trade name, if any, under which he intends to conduct his business; or if a corporation, its name, date and place of incorporation, address of its principal place of business, and the names of its principal officers, together with their respective residence addresses; or if a partnership, association or incorporated company, the names of the partners, or of the persons comprising such

association or company, and the business and residence address of each partner or person.

(2) A description of each vehicle used or proposed to be used by the applicant, with the name of the manufacturer, engine and serial numbers, license number, together with a certification that each vehicle is adequate and safe for the purposes for which it is to be used, and that it is equipped as required by this ordinance and the laws of the State of Oregon, for the use to which it is intended. Until such time as State standards be enacted pertaining to convalescent coaches and continuing thereafter if the State standards are less strict, a convalescent coach shall carry oxygen, masks, cannules, airways, suction and a bag-mask device together with radio communications.

(3) The address and description of the premises at and from which it is proposed to maintain and operate such business.

(4) The application shall furnish any and all additional information as the City Recorder may in his discretion require.

Section 4. Investigation.

(1) It shall be the duty of the Police Chief to cause an investigation to be made of the moral character of the applicant and his financial responsibility. The Police Chief shall also determine if the motor vehicles described in the application are fit and suitable for use intended.

(2) It shall be the duty of the Police Chief to determine whether the applicant has complied with the laws of the State of Oregon and the ordinances of the City of Bend, relating to health, safety and sanitation.

Section 5. Public Hearing Before City Commission. Upon the filing of an application by a prospective operator, the City Recorder shall fix a time and place for public hearing before the City Commission. Ten (10) days written notice of said hearing shall be given to the applicant by certified mail and to all persons to whom licenses have previously been issued and are currently operating. Any interested person may file with the City Recorder a memorandum in support of or in opposition to the issuance of a license.

Section 6. Fees. Any owner or person desiring to conduct a business engaged in the transportation of sick, injured or disabled persons in the City of Bend shall, at the time of filing the application for a license with the City Recorder, pay to the City Recorder a license fee of Twenty Dollars ($20), per annum for each vehicle, payable in advance. In the event a new license be obtained after January first, only one-half of the annual fee need be paid. At the time of filing the application, such applicant shall also pay to the City Recorder the sum of Ten Dollars ($10) to cover the cost of making inspections under the provisions of Section 4, which sum shall be in addition to the license fee and which sum shall be retained by the City whether the application for a license be granted or not.

Section 7. Suspension and Revocation of License.

(1) A license may be revoked by the City Commission upon the following grounds:

(a) The license holder knowingly and after written notice from the City Recorder fails to operate his business in accordance with the provisions of this ordinance and any and all City, State and Federal laws applicable to businesses engaged in the transportation of sick, injured or disabled persons; or

(b) The license holder has committed acts or carried on a course of conduct which the City Commission finds, after hearing, established a lack of good moral character; or

(c) The license holder shall abandon operation of an ambulance business for a period of one (1) day or ten (10) days in any other business. Acts of God, labor disputes, and other acts beyond the control of the license holder which cause abandonment or limitation of service shall not be considered or abandonment within the meaning of this section; or

(d) The license holder has failed to render satisfactory service; or

(e) The license holder made false or misleading statements in his application.

(2) No suspension or revocation shall be made permanent until a hearing has been held by the City Commission.

(3) The City Recorder may suspend temporarily an operator's license without notice if it appears that the continued operation of the licensee's business poses a serious health hazard. The City Commission shall hold a hearing after ten (10) days notice to the license holder and not more than fifteen (15) days from the date of the temporary suspension to consider permanent suspension or reinstatement of the operator's license.

Section 8. Applications for Drivers and Emergency Technicians.

Licenses. Applications for driver's and emergency technician's licenses hereunder shall be made upon such forms as may be prepared or prescribed by the City Recorder and shall contain:

(1) The applicant's full name, current residence, places of residence for two years previous to moving to his present address.

(2) The applicant's age, marital status, height, color of eyes and hair.

(3) The applicant's training and experience in the transportation and care of patients; whether he has previously been licensed as a driver, chauffeur, technician or driver-technician and if so, when and where; and whether his license has ever been revoked or suspended in any jurisdiction and if so, when, where and for what cause.

(4) Affidavits of good character from two reputable citizens of the United States who have personally known such applicant and observed his conduct during one year preceding the date of his application.

(5) Two recent photographs of the applicant, of a size designated by the City Recorder, one of which shall be attached by the City Recorder to the license.

(6) Such other information as the City Recorder shall deem reasonably necessary to a fair determination of compliance with this ordinance.

(7) A license fee of $5.00.

(8) The City Recorder shall upon receipt of an application for a driver's or EMT license, forward the application to the Police Chief for investigation as to any factors which would render the applicant unsuitable.

Section 9. Standards for Driver's and Emergency Medical Technicians.

(1) Drivers and medical technicians shall be not addicted to the use of intoxicating liquors, or narcotic or dangerous drugs, and shall be morally fit for the position; and

(2) Be able to speak, read and write the English language; and

(3) Be found by a duly licensed physician, upon examination attested to on a form provided by the City Recorder, to be of sound health, possessing eyesight corrected to at least 20/40 in the better eye, and free of physical defects or diseases which might impair the ability to drive or attend a vehicle; and

(4) Be currently certified, at least, as an Emergency Medical Technician I; and

(5) Be currently licensed as a chauffeur from the State of Oregon.

Section 10. Driver to be Accompanied. At least one emergency medical technician shall accompany the driver when an ambulance or convalescent coach is in operation.

Section 11. Operator's Bond. Every operator shall furnish the City with a good and sufficient cash bond or surety bond in the sum of One Thousand Dollars ($1,000.00), which shall be continued in effect during the period that such operator shall do business in the City. The bond shall be given as a guarantee that the operator will furnish and maintain service from the date of obtaining a City license and during the period covered by each renewal thereof, without interruption of service, except that by giving sixty days' notice to the City such operator shall be authorized to discontinue his service without penalty. If for any reason the licensed operator shall cease operations or discontinue business for any reason whatsoever, voluntarily or involuntarily, without giving notice herein required, such cash bond or surety bond shall be forfeited to the City. The bond must be approved as to form by the City Attorney and shall be filed with the City Recorder.

Section 12. Required Equipment.

(1) No operator's license shall be issued unless the Fire Chief, or his designated officer or agent, has determined upon personal inspection that the construction, capacity and first aid supplies and equipment of each vehicle proposed to be operated is in full compliance with all laws of the State of Oregon and the ordinances of the City of Bend.

(2) Upon making application for an operator's license, the applicant shall submit a list of equipment to be carried in each vehicle. This list shall be subject to approve of the City Commission at the time that the applicant's license is before the Commission for consideration. The list shall be subject to review and approval annually at the time of the license holder's renewal, and shall be filed with the City Recorder.

Section 13. Rates and Charges to be Posted.

(1) Upon making application for an operator's license, the applicant shall submit a list of tariff rates and charges, which shall be subject to approval of the City Commission at the time that the applicant's license is before the Commission for consideration. The list shall be subject to review and approval annually at the time of the license holder's renewal and shall be filed with the City Recorder.

(2) Each vehicle operated within the City shall plainly display in the passenger compartment thereof, a schedule of maximum tariff rates and charges.

Section 14. Fumigation and Disinfection. Any vehicle carrying a patient afflicted with contagious or infectious disease shall thereafter be carefully and thoroughly fumigated or disinfected in its passenger compartment and equipment, before being used for another patient.

Section 15. Responsibility of Operator. It is hereby made the duty of the operator to supervise his employees, drivers, emergency medical technicians and vehicles, to assure that at all times such vehicles are in condition to meet the requirements of this ordinance, to assure that a competent licensed driver is operating the same when making calls, and that a licensed emergency medical technician be present and accompany such vehicle

when required. Such operator shall not permit any person who is under the influence of intoxicating liquor or drug to drive any vehicle or to accompany the same as a technician. In case the driver-technician violates any provision of this chapter, the operator may be held responsible and his license may be revoked for such violations.

Section 16. Liability Insurance.

(1) No operator's license shall be issued unless there is on file with the City an insurance policy approved by the City Recorder, whereby the owner and the driver of each of the vehicles described in said license are insured against liability for damage to property and for injury to or death of any person resulting from the ownership, operation or other use thereof. Said policy shall be in the sum of not less than ONE HUNDRED THOUSAND DOLLARS ($100,000.00), for personal injury to or death of any one person in any single accident and THREE HUNDRED THOUSAND DOLLARS ($300,000.00) on account of personal injuries to or death of two or more persons in any one accident, and the limits on each such vehicle shall not be less than FIFTY THOUSAND DOLLARS ($50,000.00) for damage to or destruction of property in any one accident.

(2) The insurance policy shall contain an endorsement providing that said policy of insurance will not be cancelled until notice in writing shall have been given to the City, addressed to the City Recorder, City Hall, Bend, Oregon, at least thirty (30) days prior to the time such cancellation shall become effective.

(3) The insurance policy must be issued by a company authorized to do business in the State of Oregon. Said policy shall further provide that there shall be a continuing liability thereon, notwithstanding any recovery on said policy. If, at any time, said insurance policy shall be cancelled by the company issuing the same, or the authority of said company to do business in the State of Oregon shall be revoked, the license holder shall replace said policy with another policy approved by the City Recorder.

Section 17. Replacement or Addition of Vehicles. Whenever a license holder replaces a vehicle, he shall file with the City Recorder a description of the vehicle to be abandoned, and a description of the vehicle to be placed in use with the name of the manufacturer, engine and serial numbers and license number. Such information shall also be furnished for any vehicle or vehicles being added to the operation. Each new vehicle shall be presented for inspection according to the provisions of Section 4 of this ordinance.

Section 18. Exceptions. The provisions of this ordinance shall not apply:

(1) To the City's municipal ambulance service except that all drivers and technicians shall be certified as emergency medical technicians.

(2) To taxi cabs or the City bus service for occasional use by ambulatory patients.

Section 19. Penalty. Any person convicted of violating any provision of this ordinance shall be punished by imprisonment in the City jail for a period not to exceed 100 days or by a fine not to exceed $500.00, or both.

Section 20. Repealer. Ordinance No. NS-1106 is repealed.

Read for the first time the 6th day of July, 1977

Read for the second time the 20th day of July, 1977

Submitted to the City Commission and approved by the Mayor this 20th day of July, 1977.

YES: 6 NO: 0

Mayor Pro-Tem

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1123

AN ORDINANCE ACCEPTING STATE REVENUE SHARING FUNDS

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend, Deschutes County, State of Oregon does elect to receive and accept State Revenue Sharing Funds for the fiscal year 1977-1978.

Read for the first time the 6th day of July, 1977

Read for the second time the 20th day of July, 1977

YES: 6 NO: 0

Submitted to the Commission and approved by the Mayor this 20th day of July, 1977

Mayor Pro-Tem

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1124

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY REVISING THE OFF-STREET PARKING PROVISIONS

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 4.070.5 of Ordinance No. NS-796 is amended to read:

"5. Off-street parking spaces for dwellings shall be located on the same parcel as the dwelling. Other required parking for an existing use or building shall be located within 500 feet of the use or building; and for a new building the required parking shall be located on the site or not farther than 500 feet from the building measured in a straight line from the building and located in a functional and safe manner as approved during site plan review."

Read for the first time the 3rd day of August, 1977

Read for the second time the 7th day of September, 1977

YES: 6 NO: 0

Submitted to the Commission and approved by the Mayor this 7th day of September, 1977

Mayor

ATTEST:

Recorder-Treasurer

228 AMENDED BY ORD. # NS-

Repealed 8-19-81 NS-1340
Repealed 8-4-82 NS-1361

ORDINANCE NO. NS-1125

AN ORDINANCE REQUIRING DOGS TO BE LICENSED AND PROVIDING FOR THE IMPOUNDMENT AND DISPOSITION OF DOGS MAINTAINED CONTRARY TO LAW

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1: Every dog within the City of Bend that has a set of permanent canine teeth shall be licensed. The license tag shall be procured from the City Recorder and attached to a collar worn by the dog.

Section 2: Every person (including firms and corporations) owning or maintaining or controlling a dog within the City of Bend shall cause dogs for which a license is required to become licensed not later than 30 days after that person becomes the owner or person maintaining or in control of the dog.

Section 3: The City Manager is authorized to enter into an agreement with Deschutes County whereby the City will license dogs within the City limits as provided by State law.

Section 4: Licenses shall not be required for dogs owned by dealers, breeders or exhibitors where such dogs are kept in kennels exclusively for sale or exhibition purposes, or while such dogs are being transported by dealers, breeders or exhibitors to and from a dog show or fair; nor for guide dogs used by blind persons.

Section 5: Any dog within the City of Bend which is in violation of this or any other applicable ordinance or law dealing with dog control shall be subject to impoundment. The City Manager is authorized to contract with any responsible organization for the operation of a dog pound at which such dogs may be impounded.

Section 6: All dogs impounded because of a violation of this or any other applicable ordinance or law shall be handled as follows:

(1) The dog pound operator shall make every reasonable effort to locate the owner of the dog and notify the owner that the dog has been impounded and what must be done to release the dog. If the dog is licensed the operator shall make every reasonable effort to contact the owner by telephone or in person. If the dog is not licensed the pound operator is not required to use any particular method of giving notice to the owner.

(2) Impounded dogs may be reclaimed by paying the reasonable expense of keeping the dog, and such other fees or amounts such as licenses and fines as are provided by law.

(3) Dogs which are not reclaimed within 5 days of being impounded shall be disposed of by the pound operator either selling the dog, securing a home for the dog or destroying the dog in a humane manner.

Section 7: It shall be unlawful for any person to hinder or interfere with anyone engaged in enforcing the terms of this or any other ordinance or law dealing with dog control.

Section 8: Any person or persons violating the provisions of this ordinance shall upon conviction be punished by a fine of not more than $50 or by imprisonment in the City Jail for not more than 20 days, or by both such fine and imprisonment.

Section 9: Ordinance No. NS-310 is repealed.

Read for the first time the 17th day of August, 1977

Read for the second time the 7th day of September, 1977

YES: 6 NO: 0

Submitted to the Commission and approved by the Mayor this 7th day of September, 1977

Mayor

ATTEST:

Recorder-Treasurer

AMENDED RECORD # NS-1327229

ORDINANCE NS-1126

repealed 4-6-83

AN ORDINANCE REGULATING ALARM EQUIPMENT, ALARM EQUIPMENT SUPPLIERS, AND ALARM MONITORING SERVICES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Definitions. As used in this ordinance:

(1) "Alarm equipment supplier" means any person in the business of selling, leasing, installing, or maintaining automatic protection devices which are connected to Police or Fire Departments or to an alarm monitoring service.

(2) "Alarm monitoring service" means any person in the business of operating a telephone answering service that includes a service whereby trained employes receive messages from automatic protection devices reporting emergencies at stated locations and relay such emergency message, to the communications center of the Fire Department or Police Department.

(3) "Automatic protection device" means any electrically or mechanically operated instrument, designed for keying to a licensed alarm monitoring service or the Police or Fire Departments, that automatically sends by any means a picture, sound, odor or a pre-recorded voice or other alarm from a protected premises upon receipt of a stimulus from a sensory detection apparatus.

(4) "Direct line" means a special unlisted telephone line, unavailable for use by the public at large, leading directly to the communications center of the Fire Department or Police Department from a single, specific location and designed to be used only to report emergency messages and signals.

(5) "Key" means to utilize a telephone line for transmitting a message, either by direct connection or by a mechanism not so connected, that utilizes the microphone of a standard telephone.

(6) "Regular telephone line" means a general telephone line leading to the communications center of the Fire Department or Police Department, available for use by the public at large.

(7) "Sensory detection apparatus" means a mechanical or electrical device, part of an automatic protection device, which is designed for detection of any physical force or condition inherently characteristic of fire or the unauthorized intrusion into or upon a protected premise.

Section 2. Automatic Protection Devices - Restrictions on Keying.

(1) The keying of automatic protection devices so as to send pre-recorded or other messages directly over business and emergency telephone lines to the Fire Department or Police Department of the City of Bend is prohibited. All automatic protection devices shall be keyed so as to send pre-recorded or other messages to the unlisted telephone line installed in the Fire or Police Departments solely for that purpose.

(2) Within 30 days after the effective date of this ordinance, all automatic protection devices presently keyed to send pre-recorded or other messages directly over business or emergency telephone lines to the Fire Department or Police Department shall be altered so as to key the automatic protection device to a telephone number other than those listed of the Fire Department or Police Department.

(3) No person except a duly licensed alarm equipment supplier shall key an automatic protection device to a licensed alarm monitoring service.

Section 3. Duties of Owner or Lessee.

(1) It shall be the duty of the owner or lessee of any automatic protection device to arrange for the equipment alteration prescribed in Section 2 of this ordinance.

(2) The owner or lessee of an automatic protection device shall be responsible for having the device repaired or aborted, as quickly as reasonably possible after he learns, either from his own sources, an alarm monitoring service, an alarm equipment supplier, or any member of the Fire Department or Police Department that the device is not working properly. The automatic protection device must be aborted not later than 48 hours if repairs cannot be made.

Section 4. Licensing of Alarm Equipment Supplier.

No person shall sell or lease any automatic protection devices for installation in or upon any premises in the City of Bend or install or maintain for a fee such devices, whether or not such devices are keyed to a licensed alarm monitoring service, without obtaining a license from the City Recorder prior to such sale, lease, installation or maintenance.

Section 5. Alarm Equipment Supplier - Licensing Procedure.

Every alarm equipment supplier shall apply to the City Recorder for a license on a form to be furnished by the City and shall pay to the City Recorder an annual license fee of $25.00. Each application shall be signed by the applicant or its agent and shall include the following:

(1) The name, address, and telephone number of the applicant and its type of business organization (individual, partnership, or corporation). If the applicant is a partnership, the names and addresses of the partners shall be given; if the applicant is a corporation, the names and addresses of its principal officers and registered agent shall be given.

(2) A complete background check shall be made by the Chief of Police of all applicants and employes.

(3) A statement detailing the required maintenance service for the applicant's automatic protection devices that is offered to its customers and the applicant's certification of the availability of their service.

(4) An agreement on the part of the applicant to comply with the operational standards listed in Section 6 of this ordinance, with other requirements for issuance of licenses imposed by this ordinance, and with other reasonable rules and regulations that may be issued by the City Recorder.

(5) The City Recorder may deny the application required by this section, when it would be in the best interests of the City to do so. Any such denial may be appealed to the City Commission by written notice to the City Recorder within 10 days after such denial.

(6) Applicant must possess a valid electrician's license as required by Section 22-110(m) of the Oregon Electrical Safety Law.

Section 6. Alarm Equipment Supplier - Operational Standards.

In addition to other requirements for issuance of a license imposed by this ordinance, the City Recorder, before issuing a license to any alarm equipment supplier, shall insure that the following minimum operational standards are met:

(1) Every alarm equipment supplier applying for a license under this ordinance shall agree to furnish to the person to whom such device is sold or leased or for whom the device is installed or maintained, complete instructions detailing the operation of the device, instructions covering use of the device, and an operating manual for the device. These instructions shall include information as to how the device may be aborted.

(2) All licensed alarm equipment suppliers shall agree to provide the City, within 30 days after the sale, lease or installation, or, with respect to all automatic protection devices previously sold, leased, installed or maintained by them on the effective date hereof, within 30 days of such effective date, a listing of all automatic protection device installations known to them including;

(a) The address of the premises where the device is installed and the telephone number at its location;

(b) The name, residence address and telephone number of the owner or lessee of the premises;

(c) The names, addresses and telephone numbers of any other persons who may be authorized to respond to an emergency and open the premises where the device is installed; and

(d) The type of alarm, characterized as Police or Fire, its particulars (internal or perimter or both) and a description of how it is activated; (through heat, smoke, intrusion, sound, vibration, etc.).

(3) When automatic protection sold, leased, installed or maintained by an alarm equipment supplier have been keyed to a licensed alarm monitoring service, information to be supplied to the City pursuant to paragraphs (c) or subsection (2) shall be provided, in addition to the alarm monitoring service to which the device has been keyed.

(4) At the time of sale, lease or installation, all licensed alarm equipment suppliers shall furnish, to the persons for whom the automatic protection device has been sold, leased or installed, written information as to how maintenance service from the supplier can be obtained on a 24-hour basis, including 24-hour telephone numbers to call for service.

(5) All audible alarms shall have automatic timers to silence the alarm after 30 minutes. In the event an audible alarm is not automatically silenced after 30 minutes, an officer of the Police Department may disconnect or otherwise disable the alarm to preserve the peace and quiet of the neighborhood. Neither the City, the Police Department nor any office thereof shall be liable for any damages resulting from actions taken pursuant to this paragraph.

(6) All fire alarm systems and their installation shall conform to the standards of the National Fire Protection Association.

(7) All direct line automatic protection devices shall be tested not less than every 30 days. Each test report shall be submitted to the Police and Fire Departments. Prior to each test, at least 10 minute's notice shall be given to the Police and Fire Departments. Installation, testing and repair of such devices shall be done only during the regular office hours of the Police and Fire Departments.

Section 7. Licensing of Alarm Monitoring Services.

No person shall operate an alarm monitoring service without obtaining a license from the City Recorder prior to such operation, and shall pay to the City Recorder an annual license fee of $25.00. Any person in the City who operates an alarm monitoring service may, upon obtaining a license from the City Recorder, include in such service the receipt and relay of live voice messages, from automatic protection devices to the Fire Department or Police Department.

Section 8. Alarm Monitoring Service - Licensing Procedure.

Every alarm monitoring service shall apply to the City Recorder for a license on a form to be furnished by the City. Each application shall be signed by the applicant or its agent and shall include the following:

(1) The name and address of the applicant and its type of business organization (individual, partnership, or corporation). If the applicant is a partnership, the names and addresses of the partners shall be given; if the applicant is a corporation, the names and addresses of its principal officers and registered agent shall be given.

(2) A complete background check shall be made by the Chief of Police of all applicants and employes.

(3) A statement that the applicant is willing to comply with the operational standards contained in Section 9 of this ordinance, with other requirements for issuance of licenses imposed by this ordinance and with other reasonable rules and regulations that may be issued by the City Recorder.

(4) The City Recorder may deny the application required by this section, when it would be in the best interests of the City to do so. Any such denial may be appealed to the City Commission by written notice to the City Recorder within 10 days after such denial.

Section 9. Alarm Monitoring Service - Operational Standards.

In addition to other requirements for issuance of a license imposed by this ordinance, the City Recorder, before issuing a license to any alarm monitoring service shall insure that the following minimum operational standards are met:

(1) The room or rooms containing alarm monitoring services shall be secured at all times, so that only authorized employes will have access thereto.

(2)As soon as practicable, the alarm monitoring service operator on duty shall report to the City department concerned the contents of any message received from an automatic protection device. Under no circumstances shall the alarm monitoring service operator or any representative of the alarm monitoring service respond to the message received from the automatic protection device.

(3) Instructions for handling emergency messages shall be posted by the service from whose premises live voice alarms originate for reference by alarm monitoring service operators.

(4) A sufficient number of alarm monitoring service operators shall be on duty at all times to assure that messages from automatic protection devices are relayed immediately to the City department concerned.

(5) The alarm monitoring service shall require each customer to provide satisfactory proof that the customer has contracted for, or has established for itself, a device maintenance program and is receiving such maintenance on a regular basis.

(6) The alarm monitoring service shall agree to submit to the City the names and addresses of all present or proposed employes of the service, together with any other personnel information the City may reasonably require for background checks.

(7) The alarm monitoring service shall agree to provide to the City all information required by Section 6(2) of this ordinance.

Section 10. Regulation of receivers.

The Chief of Police and Fire Chief shall prescribe the type of number of alarm receivers to be installed in their respective departments.

Section 11. Non-liability of City.

Neither the City of Bend nor any official thereof shall be liable for any damage resulting from the malfunction or defective installation of any automatic protection device or alarm monitoring service provided in this ordinance.

Section 12. Fees.

The Chief of Police and Fire Chief may, in their discretion, establish reasonable monthly charges for keying automatic protection devices to the unlisted telephone lines installed in the Fire or Police Departments.

Section 13. Penalties.

(1) Penalties for false alarms. If an automatic protection device is not aborted by owner within 10 days after an order to do so as required by this ordinance or after the third false alarm and each one thereafter within one calendar year which results in Police of Fire action, the Municipal Court shall assess the following fines:

(a) If the alarm is a fire alarm or armed robbery alarm, not to exceed $50.00.

(b) In all other cases, not to exceed $10.00.

(2) Other Penalties. Any person violating any provision of this ordinance, not provided for in sub-Section (1) of this section, shall be guilty of a misdemeanor and any such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of this code is committed, continued or permitted and upon conviction of any such violation such person shall be punishable by a fine of not more than $300 and imprisonment of not more than 90 days or by both fine and imprisonment.

Read for the first time the 17th day of August, 1977

Read for the second time the 17th day of September, 1977

Placed upon its passage the 17th day of September, 1977

YES: 7 NO: 0

Submitted to and approved by the Mayor this 17th day of September, 1977

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NS-1127

AN ORDINANCE CHANGING THE NAMES OF CERTAIN STREETS IN THE CITY OF BEND

Whereas, the Bend Planning Commission recommended to the Bend City Commission that certain street names be changed to avoid duplication and to provide for a more orderly system, and

Whereas, the Bend City Commission on September 7, 1977, held a public hearing on the proposed street name changes, and

Whereas, at the said public hearing no written or verbal remonstrances were received, now therefore

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That the following street name changes be implemented:

a. NE Vail Avenue to N.E. Viking Avenue and NE Underwood to Ulysses Avenue all in Meadowview 4th Subdivision; and

b. SE Railroad Street to SE Centennial Street from Miller Avenue to its termination in Clear Sky Estates Subdivision; and

c. Davis Way to Neil Way in Holliday Park 1st Addition

Read for the first time the 21st day of September, 1977

Read for the second time the 5th day of October, 1977

YES: 6 NO: 0

Submitted to the City Commission and approved by the Mayor this 5th day of Ctober, 1977.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1128

AN ORDINANCE ADOPTING STATE LAWS PERMITTING BINGO AND LOTTO.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Subsection (1) of Section 19 of Ordinance No. NS-737 is amended to read:

"Section 19. Gambling.

(1) The following provisions of ORS Chapter 167 as amended by Oregon Laws 1977,Chapter 850, relating to gambling offenses are hereby adopted:

(a) ORS 167.117 except (4)(b).
(b) ORS 167.142
(c) ORS 167.147(1)
(d) Oregon Laws 1977, Chapter 850, (2). "

Read for the first time the 19th day of October, 1977

Read for the second time the 2nd day of November, 1977

Placed upon its passage the 2nd day of November, 1977

YES: 6 NO: 0

Submitted to the City Commission and approved by the Mayor this 2nd day of November, 1977.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1129

AN ORDINANCE CHANGING THE ZONE OF LOTS 1 THROUGH 6, BLOCK 2; LOTS 1 THROUGH 8, BLOCK 7; LOTS 1 THROUGH 8, BLOCK 8; AND LOTS 1 AND 2, BLOCK 9; ALL IN BONNE HOME ADDITION, DESCHUTES COUNTY, FROM R-1 LOW DENSITY RESIDENTIAL TO R-2 HIGH DENSITY RESIDENTIAL.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 and the Zoning Map of the City of Bend are changed as follows:

The zone of Lots 1 through 6, Block 2; Lots 1 through 8, Block 7; Lots 1 through 8, Block 8; and Lots 1 and 2, Block 9 of Bonne Home Addition, Deschutes County, Oregon, is changed from R-1 Low Density Residential to R-2 High Density Residential.

Read for the first time the 2nd day of November, 1977

Read for the second time the 16th day of November, 1977

Placed upon its passage the 16th day of November, 1977

YES: 6 NO: 0

Passed by the City Commission and approved by the Mayor this 16th day of November, 1977.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1130

NS-1130 repealed by NS-1498, passed 7-19-89

AN ORDINANCE AMENDING ORDINANCE NO. NS-948 AND ADOPTING THE 1976 EDITION OF THE UNIFORM FIRE CODE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance No. NS-948 is amended to read:

"Section 1. Adoption of Uniform Fire Code. There is hereby adopted by the City of Bend for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain Code known as the Uniform Fire Code recommended by the Western Fire Chiefs Association and the International Conference of Building Officials, being the 1976 Edition, except such portions as are deleted, modified or amended by Section 7 of this ordinance. Not less than three (3) copies of said Code have been and are now filed in the office of the City Recorder-Treasurer and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provision thereof shall be controlling within the limits of the City of Bend."

Section 2. Section 7 of Ordinance No. NS-948 is amended by adding the following sub-section (7):

"(7) No person shall sell any fireworks within the City limits of Bend unless such fireworks have first been inspected and approved by the Fire Marshal of the City of Bend."

Section 3. All other provisions of Ordinance No. NS-948, as amended by Ordinance No. NS-955, shall remain in full force and effect.

Read for the first time the 16th day of November, 1977

Read for the second time the 7th day of December, 1977

Placed upon its passage the 7th day of December, 1977

YES: 4 NO: 0

Submitted to and approved by the Mayor this 7th day of December, 1977

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1131 NS-1131 repealed by NS-1498, passed 7-19-89

RELATING TO THE REGULATION OF EXPLOSIVES: AMENDING ORDINANCE NO. NS-277

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 5 of Ordinance No. NS-277 is amended to read:

"Section 5. It shall be unlawful for any person, firm, or corporation to purchase or sell any such explosive for use within the corporate limits of the City unless the purchaser has a license to use the explosive within the City of Bend."

Read for the first time the 7th day of December, 1977

Read for the second time the 21st day of December, 1977

Placed upon its passage the 21st day of December, 1977

YES: 7 NO: 0

Submitted to the Commission and approved by the Mayor this 21st day of December, 1977

Mayor

ATTEST:

Recorder-Treasurer

NS-1232
1327

repealed 4-6-83

ORDINANCE NO. NS-1132

BUSINESS LICENSING CODE OF THE CITY OF BEND

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

ARTICLE I

Section 1. It shall be unlawful for any person, firm, partnership, corporation, or association to engage in any of the following businesses without obtaining a license from the City of Bend and payment of the fee provided by this article:

Auctioneers	$25.00 per day or 50.00 per calendar year
Blasting	$25.00 per calendar year
Carnivals, circuses, dramatic, mechanical, or operatic shows	
Carnivals and Circuses	$150.00 per day
Dramatic, mechanical or operatic shows	$20.00 per day

Junk and Secondhand Dealers	$25.00 per calendar year
Occult Arts	$100.00 per day
Peddlers	$5.00 per day
Private Detectives and Merchant Patrol	$25.00 per calendar year
Taxicabs	
Each Taxicab	$15.00 per calendar year
Each Stand	$25.00 per calendar year
Tree Topping and Removal	$25.00 per calendar year

ARTICLE II

Definitions and Regulations

Section 2. Auctioneers.

(a) An "auctioneer," for the purposes of this section, shall be any person who, as principal or agent, offers for sale at public outcry any article of merchandise or property to the highest bidder.

(b) This section shall not apply to: any sale under any valid order, decree, or judgment of any court; to residents of the City of Bend when selling their own house or property; or to educational, religious, charitable, fraternal, service, or other organizations of a noncommercial nature, any of whose objects of holding said auction sale are religious, charitable, fraternal, or intended to benefit the community.

(c) Before a license is issued, the applicant must comply with all licensing provisions of the State Board of Auctioneers for a general Auctioneers License.

(d) Any Auctioneer shall permit the examination at reasonable hours by any peace officer of the City of Bend of his register of purchases, records of sale, and any or all articles for auction or for sale kept at his place of business or any other place. Refusal to permit such examination shall be deemed a violation of this ordinance.

Section 3. Blasting.

(a) Any person, firm, partnership, corporation, or association engaged in the business of blasting within the City of Bend is required to have a license under this section.

(b) Before any license shall be issued under this section, the applicant shall furnish satisfactory evidence showing his experience and/or training to the end that the applicant has the ability to engage in such business without detrimental effect to the City of Bend and inhabitants thereof, and that the applicant is knowledgeable in the peculiar rock conditions of the Bend area as it may apply to the use of explosives. The applicant must also show proof of financial responsibility in the form of liability insurance coverage with limits of $100,000/300,000/50,000 minimum for each occurrence, and shall provide a copy of such insurance policy to be filed with the City Recorder.

(c) All licensed blasters shall comply with City of Bend ordinances and other appropriate regulations relating to explosives and the use and storage thereof.

Section 4. Carnivals, Circuses, Dramatic, Mechanical or Operatic Shows.

(a) For the purposes of this ordinance a "carnival," "circus," "dramatic, mechanical, or operatic show" shall be any type of entertainment, performed under canvas or in open spaces, whether or not an admission fee is charged. The license fee for this activity may be waived to $1.00 by the City Commission for shows put on by educations, religious, charitable, fraternal, service, or other organizations of a noncommercial nature whose objects of holding said show are religious, charitable, fraternal, and intended to benefit the community.

(b) Any applicant under this section shall be required to contract with the City of Bend Police Department for whatever services the Police Chief deems necessary to keep the public peace and welfare. The applicant shall

also be required to contact the appropriate public or private party to determine necessary requirements in using the proposed land or buildings.

Section 5. Junk and Secondhand Dealers.

(a) The term "junk dealer," means any person who purchases or deals commercially in any kind of material for refabrication. The term " secondhand dealer" means any person who purchases or deals commercially in any kind of material for further use without refabrication.

(b) Every junk dealer and every secondhand dealer shall keep a register, in form approved by the City Manager of the City of Bend, in which shall be entered in the English language, in legible writing, a complete description of each article of personal property purchased, including the number or numbers, if any, on each of said articles, whether new or used; the name and residence, including street number, of the person from whom such property was purchased; the signature of the person from whom purchased together with a complete description of such person; the date of the purchase; and the amount paid therefore. The record in the register shall be made in duplicate, the first copy of which shall be deposited with the Chief of Police of the City of Bend before 12:00 noon of the next legal business day following the purchase. When any article of junk or secondhand goods is purchased from any person under the age of 21 years of age, the dealer shall require a written statement from the parent or guardian of such minor, in which it shall be stated that the minor is the owner of the property, and in case the minor has purchased the articles of personal property, then the statement of the parent or guardian shall also give the name and residence address of the party from whom purchased, together with the date of the purchase. No junk or secondhand dealer shall be required to furnish the description of property which he purchases from manufacturing, wholesale, or retail dealers having an established place of business in the City of Bend. Sale of such goods must be accompanied by a bill of sale, however, or other evidence of legitimate purchase , which must be shown to the Chief of Police or other peace officer of the City of Bend upon demand therefore.

(c) No junk or secondhand goods purchased by a dealer, for which a description is required by subsection (b) hereof, shall be resold without the dealer making a written record of such sale, including description of property sold, date, name, and address of purchaser. No such resale or other disposition of such junk or secondhand goods shall be had within three days after the purchase thereof by the dealer.

(d) It shall be unlawful for any junk or secondhand dealer to sell or otherwise dispose of any article or personal property within 15 days after notice by the Chief of Police or other peace officer of the City of Bend to hold the same, unless sooner released by such officer; provided, however, that such hold order shall not continue more than 30 days from the date of first notice except by order of a court of competent jurisdiction.

(e) Any junk or secondhand dealer shall permit the examination at reasonable hours by any peace officer of the City of Bend of his register of purchases, his record of sales, and any or all articles of junk or secondhand goods kept at his place of business or any other place. Refusal to permit such examination shall be deemed a violation of this ordinance.

Section 6. Occult Arts. For the purposes of this section "occult art" means use or practice of fortune-telling, astrology, phrenology, palmistry, clairvoyance, mesmerism, spiritualism, or to the conduct of any spiritualistic reading or exhibition of any character.

Section 7. Peddlers.

(a) The term "peddler" for the purpose of this section, shall be construed to include all persons, copartnerships, or corporations, either principals or agents, who go from place to place, or store to store, carrying for sale and offering for sale or exposing for sale, either at wholesale or retail, goods, wares, and merchandise, or offering for sale or exposing for sale any goods, ware, or merchandise from any doorway, recess, vacant lot, or other place facing on a street and not within a building. This section shall not apply to peddlers or agricultural, horticultural, or farm products which they grow or raise, or those vending books, periodicals, or newspapers, or to delivery of goods upon a bona fide order placed prior to the time such goods leave the place of business of the seller, specifying the exact kind and quantity of goods to be delivered, and further that this ordinance shall not apply to representatives of manufacturers or wholesalers whose business is limited to calling upon retail or wholesale outlets for

the purpose of selling goods to be resold through such retail or wholesale outlets.

(b) No peddler shall follow that business occupation within the C-4 Central Commercial District of the City of Bend.

Section 8. Private Detective and Merchant Patrol.

(a) A "private detective" for purposes of this section, is a person who accepts employment for a consideration to furnish or supply information as to the personal character or actions or identity of a person or as to the character or kind of business or occupation of a person. The term shall not include within its meaning a private investigator employed exclusively by one employer in connection with a business, nor shall it include a detective or officer belonging to a law enforcement agency of the United States or any State, County, or City while engaged in the performance of his official duties, nor shall it include any insurance adjustor licensed by the State of Oregon when the adjustor is adjusting insurance.

"Merchant Patrol" for the purposes of this section means any firm, person, partnership or corporation engaged in the business of watching, guarding or protecting premises, property or persons; provided, however, that the term shall not include any individual who has only one employer and who is employed to watch, guard or protect only the premises, property or person of that employer, or any common carrier engaged in interstate commerce, or any individual employed by such carrier or carriers to watch, guard or protect premises, property, or persons of such carrier.

(b) Application for licenses issued hereunder shall contain, in addition to that information required by the City of Bend standard business license application form, such other information as the Chief of Police shall find reasonably necessary to carry out the purposes of this section. The application shall be accompanied by a full set of fingerprints and a recent photograph of the applicant. The application shall also be accompanied by an application fee of $10, which is non-refundable but which shall be applied to the cost of the license hereunder if such a license is issued.

(c) Within 15 days after receipt of an application as provided for herein, the Chief of Police may cause an investigation to be made of the applicant and the proposed operation. Within 30 days after filing the application, the Chief of Police shall submit his recommendations to the City Recorder. If the Chief of Police recommends issuance of a license, the City Recorder will notify the applicant and issue the license. If the Chief of Police recommends that the application be denied, the City Recorder shall so notify the applicant. If the application is denied, the Chief of Police shall submit a report thereon to the City Commission and the applicant affected thereby may appeal such denial to the City Commission in writing within 10 days from the date of the denial.

(d) Every employe of a private detective or merchant patrol business as defined herein shall, before entering on such duties, make application to the Chief of Police for an identification card. The applicant shall furnish two pictures of not less than two by two and one-half inches and also provide finger prints on the application. The application shall contain sufficient information for identification and shall be kept on file in the office of the Chief of Police. Upon receipt of said application, together with a fee of $10 to cover the administrative costs, the Chief of Police may in his discretion issue an identification card to the applicant. Said card shall not be transferable and the card shall have thereon a picture of the applicant. Said card shall be carried upon the person of the applicant at all times while on duty. The card must be returned to the Chief of Police upon the employe ceasing occupation with the detective agency or merchant patrol business.

(e) The identification card as provided beforehand shall be in the nature of a permit to operate as an employe of a detective agency or merchant patrol business and said permit shall be revocable in the discretion of the Chief of Police for cause. Upon such revocation or suspension the Chief of Police shall submit a report thereof to the City Commission and the employer of the employe affected thereby may appeal such revocation of permit to the City Commission in writing within 10 days from the date of suspension or revocation.

(f) No private detective, detective agency or merchant patrolman license shall be issued until the applicant files with the Recorder-Treasurer surety bond executed by such applicant with a surety company authorized to transact business in the State in the sum of one thousand dollars if the license

sought be for a private detective employed by a licensed detective agency, in the sum of five thousand dollars if the license be for a detective agency or a private detective not employed by a detective agency and two thousand dollars for a merchant patrol business, conditioned for the faithful and honest conduct of the business of a private detective, detective agency or merchant patrol.

(g) Licenses issued hereunder shall be subject to revocation or suspension by the Chief of Police for violation of any laws of the United States, State of Oregon or City of Bend, or misconduct by the licensee or his employees, after reasonable notice and opportunity to be heard has been given the licensee. The Police Chief shall immediately notify any licensee by personal service, of such suspension or revocation, and submit a report thereof to the City Commission.

(h) The Chief of Police shall have the authority to enact and enforce reasonable rules and regulations for the operation of private detective or merchant patrol businesses in the interest of public safety, health and welfare and to effectuate the general purposes of this section.

(i) No private detective or merchant patrolman holding a license granted under the provisions of this section shall divulge to anyone other than his employer, except as may be required by law, any information obtained by him in such employer's service. No private detective or merchant patrolman holding a license granted under the provisions of this section shall make a false report or account to his employer.

(j) Within 24 hours of the termination of employment of any employe of any licensee, notice of such termination shall be given by the licensee in writing to the Chief of Police. Failure to comply with this section shall result in revocation of the license of the private detective or merchant patrol business.

(k) If at any time new facts arise or become known to the Chief of Police which would be sufficient to warrant refusal or withholding a license under the terms of this section, the Chief of Police shall notify the licensee of the facts and further inform the licensee that unless the same are satisfactorily explained and this section complied with forthwith, the license shall be revoked.

(l) No private detective or merchant patrolman, guard, or other licensee under this section and not a member of the Police or Fire Department shall wear a uniform, cap, badge, or buttons substantially similar to the kind used by members of the Police Department of Fire Department.

Section 9. Taxicabs.

(a) "Taxicab" for the purpose of this section shall mean a motor vehicle transporting the public for hire in intracity transportation within the City of Bend, not over regular routes and not on regular schedules, and not including those vehicles commonly known as buses and vehicles operating on a fixed route and U-drive-for-rent cars.

(b) In addition to the information required on the standard license application form, any applicant must supply the following information:

(1) Description of vehicles and registration for each as evidence of ownership, which registration shall be returned to the company as soon as the necessary information is obtained therefrom.

(2) The names and addresses of the individuals who comprise the company and whether such individuals are owners, lessees, or other employes of said company.

(3) The name of the manager if different from owner or employes of the company.

(4) A statement setting forth the number of taxicabs that will be kept available for service in the event such a need arises.

(5) The number and location of proposed stands.

(6) Any changes in the above information shall be reported to the Chief of Police within two working days prior to such change.

(c) Every taxicab hereinafter newly placed in service by the company shall have signs either painted or applied on each side and on the rear thereof in letters and/or numberals at least two inches high and one-half inch in width the following information: the company name and the cab number.

(d) Drivers of taxicabs operated by taxicab companies herein set forth shall be clean and neat and it shall be the responsibility of the company to see that this section is not violated.

(e) Every chauffeur or driver of a taxicab as defined herein shall, before entering on such duties, make application to the Chief of Police for an identification card. The applicant shall furnish two pictures of not less than 2 x 2-1/2 inches and also provide finger prints on the application. The application shall contain sufficient information for identification and shall be kept on file in the office of the Chief of Police. Upon receipt of said application together with a fee of $10.00 to cover the administrative cost, the Police Chief may in his discretion issue an identification card to the applicant. Said card shall not be transferable and the card shall have thereon a picture of the applicant. Said card shall be placed in the vehicle the driver is operating and shall be readily accessible to view by passengers therein. The card shall not be transferable and must be returned to the Chief of Police upon the individual driver ceasing the occupation of taxicab driver.

(f) The identification card as provided for above shall be in the nature of a permit to operate as a taxicab driver and said permit shall be revocable in the discrettion of the Chief of Police for cause of incompetency or impropriety of conduct. Upon such revocation or suspension the Chief of Police shall submit a report thereon to the City Commission and the driver affected thereby may appeal such revocation of permit to the City Commission in writing within 10 days from the date of suspension or revocation.

(g) It shall be unlawful to use a taxicab for any of the following:

(1) For immoral purposes or to aid in procuring women for immoral purposes.

(2) For any driver of any taxicab to use profane or abusive language in the presence of passengers or prospective passengers.

(3) For driver to loudly solicit passengers on the streets or in the vicinity of the taxicab stands as provided for herein.

(4) To use or cause to be used a taxicab provided for the transportation of alcoholic liquor to unlicensed premises or to engage in handling, delivering, or supplying such alcoholic liquor to unlicensed premises.

(h) No license shall be issued under this section until the applicant shall provide and file with the Recorder of the City of Bend evidence of liability insurance coverage against liability of whatever nature arising from the operation of the taxicabs in the minimum amounts of $25,000/100,000 bodily injury and $10,000 property damage.

(i) The driver of a taxicab shall operate the vehicle in a safe manner and in compliance with City of Bend Traffic Control Ordinance. Taxicab stands shall be used only when established by the City Manager and payment has been made as provided in this ordinance.

Section 10. Tree Topping and Removal.

(a) Any person, firm, partnership, corporation, or association engaged in the business of topping or removal of trees within the City of Bend is required to have a license under this section.

(b) Before any license shall be issued under this section, the applicant shall furnish satisfactory evidence showing his experience and/or training to the end that the applicant has the ability to engage in such business without detrimental effect to the City of Bend and inhabitants thereof and proof of financial responsibility, in the form of liability insurance coverage with limits of $50,000/100,000/25,000 minimum for each occurrence, and shall provide a copy of such insurance policy to be filed with the City Recorder.

ARTICLE III

Application for Licenses

Section 11. All applications for licenses under this ordinance shall be made in writing to the City Recorder-Treasurer upon the City of Bend standard business license application form.

Section 12. In addition, the application shall contain any specific information required by any other provisions of this ordinance.

Section 13. All licenses issued under this ordinance shall be posted in plain sight within the business premises or, if issued for a vehicle, be displayed within plain view within said vehicle.

Section 14. No license issued under this ordinance shall be assignable or transferable to any other object requiring a license or to any other person, copartnership, firm, or corporation without the approval of the City Commission.

Section 15. Any error in classification or return made by any officer or employe of the City of Bend shall not preclude the City from collecting the full amount of the license fee due under this ordinance.

Section 16. All licenses shall be subject to any regulations now or hereafter imposed by the City of Bend and shall at all times be subject to revocation by the City Commission for any violation of this ordinance or any other law of the City of Bend, the State of Oregon, or the United States.

Section 17. Any person who advertises or otherwise holds himself out to the public as engaged in any business, profession, trade, or calling for which a license is required shall, for the purposes of licensing, be presumed to be so engaged and shall be liable for the license fee as herein provided.

ARTICLE IV

Revocation of Licenses

Section 18. All licenses shall be subject to the regulations now or hereafter imposed by the City of Bend and nothing in this ordinance shall be construed to create the vested right in any person to a license in the first instance or to the assignment, renewal, reissuance, or continuance of any license, and the right shall be and remain at all times vested in the Commission; and the Commission may refuse to grant any license or may revoke and cancel any license procured by any misrepresentation or for a violation of any of the provisions of this or any other ordinance of the City of Bend, or any State or federal Statute, or for any conduct or act of the licensee or employe when permitted by him, or when committed on the premises where such business is conducted, or in connection therewith, tending to render such business, or the premises where the same is conducted, a public menace, or a menace to the health, business, or general welfare of said City of Bend, or whenever in the judgment of the Commission the public interest demands they refuse to grant a requested license or may revoke any such license already issued.

Section 19. Whenever the Commission desires to investigate any license, it shall notify or cause to be notified, in writing, the licensee of the time and place of the hearing or investigation, such notice to be served not less than 24 hours before such hearing or investigation. Such hearing or investigation shall be informal and nothing shall prevent the Commission from considering any evidence developed during such hearing or investigation touching upon or concerning the fitness of the licensee to retain such license. If, on such hearing or investigation, the Commission shall find that cause exists for the revocation of such license, the same shall be revoked by a majority vote of the Commission on the motion entered in the minutes.

Section 20. Whenever the Commission revokes the license of any person, firm, or corporation holding a license under this ordinance or any of its provisions or for any other reason, it may at the same time also revoke any other license or licenses which such person, firm, or corporation may have for the carrying on of any other business required to be licensed under this or any other ordinance of the City of Bend. Whenver a license to continue any business has been revoked by the Commission, no further license shall be granted or reissued to the same person for the same or a different business without the approval of all members of such Commission; provided, however, that such approval shall not be made until the applicant has filed with the City Recorder of said City of Bend a surety company bond in the penal sum of $1,000.00, or deposit a like sum in cash with the City Recorder of said City of Bend, which bond or cash shall be forfeited to the City of Bend in the event that such person is thereafter convicted of a violation of any ordinance of the City of Bend or State or federal statute for which such license might be revoked; and the bond for the term of which the license is granted shall not be suspended or cancelled during the life of such reissued license or a renewal thereof.

ARTICLE V

Penalty

Section 21. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding $500.00 or by imprisonment in the City Jail for a period not exceeding 90 days or by both such fine and imprisonment.

ARTICLE VI

Severability

Section 22. The sections and subsections of this ordinance are hereby declared severable. The invalidity of any one section or subsection shall not affect the validity of the remaining sections or subsections.

Section 23. Ordinances No. NS-773, NS-813, NS-1101 and NS-1104 are hereby repealed.

Read for the first time the 7th day of December, 1977

Read for the second time the 21st day of December, 1977

Placed upon its passage the 21st day of December, 1977

YES: 6 NO: 0

Submitted to and approved by the Mayor the 21st day of December, 1977

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1133

AN ORDINANCE VACATING THE WEST 83.00 FEET OF THE ALLEY BETWEEN LOTS 4, 5, 6, 7, 19, 20, 21 and 22 RESUBDIVISION OF BLOCK 24, PLAT OF BEND, DESCHUTES COUNTY OREGON.

A petition having been presented to the Bend City Commission on the 5th day of October, 1977 requesting that the following described alley location be vacated:

> The West 83.00 feet of the alley between Lots 4, 5, 6, 7, and Lots 19, 20, 21 and 22 all in the Resubdivision of Block 24, Plat of Bend, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Bradley Fancher, said vacation proceedings to vacate the following described property:
>
> The West 83.00 feet of the alley between Lots 4, 5, 6, and 7 and Lots 19, 20, 21 and 22 all in the Resubdivision of Block 24, Plat of Bend, Deschutes County, Oregon.
>
> The City of Bend Commission of the City of Bend have fixed the 21st day of December, 1977, at 7:30 p.m., in the City Hall, 720 NW Wall Street, as the time and place for the hearing upon the said proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 21st day of December, 1977

Read for the second time the 4th day of January, 1978

Placed upon its passage this 4th day of January, 1978

YES: 6 NO: 0

Submitted to and approved by the Mayor this 4th day of January, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1134

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

> South one-half of the Northwest one-quarter of the Northwest one-quarter of Section Six, Township 18 South, Range Twelve East of the Willamette Meridian, Deschutes County, Oregon. Containing 18.5 acres more or less.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 15th day of February, 1978, at the hour of 7:30 p.m., o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 21st day of December, 1977

Read for the second time the 4th day of January, 1978

Placed upon its passage the 4th day of January, 1978

YES:6 NO: 0

Submitted to the Commission and approved by the Mayor this 4th day of January, 1978.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1135

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented ot it a request to annex to the said City of Bend the following described real property to-wit:

Parcel 1. A tract of land located in the Northeast one-quarter of the Northwest one-quarter of Section 34, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows: Beginning at the North one-quarter corner of said Section 34; thence South 89° 34' 26" West along the North line of said Section 34 a distance of 340.5 feet; thence South 00° 25' 34" East a distance of 155.8 feet; thence North 89° 02' 28" West a distance of 240.0 feet; thence North 00° 25' 34" West a distance of 150.0 feet to the North line of said Section 34; thence South 89° 34' 26" West along said North line a distance of 60.0 feet; thence South 00° 25' 34" East a distance of 330.0 feet; thence North 89° 02' 28" West 660.0 feet, more or less, to the West line of the Northeast one-quarter of the Northwest one-quarter of said Section 34; thence southerly along said West line a distance of 550.0 feet, more or less, to the centerline of the Central Oregon Irrigation lateral A-2; thence southeasterly along said centerline a distance of 500.0 feet, more or less, to the intersection with the South line of the Northeast one-quarter of the Northwest one-quarter of said Section 34; thence easterly along said South line a distance of 1100.0 feet, more or less, to the East line of the Northwest one-quarter of said Section 34; thence northerly along said East line a distance of 1320.0 feet, more or less, to the point of beginning and terminus of this description.

Parcel 2. SW 1/4, NW 1/4 of Section 34, T. 17 S., R. 12 E.W.M. and the NE 1/4, SW 1/4, T. 17 S., R. 12 E.W.M., save except that portion lying south of the North line of Highway 20.

Parcel 3. West 1/2 of N 1/4 of Section 34, T. 17 S., R. 12 E.W.M.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 15th day of February, 1978, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 21st day of December, 1977

Read for the second time the 4th day of January, 1978

Placed upon its passage the 4th day of January, 1978

YES:6 NO: 0

Submitted to the Commission and approved by the Mayor this 4th day of January, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1136

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

Parcel 1. Being a portion of the North one-half Southeast one-quarter Southwest one-quarter Section 5, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon. Being more particularly described as follows: Beginning at the South 1/4 corner of Section 5, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon. Thence North 0° 58' 34" West, 665.91 feet along the North-South Mid-Section line to the true point of beginning. Thence North 89° 59' 52" West 914.58 feet; thence North 72° 04' 10" West, 33.88 feet to the right-of-way of Blakley Road; thence along a curve to the right having a central angle of 28° 32' 40". a radius of 543.69 feet, an arc distance of 270.86 feet; thence North 46° 28' 30" East, 184.18 feet; thence South 1° 18' 29" East, 32.08 feet; thence North 89° 55' 25" East, 664.08 feet to the North-South Mid-Section line; thence South 0° 58' 34" East, 332.96 feet to the true point of beginning.

Parcel 2. Being a portion of the North one-half Southeast one-quarter Southwest one-quarter Section 5, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon. Being a 40 foot strip of land and being more particularly described as follows:

Beginning at the South 1/4 corner to Section 5, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon. Thence North 0° 58' 34" West 998.87 feet along the North-South Mid-Section line to the true point of beginning. Thence South 89° 55' 25" West, 664.08 feet; thence North 1° 18' 29" West, 32.08 feet to the Southeasterly right-of-way of Blakley Road, thence North 46° 28' 30" East, 11.45 feet along said right-of-way; thence North 89° 55' 25" East, 655.79 feet to the North-South Mid-Section line; thence South 0° 58' 31" East, 40.00 feet to the true point of beginning.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 15th day of February, 1978, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall, as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 21st day of December, 1977

Read for the second time the 4th day of January, 1978

Placed upon its passage the 4th day of January, 1978

YES: 6 NO: 0

Submitted to the Commission and approved by the Mayor this 4th day of January, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1137

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit!

Beginning at the Section corner common to Sections 21, 22, 27 and 28, T. 17 S., R. 12 E.W.M. thence N. 89° 48' 12" W. for 292.00 feet, more or less, thence S. 00° 20' 43" W. for 400.00 ft., thence N. 89° 39' 17" W. for 400.00 ft., thence N. 00° 20' 43" E. for 420.05 ft., thence S. 89° 41' 56" E. for 276.23 ft., thence N. 08° 07' 11" W. for 140.24 ft., thence N. 26° 37' 11" W. 97.67 ft., thence N. 12° 36' 11" W. for 50.17 ft., thence N. 34° 46" 11" W. for 95.83 ft., thence N. 18° 33' 11" W. for 53.80 ft., thence N. 37° 44' 11" W. for 50.82 ft., thence N. 02° 53' 11" W. for 78.30 ft., thence N. 28° 37' 11" W. for 120.10 ft., thence N. 21° 41' 11" W. for 31.26 ft. to the south right-of-way line of the North Unit Canal, thence N. 86° 39' 16" W. for 111.39 ft. along the South right-of-way line of the North Unit Canal, thence S. 03° 20' 44" W. for 40.00 ft., thence N. 86° 39" 16" W. for 104.88 ft., thence, around a 136.50 ft. radius curve left for 70.00 ft. (long chord bears S. 78° 39' 14" W. for 69.24 ft.) thence S. 63° 57' 44" W. for 160.92 ft., thence, around a 136.50 ft. radius curve left for 80.72 ft. (long chord bears S. 47° 01' 14" W. for 79.55 ft.), thence S. 30° 04' 44" W. for 146.61 ft., thence around a 436.50 radius curve right for 153.41 ft., (long chord bears S. 40° 08' 50" W. for 152.62 ft.) to the North-South centerline of the SE 1/4 of Section 21, T. 17 S., R. 12 E.W.M., thence S. 00° 07' 48" E. for 244.57 ft. along the North-South centerline to the East 1/16 corner between Sections 21 and 28, thence S. 00° 04' 54" W. along the North-South centerline of Section 28, T. 17 S., R. 12 E.W.M. for 988.52 ft., thence N 56° 57' 13" E. for 447.72 ft., thence S. 12° 14' 13" E. for 219.36 ft. to the North right-of-way line of Butler Market Road, thence S. 23° 50' 35" E. for 60.00 ft. to the South right-of-way line of Butler Market Road, thence Northeasterly along the South right-of-way line of Butler Market Road to a point of intersection of said right-of-way with the NW corner of Lot 3, Block 1, Canyon Park Addition. Said point also being a

point on the current City Limits line, thence, continuing along said South right-of-way line to the point of intersection with the Pilot Butte Canal, thence N. 44° 06' 49" E. for 46.2 ft., thence N. 72° 06' 49" E. for 194.00 ft., thence, North for 144.87 ft. to a point on the North line of Section 27, T. 17 S., R. 12 E.W.M. thence along said Section line S. 89° 45' 43" W. to the Section corner common to Sections 21, 22, 27 and 28, T. 17 S. R. 12 E.W.M. and the point of beginning and the terminus of this description.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 15th day of February, 1978, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 21st day of December, 1977

Read for the second time the 4th day of January, 1978

Placed upon its passage the 4th day of January, 1978

YES: 6 NO: 0

Submitted to and approved by the Mayor this 4th day of January, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1138

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1083 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 21st day of July, 1976, at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

That portion of the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section Twenty-seven (27), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian,

Deschutes County, Oregon described as follows: Beginning at the South Quarter (S 1/4) corner of said Section 27; thence East 22 rods; thence North 80 rods; thence West 22 rods; thence South 80 rods to the point of beginning, excepting therefrom the right-of-way of Alumus Neff County Road.

Also that portion of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 27, Township 17 South, Range 12, E.W.M., Deschutes County, Oregon described as follows: Beginning at a point on the North sideline of Neff Road whence the Southwest corner of Section 27, Township 17 South, Range 12 E.W.M. bears South 55.43 ft. and West 942.04 ft., thence South 85° 08' 45" East 249.94 ft. along the North side line of Neff Road to a point; thence East along the North line of Neff Road 450 ft. to the true point of beginning; thence North 1° 42' 09" West to the North line of said SE 1/4 SW 1/4; thence East to the Northeast corner of said SE 1/4 SW 1/4; thence South along the east line of said SE 1/4 SW 1/4 to the North line of Neff Road; thence West along the North line of Neff Road to the point of beginning.

Section 3. That prior to the time of the aforesaid public hearing more than half of the owners of land in the area, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 21st day of July, 1976

Read for the second time the 4th day of January, 1978

Placed upon its passage the 4th day of January, 1978

YES: 6 NO: 0

Approved by the Mayor this 4th day of January, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1139

AN ORDINANCE CHANGING THE ZONE OF LOTS 1, 2, 3, and 4, BLOCK 4, CLEAR SKY ESTATES, DESCHUTES COUNTY, OREGON, FROM R-1 LOW DENSITY RESIDENTIAL TO R-2 HIGH DENSITY RESIDENTIAL.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 and the Zoning Map of the City of Bend are changed as follows:

The zone of Lots 1 through 4, Block 4, Clear Sky Estates, Deschutes County Oregon, is changed from R-1 Low Density Residential to R-2 High Density Residential.

Read for the first time the 4th day of January, 1978

Read for the second time the 18th day of January, 1978

Placed upon its passage the 18th day of January, 1978

YES: 7 NO: 0

Passed by the Commission and approved by the Mayor this 18th day of January, 1978.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1140

AN ORDINANCE CHANGING THE ZONE OF A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 17 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, NORTHEAST OF REGENCY AND COLLEGE WAY, DESCHUTES COUNTY, OREGON, FROM R-1 LOW DENSITY RESIDENTIAL TO R-2 HIGH DENSITY RESIDENTIAL.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 and the Zoning Map of the City of Bend are changed as follows:

The zone of a tract of land situated in the Northeast Quarter of Section 25, Township 17 South, Range 11 East of the Willamette Meridian, Deschutes County, Oregon, the aforesaid tract of land being more particularly described as follows:

Commencing at the East 1/4 corner of said Section 25; thence South 89° 56' 02" West along the East-West Center Section line of said Section, 1309.82 feet to a point that is 20.00 feet Easterly of and parallel to the Easterly right-of-way line of College Way; thence North 07° 51' 47" West along said parallel line 637.15 feet; thence along the arc of a 490.00 foot radius curve right 36.69 feet, the chord of which bears North 05° 43' 04" West 36.68 feet to the true point of beginning of this description; thence continuing along said parallel line along the arc of said 490.00 foot radius curve right 56.81 feet, the chord of which bears North 00° 15' 05" West 56.78 feet; thence North 03° 04' 12" East 200.50 feet; thence leaving said parallel line North 81° 58' 22" East 258.00 feet to a point on the Westerly right-of-way line of a proposed street alignment; thence Southerly along said proposed right-of-way line along the proposed right-of-way line along the arc of a 337.99 foot radius curve left 135.52 feet, the chord of which bears South 19° 30' 49" East 134.61 feet; thence along the arc of a 286.77 foot radius curve right 128.03 feet, to a point, the long chord of which bears South

18° 12' 38" East 126.97 feet; said point being 20.00 feet Northerly of and parallel to the Northerly right-of-way line of the proposed Easterly extension of Regency Drive; thence Westerly along said parallel line along the arc of a 1043.17 foot radius curve left 77.31 feet, the chord of which bears South 84° 15' 38" West 77.30 feet; thence South 82° 08' 13" West 276.30 feet to the true point of beginning of this description and terminus thereof.

Read for the first time the 4th day of January, 1978

Read for the second time the 18th day of January, 1978

Placed upon its passage the 18th day of January, 1978

YES: 7 NO: 0

Passed by the Commission and approved by the Mayor this 18th day of January, 1978.

Mayor

ATTEST:

Recorder-Treasurer

NS-1141 repealed by NS-1495, passed 7-19-89.

ORDINANCE NO. NS-1141

AN ORDINANCE AMENDING ORDINANCE NO. NS-1049, THE OREGON STATE PLUMBING CODE, BY ADOPTING THE 1976 EDITION

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1. Standards Applicable to Plumbing is hereby amended to adopt the Uniform Plumbing Code, 1976 Edition as follows:

Every person, firm and corporation engaging in plumbing work and related activities within the City of Bend, shall comply with all applicable provisions of the Oregon State Plumbing Specialty Code (Uniform Plumbing Code, 1976 Edition as amended by the Oregon State Department of Co erce) as adopted by the Director of the Oregon State Department of Commerce on January 1, 1977 and thereafter.

Read for the first time the 18th day of January, 1978

Read for the second time the 1st day of February, 1978

Placed upon its passage the 1st day of February, 1978

YES: 6 NO: 0

Submitted to and approved by the Mayor this 1st day of February, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1142

AN ORDINANCE CHANGING THE ZONE OF LOT 6 AND WEST HALF OF LOT 5, BLOCK 21, CENTER ADDITION, DESCHUTES COUNTY, OREGON, FROM R-1 LOW DENSITY RESIDENTIAL TO C-2 LIMITED COMMERCIAL.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 and the Zoning Map of the City of Bend are changed as follows:

The zone of Lot 6 and the West half of Lot 5, Block 21, Center Addition, Deschutes County, Oregon, is changed from R-1 Low Density Residential to C-2 Limited Commercial.

Read for the first time the 18th day of January, 1978

Read for the second time the 1st day of February, 1978

Placed upon its passage the 1st day of February, 1978

YES: 5 NO: 0 1 ABSTAINED

Passed by the City Commission and approved by the Mayor this 1st day of February , 1978

Mayor

ATTEST:

Recorder-Treasurer

Repealed by NS-1163

ORDINANCE NO. NS-1143

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

All of Tract 9 of Boyds Acreage, Deschutes County, Oregon; and a portion of Tract 6 of Boyds Acreage, Deschutes County, Oregon, described as follows:

Beginning at a point on the South boundary line of Tract 6, Boyds Acreage, which is monumented by a 1/2 inch iron bar and located 154.67 feet East from the Southwest corner of said Tract 6; thence East 291.50 feet along said South boundary line to the Southeast corner of Tract 6; thence North 754.62 feet along the East boundary line of said Tract 6 to the Northeast corner thereof; thence West 289.22 feet along the North boundary line of said Tract 6 to point marked by a 1/2 inch iron bar; thence South 0° 10' 21" West to the point of beginning; and Tract 7 of Boyds Acreage, Deschutes County, Oregon; EXCEPTING THEREFROM the North 20 feet.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 5th day of April, 1978, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City

Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 15th day of February, 1978

Read for the second time the 1st day of March, 1978

Placed upon its passage the 1st day of March, 1978

YES: 7 NO: 0

Submitted to and approved by the Mayor this 1st day of March, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1144

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

A portion of Tract 23 of Virginia Park in Deschutes County, Oregon, described as follows: Beginning at a point on the Westerly line of Tract 23 in Virginia Park a distance of 475 feet North and 32.75 feet East from the Southwest corner of said Tract 23, thence Northerly on a curve to the right with a radius of 925.37 feet along the Westerly line of said Tract 23 a distance of 177.14 feet to the Northerly end of said curve; thence North 26° 25' 45" East, continuing along said Westerly line a distance of 116.78 feet to the Northwest corner of said Tract 23; thence South 89° 15' 18" East along the Northerly line of said Tract 23 a distance of 498.10 feet to a point; thence South 263.48 feet to a point, thence West 613.26 feet to the place of beginning; EXCEPT any portion lying within the right-of-way of the Dalles-California Highway.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 5th day of April, 1978, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 15th day of February,1978

Read for the second time the 1st day of March, 1978

Placed upon its passage the 1st day of March, 1978

YES: 7 NO: 0

Submitted to and approved by the **Mayor this 1st** day of March, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1145

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

A tract of land containing 20 acres, more or less, located in the East one-half of the Northeast one-quarter of the Southwest one-quarter (E 1/2, NE 1/4, SW 1/4) of Section 29, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Beginning at a point which is located North 00° 13' 23" West 1314.42 feet along the North South center section line from the South 1/4 corner of said Section 29; thence South 89° 51' 11" West 657.15 feet; thence North 00° 14' 42" West 1313.86 feet; thence North 89° 49' 35" East 657.27 feet to the center 1/4 corner of said Section 29' thence South 00° 14' 23" East 1314.17 feet to the point of beginning and terminus of this description.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 5th day of April, 1978, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 15th day if February, 1978

Read for the second time the 1st day of March, 1978

Placed upon its passage the 1st day of March, 1978

YES: 7 NO: 0

Submitted to and approved by the Mayor this 1st day of March, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1146

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1134, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 15th day of February, 1978 at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

South one-half of the Northwest one-quarter of the Northwest one-quarter of Section Six, Township 18 South, Range Twelve East of the Willamette Meridian, Deschutes County, Oregon. Containing 18.5 acres more or less.

EXCEPT established easements if any for roads, utility lines and irrigation water.

Section 3. That prior to the time of the aforesaid public hearing at least one half of the landowners who own or who also own at least one half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 15th day of February, 1978

Read for the second time the 1st day of March, 1978

Placed upon its passage the 1st day of March, 1978

YES: 7 NO: 0

Submitted to and approved by the Mayor this 1st day of March, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1147

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1136 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 15th day of February, 1978 at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

Parcel 1. Being a portion of the North one-half Southeast one-quarter Southwest one-quarter Section 5, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon. Being more particularly described as follows: Beginning at the South 1/4 corner of Section 5, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon. Thence North 0° 58' 34" West, 665.91 feet along the North-South Mid-Section line to the true point of beginning. Thence North 89° 59' 52" West 914.58 feet; thence North 72° 04' 10" West, 33.88 feet to the right-of-way of Blakely Road; thence along a curve to the right having a central angle of 28° 32' 40", a radius of 543.69 feet, an arc distance of 270.86 feet; thence North 46° 28' 30" East, 184.18 feet; thence South 1° 18' 29" East, 32.08 feet; thence North 89° 55' 25" East, 664,08 feet to the North-South Mid-Section line; thence South 0° 58' 34" East, 332.96 feet to the true point of beginning.

Parcel 2. Being a portion of the North one-half Southeast one-quarter Southwest one-quarter Section 5, Township 18 South, Range 12 East Willamette Meridian, Deschutes County, Oregon. Being a 40 foot strip of land and being more particularly described as follows:

Beginning at the South 1/4 corner of Section 5, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon. Thence North 0° 58' 34" West 998.87 feet along the North-South Mid-Section line to the true point of beginning. Thence South 89° 55' 25" West, 664.08 feet; thence North 1° 18' 29" West, 32.08 feet to the Southeasterly right-of-way of Blakely Road, thence North 46° 28' 30" East, 11.45 feet along said right-of-way, thence North 89° 55' 25" East, 655.79 feet to the North-South Mid-Section line; thence South 0° 58' 31" East, 40.00 feet to the true point of beginning.

Section 3. That prior to the time of the aforesaid public hearing at least one half of the landowners who own or who also own at least one half of the land in the area and of real property therein representing at least one half of the assessed value of all real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the terrirory above described is hereby and herewith annexed to the City of Bend, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the afore-

described real property.

Read for the first time the 15th day of February, 1978

Read for the second time the 1st day of March, 1978

Placed upon its passage the 1st day of March, 1978

YES: 7 NO: 0

Submitted to and approved by the Mayor this 1st day of March, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1148

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS :

Section 1. Under the provisions of Ordinance No. NS-1135 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 15th day of February, 1978 at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

Parcel 1. A tract of land located in the Northeast one-quarter of the Northwest one-quarter of Section 34, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows: Beginning at the North one-quarter corner of said Section 34; thence South 89° 34' 26" West along the North line of said Section 34 a distance of 340.5 feet; thence South 00° 25' 34" East a distance of 155.8 feet; thence North 89° 02' 28" West a distance of 240.0 feet; thence North 00° 26' 34" West a distance of 150.0 feet to the North line of said Section 34; thence South 89° 34' 26" West along said North line a distance of 60.0 feet; thence South 00° 25' 34" East a distance of 330.0 feet; thence North 89° 02' 28" West 660.0 feet, more or less, to the West line of the Northeast one-quarter of the Northwest one-quarter of said Section 34; thence southerly along said West line a distance of 550.0 feet, more or less, to the centerline of the Central Oregon Irrigation lateral A-2; thence southeasterly along said centerline a distance of 500.0 feet, more or less, to the intersection with the South line of the Northeast one-quarter of the Northwest one-quarter of said Section 34; thence easterly along said South line a distance of 1100.0 feet, more or less, to the East line of the Northwest one-quarter of said Section 34; thence northerly along said East line a distance of 1320.0 feet, more or less, to the point of beginning and terminus of this description.

Parcel 2. SW 1/4, NW 1/4 of Section 34, T. 17 S., R. 12 E.W.M. and the NE 1/4, SW 1/4, T. 17 S., R. 12 E.W.M., save except that portion lying south of the North line of Highway 20.

Parcel 3. West 1/2 of N. 1/4 of Section 34, T. 17 S., R. 12 E.W.M.

Section 3. That prior to the time of the aforesaid public hearing at least one half of the landowners who own or who also own at least one half of the land in the area and of real property therein representing at least one half of the assessed value of all real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 15th day of February, 1978

Read for the second time the 1st day of March, 1978

Placed upon its passage the 1st day of March, 1978

YES: 7 NO: 0

Submitted to and approved by the Mayor this 1st day of March, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1149

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit :

In Township 17 South, Range 11 East of the Willamette Meridian, Deschutes County, Oregon; Section 25: The SE 1/4 of the NW 1/4, the NE 1/4 of the SW 1/4 and that portion of the N 1/2 of the NW 1/4 of the SW 1/4 lying East of the Shevlin Park Road. Together with an easement for ingress and egress over the following described property: the East 160 feet of the SW 1/4 of the SW 1/4 of Section 25 lying Northerly of Shevlin Park Road and the East 160 feet of the South 160 feet of the NW 1/4 of the SW 1/4 of said Section 25.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 19th day of April, 1978, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall, ad the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 1st day of March, 1978

Read for the second time the 15th day of March, 1978

Placed upon its passage the 15th day of March, 1978

YES: 5 NO: 0

Submitted to and approved by the Mayor this 15th day of March, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1150

AN ORDINANCE VACATING TAFT STREET BETWEEN SE 3RD STREET AND SE 4TH STREET ALLEY BEING LOCATED IN BLOCK 130, SECOND ADDITION TO BEND PARK AS PLATTED TO THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission on the 18th day of January, 1978 requesting that the following described alley and street be vacated:

Taft Street between SE 3rd Street and SE 4th Street Alley being located in Block 130, Second Addition to Bend Park as platted to the City of Bend, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by John Schenk, on behalf of Albertson's Inc., said vacation proceedings to vacate the following described property:
>
> Taft Street between SE 3rd Street and SE 4th Street and Alley being located in Block 130, Second Addition to Bend Park as platted to the City of Bend, Deschutes County, Oregon.
>
> The City of Bend Commission of the City of Bend have fixed the 1st day of March, 1978, at 7:30 p.m., in the City Hall, 720 NW Wall Street, as the time and place for the hearing upon the said proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated; provided, that the vacated property shall be used as follows:

1. The property vacated shall be developed substantially in compliance with City of Bend's Site Plan No. S-16-78 submitted by Albertson's Inc. within 18 months from the date of this ordinance, and
2. The developers and user of this vacated property shall improve the remainder of the vacated portion of South 4th Street and dedicate that remainder to the public for use as a public right-of-way approximately 15 feet in width. This right-of-way shall remain open for public use so long as either Albertson's Inc. or Long's Drug Stores, Inc. has an interest in the property adjoining the vacated property.

Subject to the condition recited above this vacation is hereby made a matter of record and the City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk for Deschutes County, Oregon.

Read for the first time the 1st day of March, 1978

Read for the second time the 15th day of March, 1978

Placed upon its passage the 15th day of March, 1978

YES: 5 NO: 0

Submitted to and approved by the Mayor this 15th day of March, 1978

ATTEST:

Recorder-Treasurer

Mayor

ORDINANCE NO. NS-1151

AN ORDINANCE VACATING THE WEST 30 FEET OF THE SE FOURTH STREET FROM THE NORTH LINE OF ROOSEVELT AVENUE TO THE SOUTH LINE OF WILSON AVENUE AND THE EAST 30 FEET OF SE FOURTH STREET FROM THE NORTH LINE OF ROOSEVELT TO A POINT 120 FEET NORTH.

A petition having been presented to the Bend City Commission on the 18th day of January 1978 requesting that the following described street location be vacated:

> The West 30 feet of SE Fourth Street from the north line of Roosevelt Avenue to the south line of Wilson Avenue and the east 30 feet of SE Fourth Street from the north line of Roosevelt to a point 120 feet north in Blocks 129, 130 and 147, Second Addition to Bend Park and Block 1, State Highway Addition, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by John Schenk, on behalf of Albertson's Inc., said vacation proceedings to vacate the following described property:
>
> The West 30 feet of SE Fourth Street from the north line of Roosevelt Avenue to the south line of Wilson Avenue and the east 30 feet of SE Fourth Street from the north line of Roosevelt to a point 120 feet north in Blocks 129, 130 and 147, Second Addition to Bend Park and Block 1, State Highway Addition, Deschutes County, Oregon.
>
> The City of Bend Commission of the City of Bend have fixed the 1st day of March, 1978, at 7:30 p.m., in the City Hall, 720 NW Wall Street, as the time and place for the hearing upon the said proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated; provided, that the vacated property shall be used as follows:

1. The property vacated shall be developed substantially in compliance with City of Bend's Site Plan No. S-16-78 submitted by Albertson's Inc. within 18 months from the date of this ordinance, and
2. The developers and user of this vacated property shall improve the remainder of the vacated portion of South 4th Street and dedicate that remainder to the public for use as a public right-of-way approximately 15 feet in width. This right-of-way shall remain open for public use so long as either Albertson's Inc. or Long's Drug Stores, Inc. has an interest in the property adjoining the vacated property.

Subject to the conditions recited above, this vacation is hereby made a matter of record and the City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk for Deschutes County, Oregon.

Read for the first time the 1st day of March, 1978

Read for the second time the 15th day of March, 1978

Placed upon its passage this 15th day of March, 1978

YES: 5 NO: 0

Submitted to and approved by the Mayor this 15th day of March, 1978

ATTEST:

Recorder-Treasurer

Mayor

ORDINANCE NO. NS-1152

NS-1152 repealed by Ord. NS-1496, passed 7-19-89

AN ORDINANCE AMENDING ORDINANCE NO. NS-1031, THE OREGON STATE BUILDING CODE, BY ADOPTING THE 1976 EDITION

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1. Standards Applicable to Building is hereby amended to adopt the Uniform Building Code, 1976 Edition as follows:

Every person, firm and corporation engaging in building and related activities within the City of Bend shall comply with all applicable provisions of each of the specialty codes making up the 1976 State Building Code and Chapter 70 of the Appendix as adopted by the Director of the State Department of Commerce and all applicable provisions of the Fire and Life Safety Code as adopted by the State Fire Marshal, on March 1, 1978, and thereafter.

Read for the first time the 1st day of March, 1978

Read for the second time the 15th day of March, 1978

Placed upon its passage the 15th day of March, 1978

YES: 5 NO: 0

Submitted to and approved by the Mayor this 15th day of March, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1153

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND, DESCRIBING THE SUBJECT PROPERTY AND DECLARING ANNEXATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1043 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 16th day of April, 1975, at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

All of Blocks 3, 4, 5, and 6, Bonne Home Addition, Deschutes County, Oregon.

Section 3. That prior to the time of the aforesaid public hearing at least two-thirds of the landowners who own or who also own at least two-thirds of the land in the area and of real property therein representing

at least two-thirds of the assessed value of all real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the afore-described real property.

Read for the first time the 16th day of April, 1975

Read for the second time the 15th day of March, 1978

Placed upon its passage the 15th day of March, 1978

YES: 5 NO: 0

Submitted to and approved by the Mayor this 15th day of March, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1154

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

> Beginning at the intersection of the North-South centerline of Section 31, T. 17 S., R. 12, E.W.M. and the North right-of-way line of Newport Ave.; thence Southerly along said centerline of said Section 31 to the South right-of-way of Newport Ave., thence westerly along the South line of Newport Avenue to the West line of Bonne Home Addition; thence northerly along said West line to the Southerly right-of-way line of Shevlin Park Road; thence Northwesterly along said Southerly line of Shevlin Park Road to its intersection with the Westerly line of said Section 31; thence Northerly along said Section line to the Northwest corner of said Section 31, being also the Southwest corner of Section 30; thence Northerly along the Westerly line of said Section 30 to its intersection with the Northeasterly right-of-way line of College Way; thence Southeasterly along the said Northeasterly line of said College Way to its intersection with the North right-of-way line of Newport Avenue; thence Easterly along said North line of Newport Avenue to the point of beginning.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 3rd ay of May,

1978 at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall, as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 15th day of March, 1978

Read for the second time the 5th day of April, 1978

Placed upon its passage the 5th day of April, 1978

YES: 7 NO: 0

Submitted to and approved by the Mayor this 5th day of April, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1155

AN ORDINANCE ACCEPTING STATE REVENUE SHARING FUNDS

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Pursuant to ORS 471.810, the City of Bend, Deschutes County, State of Oregon does elect to receive and accept State Revenue Sharing Funds for the fiscal year 1978-1979.

Read for the first time the 5th day of April, 1978

Read for the second time the 19th day of April, 1978

YES: 7 NO: 0

Submitted to and approved by the Mayor this 19th day of April, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1156

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1144, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 5th day of April, 1978 at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

A portion of Tract 23 of Virginia Park in Deschutes County, Oregon, described as follows: Beginning at a point on the Westerly line of Tract 23 in Virginia Park a distance of 475 feet North and 32.75 feet East from the Southwest corner of said Tract 23, thence Northerly on a curve to the right with a readius of 925.37 feet along the Westerly line of said Tract 23 a distance of 177.14 feet to the Northerly end of said curve; thence North 26° 25' 45" East, continuing along said Westerly line a distance of 116.78 feet to the Northwest corner of said Tract 23; thence South 89° 15' 18" East along the Northerly line of said Tract 23 a distance of 498.10 feet to a point; thence South 263.48 feet to a point, thence West 613.26 feet to the place of beginning; EXCEPT any portion lying within the right-of-way of the Dalles-California Highway.

Section 3. That prior to the time of the aforesaid public hearing at least one half of the landowners who own or who also own at least one half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 5th day of April, 1978

Read for the second time the 19th day of April, 1978

Placed upon its passage the 19th day of April, 1978

YES: 7 NO: 0

Submitted to and approved by the Mayor this 19th day of April, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1157

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1145, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 5th day of April, 1978 at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

A tract of land containing 20 acres, more or less, located in the East one-half of the Northeast one-quarter of the Southwest one-quarter (E 1/2, NE 1/4, SW 1/4) of Section 29, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Beginning at a point which is located North 00° 13' 23" West 1314.42 feet along the North South center section line from the South 1/4 corner of said Section 29; thence South 89° 51' 11" West 657.15 feet; thence North 00° 14' 42" West 1313.86 feet; thence North 89° 49' 35" East 657.27 feet to the center 1/4 corner of said Section 29; thence South 00° 14' 23" East 1314.17 feet to the point of beginning and terminus of this description.

Section 3. That prior to the time of the aforesaid public hearing at least one half of the landowners who own or who also own at least one half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 5th day of April, 1978

Read for the second time the 19th day of April, 1978

Placed upon its passage the 19th day of April, 1978

YES: 7 NO: 0

Submitted to and approved by the Mayor this 19th day of April, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1158

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1149, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 19th day of April, 1978 at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

In Township 17 South, Range 11 East of the Willamette Meridian, Deschutes County, Oregon: Section 25: The SE 1/4 of the NW 1/4, of the NE 1/4 of the SW 1/4 of that portion of the N 1/4 of the NW 1/4 of the SW 1/4 lying East of the Shevlin Park Road. Together with an easement for ingress and egress over the following described property: The East 160 feet of the SW 1/4 of the SW 1/4 of Section 25 lying Northerly of Shevlin Park Road and the East 160 feet of the South 160 feet of the NW 1/4 of the SW 1/4 of said Section 25.

Section 3. That prior to the time of the aforesaid public hearing at least one half of the landowners who own or who also own at least one half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 19th day of April, 1978

Read for the second time the 3rd day of May, 1978

Placed upon its passage the 3rd day of May, 1978

YES: 6 NO: 0

Submitted to and approved by the Mayor this 3rd day of May, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1159

AN ORDINANCE CHANGING THE ZONE OF A PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION THREE, TOWNSHIP 18 SOUTH, RANGE 12 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON, FROM R-1 AND R-2 TO PLANNED UNIT DEVELOPMENT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 and the Zoning Map of the City of Bend are changed as follows:

The zone of the North 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 3, Township 18 South, Range 12 East of the Willamette Meridian in the City of Bend, Deschutes County, Oregon, lying Westerly of the COI Canal as now located, EXCEPT the Westerly 680 feet thereof.

is changed from R-1 Residential and R-2 High Density Residential to Planned Unit Development.

Read for the first time the 19th day of April, 1978

Read for the second time the 3rd day of May, 1978

Placed upon its passage the 3rd day of May, 1978

YES: 6 NO: 0

Submitted to and approved by the Mayor this 3rd day of May, 1978

ATTEST:

Mayor

Recorder-Treasurer

ORDINANCE NO. NS-1160

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

The Southwest 1/4 of the Southwest 1/4 of Section 26, Township 17 South, Range 12 E.W.M., Deschutes County, Oregon; and all that portion of Denser Road lying North of Neff Road and South of the North line of the Southwest 1/4 of the Southwest 1/4 of Section 26, Township 17 South, Range 12 E.W.M., Deschutes County, Oregon, not already within the City of Bend; and Almus Neff Road from the west right-of-way line of Denser Road East to the East boundary line of the Winchester Subdivision as extended south across Almus Neff Road.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 7th day of June, 1978 at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall, as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 19th day of April, 1978

Read for the second time the 3rd day of May, 1978

Placed upon its passage the 3rd day of May, 1978

YES: 6 NO: 0

Submitted to and approved by the Mayor this 3rd day of May, 1978

ATTEST:

Mayor

Recorder-Treasurer

ORDINANCE NO. NS-1161

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

All of Lot 12, Block 21, Bonne Home Addition to the City of Bend, Deschutes County, Oregon.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 7th day of June, 1978 at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall, as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 19th day of April, 1978

Read for the second time the 3rd day of May, 1978

Placed upon its passage the 3rd day of May, 1978

YES: 6 NO: 0

Submitted to and approved by the Mayor this 3rd day of May, 1978

ATTEST:

Mayor

Recorder-Treasurer

ORDINANCE NO. NS-1162

AMENDING ORDINANCE NO. NS-1012

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Definition: Paragraph (7), of Ordinance No. NS-1012 is hereby amended to read:

"(7) Industrial Wastes" means the liquid wastes as distinct from sanitary sewage from any non-governmental user of publicly owned treatment works identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions: Division A. - Agriculture, Forestry and Fishing; Division B. - Mining; Division D. - Manufacturing; Division E. - Transportation, Communications, Electric, Gas, and Sanitary Services; Division I. - Services."

Read for the first time the 19th day of April, 1978

Read for the second time the 3rd day of May, 1978

Placed upon its passage this 3rd day of May, 1978

YES: 6 NO: 0

Submitted to and approved by the Mayor this 3rd day of May, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1163

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

Parcel 1 - All of Tract 9 of Boyds Acreage, Deschutes County, Oregon.

Parcel 2 - A portion of Tract 6 of Boyds Acreage, Deschutes County, Oregon, described as follows: Beginning at a point on the South boundary line of Tract 6, Boyds Acreage, which is monumented by a 1/2 inch iron bar and located 154.67 feet East from the Southwest corner of said Tract 6; thence East 291.50 feet along said South boundary line to the Southeast corner of Tract 6; thence North 754.62 feet along the East boundary line of said Tract 6 to the Northeast corner thereof; thence West 289.22 feet along the North boundary line of said Tract 6 to a point marked by a 1/2 inch iron bar; thence South 0° 10' 21" West to the point of beginning; and Tract 7 of Boyds Acreage, Deschutes County, Oregon; EXCEPTING THEREFROM the North 20 feet.

Parcel 3 - A parcel of ground located within the NW 1/4, Section 28 T. 17 S., R. 12 E.W.M. Deschutes County, Oregon, more particularly described as follows: beginning at the NE corner of the SE 1/4, NW 1/4, Section 28. Thence N. 89° 23' 03" West a distance of 380.00 feet to the West line of Boyd Acres Road. Thence S. 08° 48' 40" E. a distance of 79.09 feet to the north right-of-way line of Studio Road. Thence easterly along the north right-of-way line of Studio Road to the east line of the SE 1/4, NW 1/4, Section 28. Thence

north along the east line of the SE 1/4, NW 1/4, Section 28, to the point of beginning and the terminus of this description.

Parcel 4 - All that portion of the westerly 949.88 feet of the SW 1/4, NE 1/4, Section 28, T. 17 S., R. 12 E.W.M. lying north of the right-of-way line of Studio Road.

Parcel 5 - Studio Road - from the westerly right-of-way line of Boyd Acres Road as extended across Studio Road; to the westerly right-of-way line of Butler Market Road.

Parcel 6 - Boyd Acres Road: All that portion of Boyd Acres Road lying north of the North right-of-way line of Studio Road and South of the North line of Tract 9, Boyds Acreage as extended westerly across Boyd Acres Road.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 7th day of June, 1978, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Section 4. Ordinance NS-1143 is hereby repealed.

Read for the first time the 19th day of April, 1978

Read for the second time the 3rd day of May, 1978

Placed upon its passage the 3rd day of May, 1978

YES: 6 NO: 0

Submitted to and approved by the Mayor this 3rd day of May, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1164

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1154, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 3rd day of May, 1978 at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

Beginning at the intersection of the North-South centerline of Section 31, T. 17 S., R. 12, E.W.M. and the North right-of-way line of Newport Ave.; thence Southerly along said centerline of said Section 31 to the South right-of-way of Newport Ave., thence westerly along the South line of Newport Avenue to the West line of Bonne Home Addition; thence northerly along said West line to the Southerly right-of-way line of Shevlin Park Road; thence Northwesterly along said Southerly line of Shevlin Park Road to its intersection with the Westerly line of said Section 31; thence Northerly along said Section line to the Northwest corner of said Section 31, being also the Southwest corner of Section 30; thence Northerly along the Westerly line of said Section 30 to its intersection with the Northeasterly right-of-way line of College Way; thence Southeasterly along the said Northeasterly line of said College Way to its intersection with the North right-of-way line of Newport Avenue; thence Easterly along said North line of Newport Avenue to the point of beginning.

Section 3. That prior to the time of the aforesaid public hearing at least one half of the landowners who own or who also own at least one half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 3rd day of May, 1978

Read for the second time the 17th day of May, 1978

Placed upon its passage the 17th day of May, 1978

YES: 6 NO: 0

Submitted to and approved by the Mayor this 17th day of May, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1165

AN ORDINANCE CHANGING THE ZONE OF A PORTION OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 18 SOUTH, RANGE 12, EAST OF THE WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON FROM M-1 AND M-2 TO M-1 PD AND M-2PD.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 and the Zoning Map of the City of Bend are changed as follows:

The zone of a portion of land located in the Northeast 1/4 of Section 4, Township 18 South, Range 12, E.W.M., Deschutes County, Oregon more particularly described as follows: Beginning at a point on the Southerly right-of-way line of Glenwood Drive from which the North 1/4 corner of Section 4, Township 18 South, Range 12, E.W.M., Deschutes County, Oregon bears East 297.41 feet and North 154.17 feet; thence from said point of beginning; South 445.90 feet; thence West 77.40 feet; thence South 200.00 feet; thence West 224.40 feet; thence North 345.90 feet; thence East 140.00 feet; thence North 300.00 feet to the Southerly right-of-way line of Glenwood Drive 161.80 feet to the point of beginning,

is changed from M-1 Light Industrial and M-2 Heavy Industrial to M-1 Light Industrial Planned Unit Development and M-2 Heavy Industrial Planned Unit Development.

Read for the first time the 3rd day of May, 1978

Read for the second time the 17th day of May, 1978

Placed upon its passage the 17th day of May, 1978

YES: 6 NO: 0

Submitted to and approved by the Mayor this 17th day of May, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1166

AN ORDINANCE CHANGING THE ZONE OF A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER SECTION 6, TOWNSHIP 18 SOUTH, RANGE 12, E.W.M., CITY OF BEND, DESCHUTES COUNTY, OREGON FROM R-1 RESIDENTIAL TO C-1 COMMERCIAL.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 and the zoning map of the City of Bend are changed as follows:

The zone of a tract of land located in the Northeast Quarter of Section 6, Township 18 South, Range 12, E.W.M. Deschutes County, Oregon more particularly described as follows: Beginning at a point on the East right-of-way line of West 15th Street whence the North Quarter corner bears North 90° 14' 24" West 685.04 feet; thence North 138.53 feet thence North 84° 49' 00" East 382.24 feet to the Westerly right-of-way of the Cascade Lakes Highway; thence South 00° 27' 13" East 168.34 feet; thence South 89° 15' 49" West, 381.65 feet to the point of beginning,

is changed from R-1 Low Density Residential to C-1 Tourist Commercial.

Read for the first time the 3rd day of May, 1978

Read for the second time the 17th day of May, 1978

Placed upon its passage the 17th day of May, 1978

YES: 6 NO: 0

Submitted to and approved by the Mayor this 17th day of May, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1167

AN ORDINANCE CHANGING THE ZONE OF LOTS 12 AND 13, BLOCK 20, CENTER ADDITION OF BEND, CITY OF BEND, DESCHUTES COUNTY, OREGON FROM R-1 TO C-2.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance no. NS-796 and the zoning map of the City of Bend are changed as follows:

The zone of Lots 12 and 13, Block 20, Center Addition of Bend, City of Bend, Deschutes County, Oregon,

is changed from R-1 Low Density Residential to C-2 Limited Commercial.

Read for the first time the 3rd day of May, 1978

Read for the second time the 17th day of May, 1978

Placed upon its passage the 17th day of May, 1978

YES: 6 NO: 0

Submitted to and approved by the Mayor this 17th day of May, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1168

AN ORDINANCE RENAMING A PORTION OF NE BUTLER MARKET ROAD TO NE 8TH ST. AND DECLARING AN EMERGENCY.

WHEREAS, a condition exists that has resulted in confusion for responding emergency services; and

WHEREAS, this condition can be resolved by renaming a portion of Butler Market Road; and

WHEREAS, the City Directory shows that most people living on this section of street are using an 8th St. address;

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The following described portion of NE Butler Market Road is hereby renamed NE 8th to-wit:

All that part of Butler Market Road lying within the City limits of Bend, Oregon and south of the south right-of-way line of Studio Rd.

Section 2. The existing street names and addresses are causing confusion and delaying the response of the Fire Department. Therefore, in order to preserve the public safety, an emergency is declared to exist and this ordinance shall take effect upon its passage.

Read for the first time the 3rd day of May, 1978

Read for the second time the 17th day of May, 1978

Placed upon its passage the 17th day of May, 1978

YES: 6 NO: 0

Submitted to and approved by the Mayor this 17th day of May, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1169

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1161, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 7th day of June, 1978 at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

All of Lot 12, Block 21, Bonne Home Addition to the City of Bend, Deschutes County, Oregon.

Section 3. That prior to the time of the aforesaid public hearing at least one half of the landowners who own or who also own at least one half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 7th day of June, 1978

Read for the second time the 21st day of June, 1978

Placed upon its passage the 21st day of June, 1978

YES: 5 NO: 0

Submitted to and approved by the Mayor this 21st day of June, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1170

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1160, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 7th day of June, 1978 at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

> The Southwest 1/4 of the Southwest 1/4 of Section 26, Township 17 S., Range 12 E.W.M., Deschutes County, Oregon; and all that portion of Denser Road lying North of Neff Road and South of the North line of the Southwest 1/4 of the Southwest 1/4 of Section 26, Township 17 S., Range 12 E.W.M., Deschutes County Oregon, not already within the City of Bend; and Almus Neff Road from the west right-of-way line of Denser Road East to the East boundary line of the Winchester Subdivision as extended south across Almus Neff Road.

Section 3. That prior to the time of the aforesaid public hearing at least one half of the landowners who own or who also own at least one half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend, and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 7th day of June, 1978

Read for the second time the 21st day of June, 1978

Placed upon its passage the 21st day of June, 1978

YES: 5 NO: 0

Submitted to and approved by the Mayor this 21st day of June, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1171

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PRO_-PERTY TO THE CITY OF BEND, DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1163, the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 7th day of June, 1978 at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

Section 2. The following described real property located within the County of Deschutes, State of Oregon, more particularly described as follows:

Parcel 1 - All of Tract 9 of Boyds Acreage, Deschutes County, Oregon.

Parcel 2 - A portion of Tract 6 of Boyds Acreage, Deschutes County, Oregon, described as follows: Beginning at a point on the South boundary line of Tract 6, Boyds Acreage, which is monumented by a 1/2 inch iron bar and located 154.57 feet East from the Southwest corner of said Tract 6; thence East 291.50 feet along said South boundary line of the Southeast corner of Tract 6; thence North 754.62 feet along the East boundary line of said Tract 6 to the Northeast corner thereof; thence West 289.22 feet along the North boundary line of said Tract 6 to a point marked by a 1/2 inch iron bar; thence South 0° 10' 21" West to the point of beginning; and Tract 7 of Boyds Acreage, Deschutes County, Oregon; EXCEPTING THEREFROM the North 20 feet.

Parcel 3 - A parcel of ground located within the NW 1/4, Section 28 T. 17 S., R. 12 E.W.M. Deschutes County, Oregon, more particularly described as follows: Beginning at the NE corner of the SE 1/4, NW 1/4, Section 28. Thence N. 89° 23' 03" West a distance of 380.00 feet to the West line of Boyd Acres Road. Thence S. 08° 48' 40" E. a distance of 78.09 feet to the north right-of-way line of Studio Road. Thence easterly along the north right-of-way line of Studio Road to the east line of the SE 1/4, NW 1/4, Section 28. Thence north along the east line of the SE 1/4, NW 1/4, Section 28, to the point of beginning and the terminus of this description.

Parcel 4 - All that portion of the westerly 949.88 feet of the SE 1/4, NE 1/4 Section 28, T. 17 S., R. 12 E.W.M. lying north of the right-of-way line of Studio Road.

Parcel 5 - Studio Road - from the westerly right-of-way line of Boyd Acres Road as extended across Studio Road; to the westerly right-of-way line of Butler Market Road.

Parcel 6 - Boyd Acres Road: All that portion of Boyd Acres Road lying north of the North right-of-way line of Studio Road and South of the North line of Tract 9, Boyds Acreage as extended westerly across Boyd Acres Road.

Section 3. That prior to the time of the aforesaid public hearing at least one half of the landowners who own or who also own at least one-half of the land in the area and of real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

Section 4. In view of the foregoing procedure having been had and held and it being affirmatively determined that the annexation as proposed should proceed, the City Commission of the City of Bend, by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend, and from and after the effective date

of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 7th day of June, 1978

Read for the second time the 21st day of June, 1978

Placed upon its passage the 21st day of June, 1978

YES: 5 NO: 0

Submitted to and approved by the Mayor this 21st day of June, 1978

Mayor

ATTEST:

Recorder-Treasurer

NS1172 repealed by Ord. NS-1495, passed 7-19-89

ORDINANCE NO. NS-1172

AN ORDINANCE ESTABLISHING FIRE ZONES

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The following described property is hereby designated Fire Zone 1 for purposes of the Uniform Building Code adopted by the City of Bend:

Beginning at the intersection of the center lines of Franklin Ave. and Broadway Street; thence southwesterly along the center line of Broadway Street to an intersection with the center line of Kansas Ave.; thence southeasterly along the center line of Kansas Ave., to an intersection with the projected center line of the alley in Block 22, Park Addition; thence, southwesterly along the center line of the alley in Block 22, Park Addition to an intersection with the center line of Idaho Ave., thence easterly along the center line of Idaho Ave. to the easterly line of Wall Street; thence continuing on the same course along the center line of the vacated portion of Idaho Ave. to an intersection with the center line of Bond Street; thence, northeasterly along the center line of Bond St. to an intersection with the center line of Kansas Ave.; thence, southeasterly along the center line of Kansas Ave. to an intersection with the center line of Lava Road; thence, northeasterly along the center line of Lava Road to an intersection with the northerly boundary of Block 27, Park Addition when extended northwesterly; thence, southeasterly along the northerly line of Block 27, Park Addition to an intersection with the center line of Sisemore St., thence northerly along the center line of Sisemore St. to an intersection with the projected center line of the alley in Block 28 of Park Addition, thence southeasterly along the center line of the alley in Block 28 of Park Addition to an intersection with the center line of Harriman Street; thence northerly along the center line of Harriman Street to an intersection with the projected line along the south boundary of Lots 1, 2, 3, and 4 in Block 29 of Park Addition, thence easterly along the south boundary of Lots 1, 2, 3, and 4 in Block 29, Park Addition and the center line of the alley in Block 30, Park Addition extended easterly to an intersection with the center line of E. First Street, thence southeasterly along the center line of E. First Street to an intersection with the center line of Emerson Ave., thence easterly along the center line of Emerson Ave. to an intersection with the center line of E. Second St., thence southerly along the center line of E. Second St. to an intersection with the center line of DeKalb Ave., thence easterly along the center line of DeKalb Ave. to an intersection with the center line of E. Third Street; thence, southerly along the center line of E. Third St. to a point which is 208.44 feet south of

Burnside Ave., thence east to an intersection with the center line of E. Fourth Street, thence Northerly along the center line of E. Fourth St. to an intersection with the projected center line of the alley in Block 29, Center Addition; thence, easterly along the center line of the alley in Blocks 29, 36 and 45 of Center Addition to an intersection with the center line of E. Seventh St., thence southerly along the center line of E. Seventh St. to an intersection with the center line of Irving Ave., thence easterly along the center line of Irving Ave. to an intersection with the center line of E. Eighth St., thence northerly along the center line of E. Eighth St. to an intersection with the projected center line of the alley in Block 51 of Center Addition; thence, westerly along the center line of the alley in Blocks 51, 46, 35, 30 and 19 of Center Addition to the lot line between Lots 3 and 4 of Block 19, Center Addition; thence northerly along the lot line between Lots 3 and 4, Block 19, lot lines 13 and 14, also 3 and 4, Block 18 to an intersection with the center line of Lafayette Ave.; thence, easterly along the center line of Lafayette Ave. to an intersection with the center line of E. Fourth St., thence northerly along the center line of E. Fourth St. to an intersection with the center line of Marshall Ave., thence, westerly along the center line of Marshall Ave., to a point opposite the center of Block 42, Wiestoria Addition; thence, northerly through the center of Blocks 42, 7, 6 and 5 of Wiestoria Addition and Blocks 39 and 38 of Riverside Addition to the center line of the alley in Block 38, Riverside Addition; thence, easterly along the center line of the alley in Block 38, Riverside Addition to an intersection with the center line of E. Fourth St., thence northerly along the center line of E. Fourth St. to an intersection with the center line of Thurston Ave., thence westerly along the center line of Thurston Ave. as originally platted to an intersection with the center line of E. Second St.; thence, southerly along the center line of E. Second St. to the center line of the alley in Block 2, Center Addition as originally platted, thence westerly along the center line of the alley in Block 2 extended to an intersection with the center line of Division Street; thence, southerly along the center line of Division St. to an intersection with the center line of Vermont Place, thence westerly along the center line of Vermont Place to an intersection with the center line of Hill Street; thence, northerly along the center line of Hill Street extended to an intersection with the center line of Portland Ave.; thence, westerly along the center line of Portland Ave. to the easterly edge of the Deschutes River; thence, southwesterly along the easterly edge of the Deschutes River to a point which bears N. 2° 51' 02" E. and is 246.32 feet from the southsesterly corner of Block 4, Bend Addition; thence S. 51° 26' E. for 83.79 feet, thence S. 38° 34' W. to an intersection with the center line of Franklin Ave., thence southeasterly along the center line of Franklin Ave. to the intersection with the center line of Broadway Ave. which is the point of beginning.

Section 2. All other property within the City of Bend is hereby designated Fire Zone 3.

Section 3. Ordinances No. NS-929, 960, 688 and 1035 are repealed.

Read for the first time the 7th day of June, 1978

Read for the second time the 21st day of June, 1978

Placed upon its passage the 21st day of June, 1978

YES: 4 NO: 1

Submitted to the City Commission and approved by the Mayor this 21st day of June, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1173

AN ORDINANCE VACATING A PORTION OF THE ALLEY AT THE SOUTHEAST CORNER OF LOT 15, BLOCK 15, PLAT OF BEND, DESCHUTES COUNTY, OREGON

A petition having been presented to the Bend City Commission on the 5th day of April, 1978 requesting that the following described alley location be vacated:

> A portion of the alley located in Lot 15, Block 15, Plat of Bend, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by William A. Healy; said vacation proceedings to vacate the following described property:
>
> Commencing at the SE corner of Lot 15, Block 15, Plat of Bend; thence North 51° 26' 00" West, 40 feet to the point of beginning; thence, leaving said point of beginning North 51° 26' 00" West a distance of 10.00 feet; thence, North 38° 34' 00" East a distance of 10.00 feet; thence, South 06° 24' 59" East a distance of 14.14 feet to the point of beginning.
>
> The City Commission of the City of Bend have fixed the 7th day of June, 1978 at 7:30 p.m. in the City Commission Chambers at 720 NW Wall Street, City of Bend as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 7th day of June, 1978

Read for the second time the 21st day of June, 1978

Placed upon its passage this 21st day of June, 1978

YES: 5 NO: 0

Submitted to and approved by the Mayor this 21st day of June, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1174

AN ORDINANCE VACATING A PORTION OF LEXINGTON AVENUE BETWEEN BLOCKS 16 AND 22, NORTHWEST TOWNSITE COMPANY'S SECOND ADDITION TO BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission on the 5th day of April, 1978 requesting that the following described street location be vacated:

> Lexington Avenue between Blocks 16 and 22, Northwest Townsite Company's Second Addition to Bend, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the petition the consent of the owners of all the abutting property and of not less than two-thirds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition, and the Recorder of the City of Bend having caused the following notice:

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Mrs. Tony Rosengarth, said vacation proceedings to vacate the following described property:
>
> Lexington Avenue between Blocks 16 and 22, Northwest Townsite Company's Second Addition to Bend.
>
> The City Commission of the City of Bend have fixed the 7th day of June, 1978 at 7:30 p.m. in the City Commission Chambers at 720 NW Wall Street, City of Bend as the time and place for hearing upon said proceedings at which time the City Commission will receive and hear all objections to said vacation proceedings,

to be published once each week for four consecutive weeks in the Bulletin, and said Recorder having also within 5 days after the first day of the publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation and in at least two conspicuous places in the proposed vacation area, and the first publication and posting of said notice having occurred not less than 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

NOW THEREFORE, IT IS HEREBY ORDERED that the above described real property be and the same hereby is vacated but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk of Deschutes County, Oregon.

Read for the first time the 7th day of June, 1978

Read for the second time the 21st day of June, 1978

Placed upon its passage the 21st day of June, 1978

YES: 5 NO: 0

Submitted to and approved by the Mayor this 21st day of June, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1175

AN ORDINANCE CHANGING THE ZONE OF LOT 8, BLOCK 19, CENTER ADDITION FROM R-2 HIGH DENSITY RESIDENTIAL TO C-2 LIMITED COMMERCIAL

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 and the Zoning Map of the City of Bend are changed as follows:

The zone for Lot 8, Block 19, Center Addition in the City of Bend, Deschutes County, Oregon is changed from R-2 High Density Residential to C-2 Limited Commercial Zone.

Read for the first time the 7th day of June, 1978

Read for the second time the 21st day of June, 1978

Placed upon its passage the 21st day of June, 1978

YES: 5 NO: 0

Submitted to and approved by the Mayor this 21st day of June, 1978.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1176

AN ORDINANCE AMENDING THE ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE USE OF PUBLIC PARKS AND CEMETERIES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Subsection 1.1 of Ordinance No. NS-860 is amended to read:

"1. "Public Parks" means all property owned or controlled by the City of Bend, Oregon, or by the Bend Metropolitan Park & Recreation District and operated for the public's recreational use."

Section 2. Subsection 1.3 of Ordinance No. NS-860 is amended to read:

"3. "Person" means any person, firm or corporation; but does not include City or Bend Metropolitan Park & Recreation District personnel, or those acting with the authority or permission of the Bend City Commission or the Bend Metropolitan Park & Recreation District."

Read for the first time the 21st day of June, 1978

Read for the second time the 5th day of July, 1978

Placed upon its passage the 5th day of July, 1978

YES: 6 NO: 0

Submitted to and approved by the Mayor this 5th day of July, 1978

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1177

AN ORDINANCE DISPENSING WITH ELECTION IN THE SUBJECT OF AN ANNEXATION; TO THE CITY OF BEND, AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; SETTING A DATE FOR PUBLIC HEARING; DESCRIBING THE PROPERTY PROPOSED TO BE ANNEXED; AND SETTING UP A PUBLICATION SCHEDULE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property to-wit:

Parcel 1. A tract of land located in the Northeast one-quarter of the Northwest one-quarter (NE 1/4, NW 1/4) of Section Thirty-four (34), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Beginning at the North 1/4 corner of said Section 34; thence South 89° 34' 26" West along the North line of said Section 34 a distance of 340.5 feet; thence South 00° 25' 34" East a distance of 115.8 feet; thence North 89° 02' 28" West a distance of 240.0 feet; thence North 00° 25' 26" West a distance of 150.0 feet to the North line of said Section 34; thence South 89° 34' 26" West along said North line a distance of 60.0 feet; thence South 00° 25' 34" East a distance of 330.0 feet; thence North 89° 02' 28" West 660.0 feet, more or less, to the West line of the Northeast 1/4 of the Northwest 1/4 of said Section 34; thence southerly along said West line a distance of 550.0 feet, more or less, to the centerline of the Centeral Oregon Irrigation lateral A-2; thence southeasterly along said centerline a distance of 500.0 feet, more or less, to the intersection with the South line of the Northeast 1/4 of the Northwest 1/4 of said Section 34; thence easterly along said South line a distance of 1100.0 feet, more or less, to the East line of the Northwest 1/4 of said Section 34; thence northerly along said East line a distance of 1320.0 feet, more or less, to the point of beginning and terminus of this description.

Parcel 2. A tract of land located in the Southeast one-quarter of the Northwest one-quarter and in the Northeast one-quarter of the Southwest one-quarter of Section Thirty-four, Township Seventeen South, Range Twelve East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

A tract of land lying partly in the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) and partly in the Northeast Quarter of the Southwest Quarter (NE 1/4 SW 1/4) of Section Thirty-four (34), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, and described as follows: Beginning at a point 162.43 feet North and 1806.88 feet East of the West Quarter Section corner of Section 34, Township 17 South, Range 12 E.W.M. and running thence North 21° 46' 30" East 192.89 feet; thence North 19° 37' West 86.24 feet; thence North 1° 31' 30" West 871.57 feet to the North line of SE 1/4 NW 1/4 Section 34; thence North 89° 53' 46" East 804.06 feet along the North line of SE 1/4 NW 1/4 to the Northeast corner of said SE 1/4 NW 1/4 Section 34; thence South 0° 13' 49" East 2589.59 feet along the North and South centerline of Section 34 to a point on the North right-of-way line of the Central Oregon Highway, thence following the North right-of-way line of Central Oregon Highway Northwesterly 637.43 feet; thence North 14° 22' East 1303.7 feet; thence North 89° 54' West 561.0 feet to the point of beginning.

Parcel 3. The West one-half of the Northeast one-quarter of Section 34, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, containing 80 acres, more or less.

Parcel 4. All that portion of Almus Neff Road, not already included within the City limits of Bend, Oregon; that lies between the West Boundary line of Edgecliff Subdivision and the intersection of Almus Neff Road and Denser Road.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 2nd day of August, 1978, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation to the City of Bend and withdrawal from Rural Fire District No. 2, at which time the registered voters of the City may be heard on the said question.

Section 3. A copy of this ordinance shall be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and shall likewise be posted in four public places in the City for a like period which said publication and posting shall be notice of the hearing.

Read for the first time the 21st day of June, 1978

Read for the second time the 5th day of July, 1978

Placed upon its passage the 5th day of July, 1978

YES: 6 NO: 0

Submitted to and approved by the Mayor this 5th day of July, 1978

Mayor

ATTEST:

Recorder-Treasurer