AMENDED BY ORD. # 1360, 1432 NS-1529
1379, NS-1534

APPENDIX "A" (EXHIBIT "A") deleted and replaced by Resolution No. 1764

ORDINANCE NO. NS-1349

AN ORDINANCE ESTABLISHING REGULATIONS AND STANDARDS FOR THE SUBDIVISION AND PARTITIONING OF LAND, AND FOR THE PREPARATION OF SUBDIVISION PLANS AND PLATS AND FOR DEDICATIONS TO BE FILED, DECLARING AN EMERGENCY, AND REPEALING ORDINANCE NS-591 AND ALL AMENDMENTS THERETO.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

ARTICLE I

Section 1.005 TITLE. This ordinance shall be known as the City of Bend Subdivision Ordinance and may be cited and plead.

Section 1.010 PURPOSE. In accordance with the provisions of ORS Chapters 92 and 227, this ordinance sets forth the minimum standards governing the approval of land development, including subdivisions and partitionings, as necessary to carry out the Bend Area General Plan and to promote the public health, safety, and general welfare. The purpose of these provisions and regulations are to:

1. Encourage well planned subdivision and partition development to the end that good livable neighborhoods with all needed amenities and community facilities may be created.

2. Encourage development in harmony with the natural environment and within resource carrying capacities.

3. Safeguard the interest of the public, the applicant, and the future lot owner.

4. Improve land records and boundary monumentation.

5. Ensure equitable processing of subdivision plats and partitioning plans, and accomplish to the greatest extent possible the goals and objectives of the Bend Area General Plan.

6. Provide for orderly and efficient urban development and coordinate development with public facility and service plans and capabilities.

No person may subdivide or partition land within the City of Bend except in accordance with ORS Chapter 92 and the provisions of this ordinance.

Section 1.020 INTERPRETATION. The provisions of this ordinance shall be construed to effect the purposes set forth in Section 1.010 of this ordinance. These provisions are declared to be the minimum requirements fulfilling such objectives, and the City may impose additional requirements deemed necessary to promote the health, safety, and general welfare, and to carry out the comprehensive plan of the City. Where conditions set forth herein are less restrictive than comparative conditions imposed by any other provision of this ordinance, by provision of any other local ordinance, resolution, or regulation, or by provision of state statute or administrative regulation, the more restrictive shall govern.

Section 1.030 CONSTRUCTION AND TERMINOLOGY

1. Construction. Words in this ordinance used in the present tense include the future tense; words used in the singular include the plural, and words in the plural include the singular; the word "shall" is mandatory; the word "may" is permissive; the masculine shall include the feminine and neuter.

2. Terminology. The word "City" shall mean the City of Bend, Oregon. The words "City Commission" shall mean the City Commission of Bend. The words "Planning Director" and "Hearings Officer" shall mean the Planning Director and Hearings Officer respectively of the City of Bend.

Section 1.040 DEFINITIONS. As used in this ordinance, the following words and phrases shall mean:

Access. The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

Advertising. Publication or causing to be published of any material relating to disposition of interest in a land development, which has been prepared for public distribution by any means of communications.

Affected Governmental Body. A city, county, state, or federal agency or special district which either has a jurisdictional interest or is of such proximity to the land partition that a reasonable liklihood of annexation exists.

Affected Person. Any person adversely affected or aggrieved by a decision relating to the partitioning or subdividing of land.

Agent. Any person who represents or acts for any other person in disposing of interests in a land development. Includes a real estate broker as defined in ORS 696.010 (12) but does not include an attorney at law whose representation of another person consists solely of rendering legal services.

Block. An area of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, lines or shore lines, or waterways, or corporate boundary lines of a city.

Building. A structure which is designated and suitable for the habitation or shelter of human beings or animals or the shelter or storage of property, or for the use and occupation for some purpose of trade or manufacture.

Building Line. A line on a plat indicating the limit beyond which buildings or structures may not be erected. If no line is shown on the plat, the building line shall be that set forth in the City Zoning Ordinance.

Comprehensive Plan. As adopted by the City of Bend pursuant to ORS Chapters 197 and 227, and in compliance with Statewide Planning Goals. A coordinated land use map and policy statement of the Bend Urban Area that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational systems, recreational facilities, and natural resources and air and water quality management programs. "Comprehensive" means all inclusive both in terms of the geographic area covered by the plan and functional and natural activities and systems occuring in the area covered by the plan. The plan is an expression of public policy in the form of goals, objectives, and policy statements, maps, standards and guidelines, and is the basis for this ordinance and other rules, regulations, and ordinances which are intended to implement the policies expressed through the plan.

Condominium. A type of residential development utilizing zero lot lines, individual ownerships of units and common ownership of open space and other facilities, and which are regulated in part by state law (ORS 91.010-91.652).

Construction Plans. The plans, profiles, cross-sections and drawings or reproductions thereof, approved by a registered professional engineer, which show the details of the work to be done on improvements.

Contiguous. That which touches or connects, including that which only connects or touches a common point; the touching together of two or more tracts of land which lie alongside one another or which touch or connect with one another for any length or distance whatsoever, no matter how finite.

Contiguous Land. Units of land under the same ownership which abut, irrespective of roadways, easements, or rights-of-way.

Cross-Section. A profile of the ground surface perpendicular to the centerline of a street, stream or valley bottom.

Curb Lines. The line dividing the roadway from the planting strip or sidewalk meaning the inside (street side) of the curb.

Developer. Any person, corporation, partnership, or other legal entity who creates or proposes to create a land development; includes any agent of a developer.

Disposition. Includes sale, lease for more than one year, option assignment, award by lottery or as a prize, or any offer or solicitation of an offer to do any of the foregoing concerning a land development or any part of a land development.

Drainage Easement. An easement required for drainage ditches, or required along a natural stream or water course to preserve the channel, to provide for the flow of water therein, and to safeguard the public against flood damage or the accumulation of surface water.

Easement. A grant of the right to use a parcel of land for specific purposes, but in which ownership of the land is not transferred.

Fire Break. A break in the ground cover fuels as specified by the fire protection agency involved.

Flood. An overflow of water onto lands not normally covered by water.

Flood Hazard Area. The relatively flat area of lowlands adjoining the channel of a river, stream, watercourse, land, or reservoir.

Frontage. That portion of a parcel of property which abuts a dedicated public street or highway or an approved private way (except an alley).

Hearings Body. The Subdivision Committee, Hearings Officer, or Governing Body.

Hearing, Initial. An initial hearing is a quasi-judicial hearing authorized and conducted by the Hearings Body to determine if a change or land subdivision shall be granted or denied except those subject to administration review.

Hearings Officer. A planning and zoning hearings officer appointed or designated by the City Commission pursuant to ORS 227.165 or in the absence of such appointed hearings officer, the Planning Commission.

Improvements. Include, but are not limited to, streets, alleys, curbs, gutters, roadbed, road surface, storm drains and appurtenances, sidewalks, street lights, street signs, fire hydrants, sanitary sewers and appurtenances, public water supply and water distribution systems and other utilities.

Interest. Includes a lot or parcel, share, undivided interest or membership which includes the right to occupy the land overnight, and a lessee's interest in land for more than three years or less than three years if the interest may be renewed under the terms of the lease for a total period more than three years. Interest does not include any interest in a condominium as defined in ORS 91.500 (22) or any security interest under a land sales contract, trust deed or mortgage. Interest does not include divisions of land created by lien foreclosures or foreclosures of recorded contracts for the sale of real property.

Land Development. The subdividing or partitioning of land for any purpose into parcels or the creation of units or parcels for the purpose of sale or lease for a term of one year or more. Includes intent to dispose of any land, whether contiguous or not, including any land divided, lots, parcels, units or interests offered as a part of a common promotional plan of advertising by a single developer or a group of developers acting in concert. If the land is contiguous or is known, designated or advertised as a common unit or by a common name the land shall be presumed, without regard to the number of lots covered by each individual offering, to be offered for disposition as part of common promotional plan.

Lot. A unit of land that is created by a subdivision of land.

Lot Area. The computed area contained within the lot lines, said area to be exclusive of street or alley rights-of-way.

Lot, Corner. A lot abutting upon two or more streets, other than alleys, at their intersection, or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees within the lot line.

Lot Line. Any line bounding a lot as herein defined.

Lot Line, Front. The property line abutting a street.

Lot Line, Rear. A lot line which is opposite the front lot line. In the case of an irregular or triangular-shaped lot, a lot line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line.

Lot Line, Side. Any lot line not a front lot line or a rear lot line.

Lot, Through. An interior lot having a frontage on two streets and/or highways, not including an alley.

Lot Width. The horizontal distance between the side lot lines measured within the lot boundaries or the average distance between side lot lines within the buildable area. In the case of a corner lot, lot width shall mean the mean horizontal distance between the longest front lot line and the opposite lot line not abutting the street.

Map. A final diagram, drawing, or other writing concerning a partition.

Monument. A permanent and fixed survey marker conforming to the requirements established by state law and the regulations of Deschutes County.

MUTCD. Manual of Uniform Traffic Control Devices, Federal Highway Administration.

Municipal Water Supply System. A water supply source and distribution system owned and operated by a city or county or special district or other public corporation which has independent tax levying powers to support the system and which supplies water to a total of 1,000 or more households.

Negotiate. Any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to advertising, solicitation, and promotion of the sale of such land.

Offer. Includes every inducement, solicitation or encouragement of a person to acquire a lot, unit, parcel, or interest in land.

Owner. The owner of the title to real property or the authorized agent thereof having written notarized authorization recorded with the County Clerk, or the contract purchaser of real property of record as shown on the last available complete tax assessment roll or county clerk's records. Does not include an interest created for security purposes.

Parcel. A unit of land created by a partitioning of land.

Partition. The act of partitioning land or an area or tract of land partitioned.

A. Major Partition. A partition which includes the actual creation of a public or private street or access way. A major partition also includes divisions where an easement provides access to one or two parcels.

B. Minor Partition. A partition which does not require the creation of a public or private street or access way.

Partition Land. 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 the creation of cemetery lots; lien-foreclosures; division of land resulting from foreclosures of recorded contracts for the sale of real property, and divisions of land made pursuant to a court order, including but not limited to court order proceedings involving testate or intestate succession. Partition land does not include a lot line adjustment which is the 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 an applicable zoning ordinance. Partition land does not include the sale of a lot in a recorded subdivision even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

Person. An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, whether he, she, or it is acting for himself, herself, or itself or as the servant, employee, agent, or representative of another.

Planned Unit Development. "Planned Unit Development" means a complex or residential, commercial, and/or industrial structures designed and developed as a single development unit, built by a single owner or group of owners and maintained by an association. The phrase Planned Unit Development may be abbreviated "PUD".

Plat. A final map, diagram, drawing replat, or other writing containing all descriptions, specifications, locations, dedications, provisions, and information concerning a subdivision.

Reserve Strip. "Reserve Strip" means a strip of land usually one foot in width, reserved across the end of a street or alley terminating at the boundary of a subdivision, or a strip of land between a dedicated street of less than full width and adjacent acreage, in either case reserved or held for future street extension or widening.

Right-of-Way. The area within the boundary line of a public road way, including an alley.

Road or Street. 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.

A. Alley. A narrow way primarily for vehicular service access to the back or side of properties abutting a street.

B. Arterial. A restricted access street of substantial continuity which is primarily a traffic artery for inter-communication among large areas, and so designated by the City of Bend.

C. Bicycle Route. A right-of-way for bicycle traffic.

D. Collector. A restricted access street supplementary to the arterial street system used or intended to be used principally for the movement of traffic between arterials and local streets.

E. Cul-de-sac. A short street having one end open to traffic and terminated by a vehicle turnaround.

F. Dead-end Street. A minor street with only one outlet.

G. Half Street. A portion of the width of a street sufficient for a safe service temporarily (as approved by the City Engineer), usually along the edge of a subdivision when the remaining portion of the street is likely to be provided in another subdivision.

H. Frontage Road. A minor street parallel and adjacent to a major arterial providing access to abutting properties, but protected from and protecting through traffic.

I. Local Street. A street intended primarily for access to abutting properties.

J. Stubbed Street. A street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future subdivisions or developments on adjacent lands.

Roadway. That portion of a street developed for vehicular traffic.

Sidewalk. A pedestrian walkway with permanent surfacing.

Sale or Lease. Every disposition or transfer of land in a subdivision or an interest or estate therein, by a subdivider or developer or their agents. Includes the offering of land as a prize or gift when a monetary charge or consideration for whatever purpose is required by the subdivider, developer, or their agents.

Subdivide Land. 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.

Subdivision. The act of subdividing land, or an area or a tract of land subdivided as defined in this section.

Subdivider. Any person who causes land to be subdivided into a subdivision for himself or for others, or who undertakes to develop a subdivision, but does not include a public agency or officer authorized by law to make subdivisions.

Tentative Plan. A map setting forth the proposed plan of a major/minor partitioning in conformance with the provisions of this ordinance and subject to review and modification.

Use. The purpose for which land or a structure is designated, arranged, or intended, or for which it is occupied or maintained.

Utilities. Include electric, telephone, natural gas, and other services providing for energy or communication needs.

Zero Lot Line Subdivision. A type of residential subdivision utilizing zero lot lines between dwelling units and providing for individual ownership of each lot.

ARTICLE II
GENERAL REQUIREMENTS
SUBDIVISION TYPES AND COMMITTEE

Section 2.010 SCOPE OF REGULATION. Before a plat of any subdivision or the map of any partition may be made and recorded, the person proposing the subdivision or the partition, or his authorized agent or representative shall make an application in writing to the Bend Planning Department for approval of the proposed subdivision or partition in accordance with the requirements and procedures established by this ordinance.

Section 2.020 MINIMUM STANDARDS. No proposed subdivision shall be approved unless it complies with the Bend Area General Plan, the Zoning Ordinance, this ordinance, and ORS Chapter 92.

Section 2.030 SALE PROHIBITED. No person shall sell or offer to sell any lot created by a land division until final approval of the land division has been granted by the City. Final approval of a land division in a subdivision occurs when the plat of the subdivision is recorded with the County Clerk.

Section 2.040 DELEGATION. The City Commission, pursuant to ORS 92.044 (2) hereby delegates to the Subdivision Committee and Hearings Officer the power to take final action on a proposed subdivision or partition subject to appeal as provided for in this ordinance.

Section 2.050 SUBDIVISION TYPES. Subdivisions shall be reviewed through either a Type I or II subdivision procedure which are defined as follows:

1. Type I Subdivision: A subdivision of land involving more than 10 lots or, if involving 4-10 lots, the division involves the creation or extension of an arterial or collector street.

2. Type II Subdivision: A proposed subdivision of land resulting in the creation of 4-10 lots and not involving the creation or extension of an arterial or collector street.

Section 2.060 SUBDIVISION COMMITTEE.

1. There is hereby established a subdivision committee which shall consist of:

   A. Planning Director or designate
   B. Public Works Director or designate
   C. City Engineer or designate

2. The Planning Director shall serve as chairperson of the Committee.

3. The committee shall have the following duties and responsibilities:

   A. To review Type I Subdivision applications for conformance with all applicable regulations and to make recommendations to the Hearings Officer.

   B. To approve, modify, or deny applications for proposed Type II Subdivisions and all partitions.

ARTICLE III
SUBDIVISION: APPLICATION PROCEDURE

Section 3.010 PREAPPLICATION MEETING. Prior to submitting a tentative plan, each applicant or their representative is encouraged to meet with the Planning Director or a designated staff member to review the proposal. The intent of this meeting is to advise the applicant of the requirements and standards of this ordinance.

Section 3.015 APPLICATION SUBMISSION.

1. Any person proposing a subdivision, or his authorized agent or representative, shall include with an application and filing fee for a subdivision, a tentative plan together with improvement plans and other supplementary material as may be required. A master development plan may also be required in accordance with subsection 3.030. The applicant must submit 15 copies of any plan required together with all required accompanying material to the Planning Director.

2. The time for filing shall be construed to be the time when the tentative plan is received by the Planning Department in completed form, together with the appropriate filing fee, required supplemental material, and subdivision application form.

3. If an application for approval of a tentative plan for a subdivision is incomplete, the Planning Department shall notify the applicant within thirty (30) days of the date of filing and allow the applicant additional time to make the application complete.

Section 3.020 SCALE OF TENTATIVE PLAN. The tentative plan of a proposed subdivision shall be drawn on a sheet at a scale not greater than one inch per 400 feet.

Section 3.025 INFORMATIONAL REQUIREMENTS. The following information shall be shown on the tentative plan or provided in accompanying materials. No tentative plan shall be considered complete unless all such information is provided.

1. General information required:

   A. Proposed name of the subdivision.
   B. Names, addresses and phone number of the owner of record, authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed with the Corporation Commission by the applicant.
   C. Date of preparation, north point, scale, and gross area of the proposed subdivision.
   D. Appropriate identification of the drawing as a tentative plan for a subdivision.
   E. Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.
   F. Certified copy of the recorded instrument under which the applicant claims an ownership interest, or copy of a land sales contract which binds the applicant in the event of tentative approval.

2. Information concerning existing conditions:

   A. Location, names, and widths of existing improved and unimproved streets and roads within and adjacent to the proposed subdivision.
   B. Location of any existing features such as section lines, section corners, city and special district boundary lines, and survey monuments.
   C. Location of existing structures, irrigation canals and ditches, pipelines, waterways, railroads, and any natural features such as rock outcroppings, marshes, wooded areas, and natural hazards.
   D. Location and direction of water courses, and the location of areas subject to flooding and high water tables.
   E. Location, width, and use or purpose of any existing easement or right-of-way within and adjacent to the proposed subdivision.
   F. Existing sewer lines, water mains, culverts, and other underground and overhead utilities within and adjacent to the proposed subdivision.
   G. Contour lines related to City datum and having mininum intervals of two feet.
   H. Zoning classification of lands within and adjacent to the proposed subdivision.
   I. Names and addresses of all adjoining property owners.

3. Information concerning proposed subdivision:

   A. Location, names, width, typical improvements, cross sections, bridges, culverts, approximate grades, curve radii and centerline lengths and reserve strips of all proposed streets, and the relationship to all existing and projected streets.
   B. Location, width, and purpose of all proposed easements or rights-of-way, and relationship to all existing easements and rights-of-way.
   C. Location of at least one temporary bench mark within the proposed subdivison boundary.
   D. Location, approximate area, and dimensions of each lot, and proposed lot and block numbers.
   E. Location, approximate area, and dimensions of any lot or area proposed for public use, the use proposed, and plans for improvements or development thereof.
   F. Proposed use, location, approximate area, and dimensions of any lot intended for non-residential use.
   G. An outline of the area proposed for partial recording if contemplated or proposed.
   H. Source, method, and preliminary plans for domestic and other water supplies, sewage disposal, solid waste disposal, and all utilities.
   I. Description and location of any proposed community facility.
   J. Storm water and other drainage facility plans.
   K. Proposed deed restrictions including access restrictions or protective covenants if such are proposed to be utilized for the proposed subdivision.
   L. Statement from each utility company proposed to serve the proposed subdivision stating that each such company is able and willing to serve the proposed subdivision as set forth in the tentative plan, and the conditions and estimated costs of such service.
   M. Proposed fire protection system for the subdivision and written approval thereof by the appropriate serving fire protection agency.

Section 3.030 MASTER DEVELOPMENT PLAN. An overall master development plan shall be submitted for all developments affecting land under the same ownership for which phased development is contemplated. The master plan shall include, but not be limited to, the following elements:

1. Overall development plan, including phase or unit sequence.

2. Show compliance with the Comprehensive Plan and implementing land use ordinances and policies.

3. Schedule of improvements initiation and completion.

4. Overall transportation and traffic pattern plan.

5. Program timetable projection.

6. Development plans for any common elements or facilities.

7. If the proposed subdivision has an unknown impact upon adjacent lands or lands within the general vicinity, the Hearings Body may require a potential street development pattern for adjoining lands to be submitted together with the tentative plan as part of the master development plan for the subject subdivision.

Section 3.035 APPROVAL OF A MASTER DEVELOPMENT PLAN. The Hearings Body shall review a master development plan at the same time the tentative plan for the first phase is reviewed. The Hearings Body may approve, modify, or disapprove the master plan and shall set forth findings for such decision. The Hearings Body may also attach conditions necessary to bring the plan into compliance with all applicable land use ordinances and policies. Any tentative plan submitted for the plan area shall conform to the master plan unless approved otherwise by the City.

Section 3.040 DEVELOPMENT FOLLOWING APPROVAL. Once a master plan is approved by the City, the plan shall be binding upon both the City and the developer. Provided, however, any changes proposed for an approved master plan shall be subject to review in the same manner as the original master plan. The Hearings Body may attach conditions to any changes proposed that are deemed necessary to ensure compliance with the comprehensive plan and implementing regulations. After five (5) years from the date of approval of the plan, the City may initiate a review of the plan for conformance with applicable City plans and/or regulations. If necessary, the City may require changes in the plan to bring it into conformance.

Section 3.045 TENTATIVE PLAN AS A MASTER PLAN.

1. As an alternative to the filing of a master plan for phased development, the applicant may file a tentative plan for the entire development. Said plan must comply with the provision in this ordinance for master plans.
2. If the applicant proposes to phase in development, he shall provide sufficient information regarding the overall development plan and phasing sequence when submitting the tentative plan.
3. If the tentative plan is approved with phasing, the final plat for each phase shall be filed in accordance with Section 4.010 to 4.060.

Section 3.050 ZERO LOT LINE SUBDIVISION. In addition to the general provisions for subdivisions set forth in this ordinance, any application for a zero lot line subdivision shall meet the following requirements:

1. The tentative plan shall indicate all lot divisions, including those along the common wall of dwelling units.

2. Independent utility service shall be provided to each unit, including but not limited to water, electricity, and natural gas, unless common utilities are approved by the affected utility agency and are adequately covered by easements.

3. Prior to the granting of final approval for creation of a zero lot line subdivision, the Planning Director shall require the applicant(s) to enter into a written agreement, in a form approved by the City Attorney, that establishes the rights, responsibilities, and liabilities of the parties with respect to maintenance and use of any common areas of the dwelling, such as, but not limited to, common walls, roofing, water pipes, electrical wiring. Such agreement shall be in a form suitable for recording and shall be binding upon the heirs, executors, administrators, and assigns of the parties.

4. Each zero lot line subdivision proposal shall receive approval by the Site Plan Committee prior to submission of the final plat. Such approval shall be granted only upon a finding that the design, materials, and colors proposed for each dwelling are harmonious and do not detract from the general appearance of the neighborhood.

Section 3.055 APPROVAL OF TENTATIVE PLAN.

1. Type I Subdivision:

   A. The Subdivision Committee shall make its recommendation concerning the tentative plan to the applicant and Hearings Body following its submittal.

   B. In accordance with the provisions of Article IX, the Hearings Body shall review the tentative plan and all reports and recommendations of appropriate officials and agencies. The Hearings Body may approve, modify, or disapprove the tentative plan for the proposed subdivision and shall set forth findings for each decision.

   C. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision for filing; however, approval of such tentative plan shall be binding upon the City for purposes of the preparation of the plat, and the City may require only such changes in the plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision and the terms of this ordinance.

2. Type II Subdivision:

   A. The Subdivision Committee shall review the tentative plan and all reports and recommendiations of appropriate officials and agencies in accordance with Article IX. The Committee may approve, modify, or disapprove the tentative plan for the proposed subdivision and shall set forth findings for its decision.

B. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision for filing. However, approval of such tentative plan shall be binding upon the City for the purposes of the preparation of the final plat, and the City may require only such changes in the plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision and the terms of this ordinance.

Section 3.060 REQUIRED FINDINGS FOR APPROVAL. The Hearings Body shall not approve a tentative plan for a proposed subdivision unless the Hearings Body finds, in addition to other requirements and standards set forth in this ordinance, that the subdivision as proposed or modified will satisfy the intent and requirements of this ordinance, and Bend Zoning Ordinance, and be in compliance with the Bend Area General Plan. Such findings shall include the following:

1. The subdivision contributes to orderly development and land use patterns in the area, and provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, special terrain features, and other natural resources.

2. The subdivision will not create excessive demand on public facilities and services required to serve the development.

3. The tentative plan for the proposed subdivision meets the requirements of ORS 92.090.

Section 3.065 RESUBMISSION OF DENIED TENTATIVE PLANS.

1. If the tentative plan for a subdivision is denied, resubmittal thereof shall not be accepted for a period of six months after the date of final action denying said plan. Upon resubmission, the applicant shall consider all items upon which the prior denial was based, and the resubmission shall be accompanied by a new filing fee.

2. A tentative plan resubmitted in accordance with this section shall be reviewed in the same manner as any other tentative plan.

ARTICLE IV
FINAL PLAT

Section 4.005 SUBMISSION OF THE FINAL PLAT.

1. Filing Time Period Requirements: Except as provided for in Section 4.010, the applicant shall prepare and submit to the Planning Department, a final plat that is in conformance with the tentative plan as approved. Within one (1) year of the approval date for the tentative plan for a subdivision, the applicant shall submit the original drawing, a filing fee, and any supplementary information required by this ordinance and Hearings Body. If the applicant fails to proceed with the submission before the expiration of the one (1) year period following the approval of the tentative plan, the plan approval shall be void. The applicant may, however, submit a new tentative plan together with the appropriate filing fee.

2. Extensions:

   A. If it appears the applicant will not be able to comply with the filing time requirements of this ordinance, he may submit a written application to the Planning Director or designate requesting an extension of the filing time requirement. The application shall be filed no earlier than sixty (60) days and no later than ten (10) days prior to the date the one (1) year period expires. It shall also be accompanied by the appropriate fee.

   B. If there is good cause, the Director may grant the extension of up to six (6) months from the date of expiration. Good cause shall require a showing by the applicant that the delay is unavoidable and was not the result of the applicant's own negligence. The applicant must also show he has made significant progress on each condition of the tentative plan.

   C. Any extension granted by the Director may be conditioned by a requirement that the applicant provide appropriate guarantees that the requirements of this ordinance will be met.

D. The applicant may appeal a decision of the Planning Director to the governing body pursuant to Article IX.

Section 4.010 SUBMISSION OF FINAL PLATS FOR PHASED DEVELOPMENT.

1. If a tentative plan is approved for phased development, the final plat for the first phase shall be filed within one (1) year of the approval date for the tentative plan.

2. The final plats for any subsequent phase shall be filed within three (3) years of the approved date for the tentative plan.

3. The applicant may request an extension for any final plat under this section in the manner provided for in Section 4.005 (2).

4. If the applicant fails to file a final plat, the tentative plan for those phases shall become null and void.

Section 4.015 FORM OF FINAL PLAT. The final plat shall be submitted in the form prescribed by state statute and this ordinance. All plats and other writings or dedications made a part of such plats offered for recording shall be made in black India ink, upon material that is 18 inches by 24 inches, suitable for binding and copying, have such characteristics of strength and permanency as may be required by the City. The plan shall be of such a scale, and the indication of the approvals thereof and of the dedication and affidavit of the surveyor, shall be of such size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch. The plat may contain as many sheets as necessary, but a fact sheet and an index page shall be included for plats of two or more sheets.

Section 4.020 REQUIREMENTS OF SURVEY AND PLAT OF SUBDIVISION. Any final subdivision plat submitted shall meet the survey and monumentation requirements of ORS Chapter 92.

Section 4.030 INFORMATION ON PLAT. In addition to that required for the tentative plan or otherwise specified by law, the following information shall be shown on the plat:

1. Name of subdivision.

2. Name of owner, applicant, and engineer or surveyor.

3. The date, scale, north point, legend, controlling topography such as bluffs, creeks and other bodies of water, and existing highways and railroads.

4. Legal description of the tract boundaries.

5. Reference points of existing surveys, identified, related to the plat by distances and bearings, and reference to a field book or map as follows:

   A. Stakes, monuments, or other evidences found in the ground and used to determine the boundaries of the subdivision.

   B. Adjoining corners of adjoining subdivision.

   C. Other monuments found or established in making the survey or required to be installed by provisions of this ordinance.

6. The exact location and width of streets and easements intercepting the boundary of the tract.

7. Tract, block and lot boundary lines, and street rights-of-way and center lines, with dimensions, bearing or deflecting angles, radii, arcs, points of curvature and tangent bearings. Normal high water lines for any creek, bay, or other body of water. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with the basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

8. Streets. The width of the streets being dedicated and the curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated together with the long chord distance and bearing.

9. Easements. Easements shall be noted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

10. Lot Numbers. Lot numbers beginning with the number "1" and numbered consecutively in each block.

11. Block Numbers. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be placed so as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.

12. Public Lands. Public lands, including strips and easements shall be clearly marked to distinguish it from lots intended for sale.

13. Access Restrictions. Limitations on rights of access to and from streets, lots, and other parcels of land.

14. Area. The area of each lot, if larger than one acre, to the nearest hundredth of an acre; and the area of each lot less than one acre, to the nearest square foot.

15. Certificates and Signatures. The following certificates and signatures are required and shall be combined where appropriate:

    A. A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.

    B. A certificate signed and acknowledged as above, dedicating all land intended for public use, except land intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants, and servants.

    C. A certificate with the seal of and signed by the surveyor responsible for the survey and final map.

    D. A certificate for execution by the City Surveyor. Any plat prepared by the City Surveyor in his private capacity shall be approved by the County Surveyor in accordance with ORS 92.100 (2) and (3).

    E. A certificate for execution by the County Assessor.

    F. A certificate for execution by the County Tax Collector.

    G. A certificate for execution by the irrigation district, where applicable. All plans, plats, or replats of subdivisions located within the boundaries of an irrigation district, drainage district, water control district, district improvement company, or similar service district shall be submitted to the board of directors of the district or company and its approval thereof shall be indicated thereon by the board before City approval of such plan, plat, or replat of any subdivision. Except, that if the applicant is unable to obtain action or approval of any district or company within 45 days, the applicant shall notify the governing body in writing and thereafter the governing body shall serve notice on that district or company by certified mail advising the district or company that any objections to the plan, plat, or replat must be filed in writing with the governing body within 20 days. Failure of the district or company to respond shall be considered an approval of such plan, plat, or replat.

    H. The signature of the City Engineer.

    I. The signature of the Planning Director.

    J. A signature of approval by the Board of County Commissioners.

    K. Other certificates required by state regulations.

Section 4.035 SUPPLEMENTAL INFORMATION WITH PLAT. The following data, if applicable, shall accompany the plat.

1. Title Report. A preliminary title or subdivision guarantee report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises; such report shall show evidence of a clear and marketable title.

2. Survey Data Sheets. Sheets and drawings shall contain the following information:

   A. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any. A survey control work sheet may be substituted for this item.

   B. The computation of distances, angles, and courses shown on the plat.

   C. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing.

3. Deed Restrictions. A copy of any deed restrictions applicable to the subdivision.

4. Homeowner's Association. A copy of any homeowner's association agreements proposed or required for the subdivision.

5. Dedications. A copy of any dedication requiring separate documents with specific reference to parks, playgrounds, etc.

6. Taxes. A list of all taxes and assessments on the tract which have become a lien on the land subdivided.

7. Improvements. If grading, street improvements, sewer or water facilities are required as a condition of approval of the final plat, the following shall be required to be submitted with final plat:

   A. Improvement Plan in accordance with Section 6.050 of this ordinance.

   B. Plans and profiles of sanitary sewers, location of manholes, and drainage system.

   C. Plans and profiles of the water distribution system showing pipe sizes and location of valves and fire hydrants.

   D. Specifications for the construction of all utilities.

   E. Grading plans and specifications as required for areas other than streets and ways.

   F. Planting plans and specifications for street trees and other plantings in public areas.

   G. Plans for improvements, design factors, or other provisions for fire protection or fire hazard reduction.

8. Subdivision Adjoining SM or SMR Zones. Any final plat of which adjoins an SM or SMR zone must clearly show where such zone is located in relation to the subdivision boundaries.

Section 4.040 TECHNICAL REVIEW OF PLAT

1. Ordinance Check. Upon receipt by the Planning Department, the plat and other data shall be reviewed by the Subdivision Committee to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plan, and for compliance with provisions of this ordinance and other applicable laws.

2. Field Check. The City Engineer and Planning Director or their designated representatives may make such checks in the field as are desirable to verify that the map is sufficiently correct. The Engineer or Planning Director or representatives thereof may enter the property for this purpose.

3. Reimbursement. Expenses incurred by the City Engineer in the technical plat review shall be reimbursed by the applicant prior to final approval of the plat.

Section 4.045 CONDITIONS OF PLAT APPROVAL.

1. The Subdivision Committee shall determine whether it conforms with the approved tentative plan and with these regulations. If the committee does not approve the plat, it shall advise the applicant of the changes or additions that must be made and shall afford him an opportunity to make corrections. If the committee determines that the plat conforms to all requirements it shall recommend approval, provided supplemental documents and provisions for required improvements are satisfactory. Recommendation of approval of the plat does not constitute or effect an acceptance by the public of the dedication of any street or other easement shown on the plat nor does such approval constitute final approval, said authority for final acceptance being vested with the governing body.

2. No plat of a proposed subdivision shall be approved unless:

   A. Streets and roads for public use are to be dedicated without any reservation or restriction.

   B. Streets and roads held for private use and indicated on the tentative plan for such subdivision have been approved by the City.

   C. The plat or map contains provisions for dedication to the public of all common improvements, including but not limited to, streets, roads, parks, sewage disposal, and water supply system, if made a condition of the approval of the tentative plan.

   D. Explanations of all common improvements required as conditions of approval of the tentative plan shall be recorded and referenced on the final plat or map.

   E. If the subdivision adjoins an SM or SMR zone, the existence and location of such zone shall be entered on the deeds for all lots created by the subdivision.

3. No plat of a subdivision shall be approved unless the subdivider has either constructed and had accepted by the City the required improvements or the subdivider has executed an improvement agreement pursuant to the provisions of Section 4.050. If the subdivider chooses to construct the improvements, he shall also file with the City a warranty bond executed by a surety company to cover the one (1) year warranty period following acceptance by the City. Said bond shall be in the amount of ten (10) percent of the value of the improvements.

Section 4.050 IMPROVEMENT AGREEMENT.

1. The subdivider may, in lieu of completion of the required improvements and repair to existing streets and facilities, request the City to approve an agreement between himself and the City specifying the schedule by which the required improvements and repairs shall be completed. Provided, however, any schedule of improvements agreed to shall not exceed one (1) year from the date the final plat is recorded. The agreement shall also provide the following information:

   A. A list of all the contractors who will construct or complete the improvements and repairs required, and the cost of the project.

   B. That the City may call upon the security filed to construct or complete the improvements and repairs if the schedule of improvements is not adhered to.

   C. That the City shall recover the full cost and expense of any work performed by the City to complete construction of the improvements and repairs, including, but not limited to, attorneys' and engineering fees.

   D. That a warranty bond for one (1) year shall be deposited with the City following acceptance of the improvements. Said bond shall be in the amount of ten (10) percent of the value of the improvements.

2. No building permit shall be issued for any lot of a platted subdivision until the improvements are completed and accepted by the City.

3. The City may reject an agreement authorized by this section for any reason the City deems sufficient.

Section 4.055 BOND OR CASH DEPOSIT.

1. The subdivider shall file with any agreement specified in section 4.050, to assure his full and faithful performance thereof, one of the following:

   A. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.

   B. A cash deposit in a City account at an approved lending institution.

2. Such assurance of full and faithful performance shall be for 120% of the cost of the improvements and repairs as determined by the City.

3. If the subdivider fails to carry out the provisions of the agreement, the City shall call upon the bond or cash deposit to finance any cost or expenses resulting from said failure. If the amount of the deposit or bond exceeds the cost and expense incurred by completing the improvements, the City shall release the remainder. If the amount of the deposit or bond is less than the cost and expense incurred by the City for the improvements and repairs, the subdivider shall be liable to the City for the difference.

Section 4.060 FINAL PLAT APPROVAL. After the final plat has been checked and approved as provided in this article, and when all signatures appear thereon, except those of the Planning Director, County Clerk, and Board of County Commissioners, the Planning Director shall certify the final plat and submit it to the Board of County Commissioners for final approval.

Section 4.065 FILING OF PLAT.

1. No plat shall have any force or effect until the same has been finally approved by the Board of County Commissioners. No title to any property described in any offer of dedication shall pass until the final plat has been filed.

2. The Planning Director or his representative shall file the approved final plat, including an exact copy thereof as described in subsection four (4) of this section, with the County Clerk.

3. No plat shall be filed unless all ad valorem taxes and all special assessments fees or other charges required by law to be placed upon the tax roll, which have become a lien upon the subdivision or which will become a lien during the calendar year, have been paid.

4. The applicant shall also submit with the final plat an exact copy thereof, made with black India Ink or photocopy upon a good quality of linen, tracing cloth, or other suitable drafting material having the same or better characteristics of strength, stability, and transparence. The engineer or surveyor who made the plat shall make an affidavit to indicate that the photocopy or tracing is an exact copy of the plat. The copy shall be filed with the County Recorder and shall be certified to him to be an exact copy and then shall be filed in the archives of the County, and be preserved by filing without folding. The applicant shall provide copies to the County Assessor, County Sanitarian, City Engineer, City Planning Department, and appropriate postal and fire protection agencies. One original exact copy shall be filed with the City Engineer.

Section 4.070 ERRORS IN THE FINAL PLAT. If an error in the final plat is discovered after the plat has been filed with the County Clerk, said error shall be corrected by the filing of a correction plat which shall be submitted in the same manner as a final plat. No fee, however, shall be required.

ARTICLE V

LAND PARTITIONING

Section 5.010 APPLICABILITY OF REGULATIONS.

1. All proposed land partitionings within the City shall be approved by the City. Approval shall only be granted in accordance with the provisions of this ordinance. Provided, however, the Subdivision Committee may refer any partition to the Hearings Officer for a hearing and decision.

2. Any map or drawing prepared by the County Surveyor in his private capacity shall be approved by the City Surveyor in accordance with the provisions of ORS 92.100 (2) and (3).

Section 5.015 FILING PROCEDURES AND REQUIREMENTS.

1. Any person proposing a land partitioning, or his authorized agent or representative, shall prepare and submit ten (10) copies of the documents hereinafter described, in accordance with the prescribed procedures, and the appropriate filing fee, to the Planning Department.

2. The tentative plan or preliminary drawing shall include the following:

   A. A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways, and adjoining land use and ownership patterns. The map must include names of all existing roadways shown therein.

   B. A plan of the proposed partitioning showing tract boundaries and dimensions, the area of each tract or parcel, locations of all easements, and the names, rights-of-way widths, and improvement standards of existing roads.

   C. Names and addresses of the landowner, the applicant (if different), a mortgagee if applicable, the engineer or surveyor employed or to be employed to make necessary surveys and prepare the legal descriptions of each parcel to be created, and record owners of land contiguous to the proposed partition.

   D. A statement regarding contemplated water supply, sewage disposal, solid waste disposal, fire protection, and access, etc.

   E. North point, scale, and date of map, and property identification by tax lot, section, township and range.

   F. Statement regarding past, present, and intended use of the parcels to be created, or the use for which the parcels are to be offered.

   G. If a tract of land has water rights, the application shall be accompanied by a water rights division plan approved by the irrigation district or other water district holding the water rights, or when there is no such district, by the County Watermaster.

   H. Location of all existing buildings, canals, ditches, septic tanks and drainfields.

   I. Location of any topographical feature which could impact the partition, such as canyons, bluffs, rock outcroppings, natural springs, and flood plains.

   J. Location, width, name, curve ratio, and approximate grade of all proposed right-of-way.

Section 5.020 REQUIREMENTS FOR APPROVAL.

1. No application for partitioning shall be approved unless the following requirements are met:

   A. Proposal is in compliance with ORS Chapter 92, the Comprehensive Plan, and applicable zoning.

   B. Proposal does not conflict with existing public access easements or rights-of-way within or adjacent to the partition.

C. Each parcel is suited for the use intended or offered.

D. All required public services and facilities are available and adequate or are proposed to be provided by the petitioner.

E. An approved water rights division plan.

F. If the partition adjoins an SM or SMR zone, the existence and location of such zone shall be entered on the deed for lots created by the partition.

2. The Subdivision Committee shall deny an application for partitioning when it appears the partitioning is part of a plan or scheme to create more than three (3) parcels without going through subdivision, or is part of a development pattern having the effect of creating more than three (3) parcels without subdividing.

3. Additional Factors to be Considered. In addition to the requirements set forth in subsections one (1) and (2) of this section, the following additional factors shall be considered by the Subdivision Committee when appropriate:

A. Placement and availability of utilities.

B. Safety from fire, flood, and other natural hazards.

C. Adequate provision of public facilities and services.

D. Possible affects on natural, scenic, and historical resources.

E. Need for onsite or offsite improvements.

F. Need for additional setback, screening, landscaping, and other requirements relative to the protection of adjoining and area land uses.

Section 5.030 IMPROVEMENT REQUIREMENTS.

1. In the approval of a land partition, the Subdivision Committee shall consider the need for street and other improvements, and may require as a condition of approval any improvements that may be required for a subdivision under the provisions of this ordinance. All roads in major partitions shall be dedicated to the public without reservation or restriction.

2. Easement Access. The Subdivision Committee may require the applicant to improve an easement access serving two or more parcels according to the City's street standards.

Section 5.035 APPLICATION REVIEW. Following submission of an application for a land partitioning, the Subdivision Committee shall review the plans and application submitted, and shall either approve or deny the application.

Section 5.040 APPEAL. An appeal of a decision or requirement of the Subdivision Committee relative to a land partition shall be made in accordance with the provisions of Article IX of this ordinance.

FINAL MAP

Section 5.045 FINAL MAP FILING. Following approval of the tentative plan for a proposed partitioning, the applicant shall prepare and submit to the Planning Department the final map or drawing for the subject partitioning. Such filing shall be completed within one year from the date of the approval, or the approval shall be void. The final map or drawing shall be prepared in accordance with the following requirements and the original and two (2) copies thereof submitted by the Planning Department to the Subdivision Committee for approval. The original of a minor partition shall be recorded in the office of the County Surveyor following approval by the Subdivision Committee. All costs incurred in filing shall be paid by the developer. Major partitions shall follow the requirements set forth in sections 4.015 and 4.055 of this ordinance.

Section 5.050 EXTENSIONS. Request for extensions shall be reviewed in the manner provided for in Section 4.010.

Section 5.055 REQUIREMENTS.

1. Final map or drawing requirements:

   A. Maps shall be drawn to a scale of one inch per 100 feet.

   B. Name of the owner, developer, and engineer or surveyor shall be shown on the map or drawing.

   C. Date, scale, north point, legal description of boundaries, and a tie by actual survey to a section or donation land claim corner.

   D. Parcel boundary lines, with dimensions and bearings; bearings shall be to the nearest 30 seconds, and distances to the nearest 0.01 feet.

   E. An affidavit by the engineer or surveyor having surveyed the land involved in a major partitioning.

   F. A certification of acceptance of any public dedication.

   G. A guarantee of approved or required improvements, including identification of maintenance responsibilities for proposed or existing roads and streets.

   H. A certification of approval for execution by the Planning Director.

   I. Water rights to be assigned to each parcel shall be indicated on the map or drawing and certification of approval thereof.

   J. If the partition adjoins an SM or SMR zone, the location of such zone in relation to the partition boundaries must be clearly shown on the final map or drawing.

2. Approval Requirements: No final map or drawing for a land partitioning shall be approved by the Hearings Body unless all of the following requirements are met:

   A. The final map or drawing is in strict conformance with the approved tentative plan.

   B. The final map or drawing is in conformance with the requirements set forth in subsection one (1) of this section.

   C. Paved access is guaranteed to each parcel.

   D. Each parcel is to be connected to the City sewage system.

   E. All required public utilities are available.

   F. All conditions of the tentative plan approval have been met or guaranteed.

   G. All proposed or required improvements have been completed and accepted by the City.

Section 5.060 SPECIAL PARTITIONING REGULATIONS.

1. The partitioning of a tract of land in which not more than one (1) parcel is created and transferred to a public or semi-public agency for the purpose of a road, railroad, electric substation, or canal right-of-way may be approved by the Planning Director.

2. The adjustment of a lot line by the relocation of a common boundary where an additional parcel or tax lot is created, or when a parcel existing below the adjustment is reduced below the minimum lot size established by the applicable zoning shall be treated as a partition.

ARTICLE VI
DESIGN STANDARDS AND IMPROVEMENTS

Section 6.010 COMPLIANCE REQUIRED. All land divisions shall be in compliance with the design standards set forth in this article and Appendix "A" which is attached hereto and incorporated by reference.

Section 6.015 STREETS.

1. General. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents, and curves appropriate for the traffic to be carried considering the terrain. The subdivision shall provide for the continuation of the principal streets existing in the adjoining subdivision or of their proper projection. Where, in the opinion of the Hearings Body, topographic conditions make such continuation or conformity impractical, exception may be made. In cases where the City may adopt 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. All streets shall be improved to City standards with curbs, paving, and drainage facilities.

2. Future Resubdivision. Where a tract is divided into lots of an acre or more, the Hearings Body may require an arrangement of lots and streets such as to permit future resubdivision in conformity to the street requirements and other requirements contained in this subdivision.

3. Existing Streets. Whenever existing streets, adjacent to or within a tract, are of inadequate width to accommodate the increase in traffic expected from the subdivision or by the City's transportation policies, additional right-of-way shall be provided at the time of the land division by the applicant. During consideration of the tentative plan for the subdivision or partition, the Subdivision Committee shall determine whether improvements to existing streets, adjacent to or within the tract, are required. If so determined, such improvements shall be required as a condition of approval of the tentative plan. Improvements to adjacent streets shall be required where traffic on said streets shall be directly affected by the proposed subdivision.

4. Intersection Angles. Street intersections 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°.

5. 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.

6. Minimum Right-of-Way and Roadway Width. The street right-of-way and roadway surfacing widths shall be in conformance with standards and specifications set forth in Appendix "A".

7. Reserve Strips Reserve strips controlling access to streets shall be required when deemed necessary by the Hearings Body. Deeds to the City for reserve strips shall be filed with the final plat. Reserve strips shall be numbered in sequence beginning with Lot "A".

8. Future Extension of Streets. When necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a permanent turn-around. Reserve strips shall be required to preserve the objective of street extensions.

9. Frontage Roads. If a land division abuts or contains an existing or proposed collector or arterial street, the Hearings Body may require frontage roads, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic. Provision may be made for emergency access. All frontage roads shall comply with appropriate local road standards.

10. Streets Adjacent to Railroads, Freeways, and Parkways. When the area to be subdivided adjoins or contains a railroad, freeway, or parkway, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for use of the land between the street and railroad, freeway, or parkway. 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.

11. 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 Hearings Body 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. Where solar orientation would not be possible if the street area continued, a new pattern may be started that is solar oriented.

12. Street Layout. Streets should be oriented on an east/west axis to the greatest possible extent to ensure solar access for lots within the subdivision.

13. Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street in a nearby city or in the County. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Fire Department.

14. Sidewalks. Sidewalks are required to be installed on both sides of a public street and in any special pedestrian way within the subdivision except that in the case of collectors, arterials, or industrial district, the Hearings Body may approve a subdivision without sidewalks if alternative pedestrian routes are available. In the case of streets serving residential areas having single-family dwellings located on lots equivalent to one dwelling per two and one-half acres, the requirement of sidewalks shall not apply, provided there is no evidence of regular pedestrian activity along the streets involved. Sidewalks may be required along routes to existing or future school and park sites.

15. Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the Hearings Body may require the installation of separate bicycle lanes within streets and/or separate bicycle paths.

Section 6.020 BLOCKS.

1. General. The length, width, and shape of blocks shall accommodate the need for adequate building site size and street width and shall be compatible with the limitations of the topography.

2. Size. 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.

3. Easements.

   A. Utility Easements. Easements shall be provided along property lines when necessary for the placement of overhead or underground utilities and to provide the subdivision with electric power, communication facilities, street lighting, sewer lines, water lines, gas lines, or drainage. Such easements shall be labeled "Public Utility Easement" on the tentative and final plat; they shall be at least 12 feet in width and centered on lot lines where possible, except utility pole guylines easements along the rear of lots adjacent to unsubdivided land may be reduced to 10 feet in width.

B. Drainage. If a tract is traversed by a water course such as a drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of the water course or in such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses or drainage ways may be required.

Section 6.025 LOTS: SIZE AND SHAPE. The size, width, and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the lot size provisions of the zoning ordinance, with the following exceptions:

1. In areas not to be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and County Sanitarian, and shall be sufficient to permit adequate sewage disposal. Any problems posed by soil structure and water table as related to sewage disposal by septic tank shall be addressed and resolved in the applicant's initial plan.

2. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted by the Hearings Body. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

Section 6.030 LOTS, GENERAL REQUIREMENTS.

1. Frontage. Each lot shall abut upon a street or an officially approved way other than an alley for at least 50 feet, except for lots fronting on the bulb of a cul-de-sac, then the minimum frontage shall be 30 feet.

2. All side lot lines shall be at right angles to street lines or radial to curved streets wherever practical, except as provided in subsection five (5) of this section.

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 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. Corner lots shall be five 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.

5. Solar Access. The lines of lots and parcels, as far is practical shall be oriented to allow structures constructed on the lots or parcels to utilize solar energy by establishing the long axis in the east/west direction permitting sunlight access three hours before and after solar noon. Easements necessary to assure solar access may also be required for subdivision approval.

6. Underground Utilities. All permanent utility service to lots in a subdivision shall be provided from underground facilities. Provided, however, the Hearings Body may allow overhead utilities if the surrounding area is already served by overhead utilities and the proposed lots in the subdivision could be served by the existing overhead system. The subdivision shall be responsible for complying with requirements of this section, and shall:

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

   B. 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 rules and regulations of the Public Utility Commission of the State of Oregon.

   C. 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, and sanitary sewers shall be placed to such length as will obliterate the necessity for disturbing the street improvements when service connections are made.

Section 6.035 GENERAL PROVISIONS.

1. Lighting. The subdivider shall provide underground wiring for street lights to City standards and a base for any proposed ornamental street lights. Locations of the wiring and any base shall be approved by the City in coordination with the affected utility company.

2. Fire Hazards. Whenever possible, a minimum of two points of access to the subdivision shall be provided to provide assured access for emergency vehicles and ease resident evacuation.

3. Street Tree Planting. Street tree planting plans, if proposed, for a subdivision shall be submitted to the Planning Director and receive his/her approval before the planting is begun.

4. Water/Sewer. All subdivisions shall provide water and sewer lines constructed to City standards and specifications approved by the City Engineer. All lots shall be served from the City of Bend 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.

Section 6.040 GRADING OF BUILDING SITES. Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards.

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

2. Fill slope ratios shall not exceed one foot vertically to two feet horizontally.

3. The composition of soil for fill and the characteristics of lots and parcels 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 City Engineer. In reviewing these plans, the City Engineer 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 property.

Section 6.045 SPECIAL SETBACKS. If special building setback lines are to be established in a subdivision, they shall be shown on the tentative plan and final plat and included in the deed restrictions.

IMPROVEMENTS

Section 6.050 IMPROVEMENT PROCEDURES. In addition to other requirements, improvements to be installed by the applicant, either as a requirement of this ordinance or other applicable regulations or at his own option, shall conform to the requirements of this article.

1. Plan Review and Approval. Improvement work shall not be commenced until plans therefore have been reviewed and approved by the Subdivision Committee or a designated representative thereof. To the extent necessary for evaluation of a proposed development, such improvement plans may be required before approval of the tentative plan or preliminary map or drawing.

2. Improvements as Platted. Improvements shall be designed, installed, and constructed as platted and approved, and plans therefore shall be filed with the final plat at the time of recordation or upon completion.

3. Inspection. Improvements shall be constructed under the inspection and approval of a City inspector designated by the Subdivison Committee. Expenses incurred thereby shall be borne by the applicant/owner. The City Engineer may require changes in sections and details of the improvements if unusual conditions arise during construction to warrant such changes.

4. As-Built Plans. A map showing public improvements shall be filed with the Engineering Department upon completion of the improvements.

Section 6.055 IMPROVEMENTS IN PARTITIONS. The same improvements may be required to be installed to serve each building site of a partition as are required of a subdivision.

Section 6.060 ACCEPTANCE OF IMPROVEMENTS. Improvements shall be considered for acceptance after inspection at the time the improvements are constructed.

PARKS

Section 6.065 PARK DEVELOPMENT. PUBLIC PARK DEDICATION. PARK FUND.

1. A subdivider shall set aside and dedicate to the public for park and recreation purposes, not less than 8 percent of the gross area of said development if the land to be dedicated is suitable and adaptable for such purposes and is generally located in an area planned for parks.

2. The Planning Director, together with the Bend Metropolitan Parks and Recreation District, shall determine whether or not said land is, in fact, suitable for park purposes. Provided, further, that any such approval shall be subject to the condition that the Parks and Recreation District accept the deed dedicating such land.

3. 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 true cash value of the land that would have been donated under subsection one (1) of this section. For the purpose of determining the true cash value, the latest true cash value 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 the neighborhood or community facilities within the area of the community that will reasonably benefit the contributing subdivision.

4. 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.

ARTICLE VII

CONDOMINIUM CONVERSION

Section 7.010 APPLICABILITY OF REGULATIONS. Any proposal for a conversion condominium as defined in ORS Chapter 91 shall, prior to approval by the Real Estate Commissioner, comply with Section 7.020 and 7.030 of this ordinance.

Section 7.020 PROCEDURE. The applicant shall file with the Planning Department an application for the proposed conversion together with a filing fee and a detailed site plan, indicating parking, landscaping, and recreational areas. The site plan shall be reviewed by the Site Plan Committee, and said review shall be based upon the criteria for comparable structures or complexes.

Section 7.030 DIVISION OF LAND. Any proposal for a conversion condominium which results in an division of real property shall comply with the provisions of this ordinance.

ARTICLE VIII

STREET DEDICATIONS

Section 8.010 APPLICATION. Any person desiring to create a street not part of a subdivision or major partition shall make written application to the Planning Department. Said application shall be accompanied by the required information and appropriate filing fee.

Section 8.020 MINIMUM DESIGN STANDARDS. The minimum standards of design and improvements for the dedication of a street shall be the same as set forth in this ordinance for streets within a subdivision, and shall be in compliance with other applicable street standard regulations.

Section 8.030 PROCEDURE.

1. Upon receipt of written application and appropriate filing fee for street dedication, the Planning Director shall refer the proposal to the City Engineer or designee for review and recommendation.

2. If access to a County road or state highway is planned, the necessary permits shall be obtained prior to approval.

3. The City Engineer shall report his findings and recommendations regarding the proposed dedication to the Planning Director.

4. Upon receipt by the Planning Director of written findings and recommendations from the City Engineer, the proposal shall be submitted to the City Commission for a public hearing.

5. The only notice required for a hearing under this section shall be by publication.

6. Following the hearing, the Commission may accept or reject the proposed dedication.

ARTICLE IX

ADMINISTRATIVE PROVISIONS

Section 9.010 FORM OF PETITIONS, APPLICATIONS, AND APPEALS. Petitions, applications, and appeals provided for in this ordinance shall be made on forms prescribed by the City.

Section 9.020 HEARINGS. Hearings, appeals, and review shall comply with the provisions of the City of Bend's land use procedures.

Section 9.030 EXCEPTIONS. Land partitions and Type II subdivisions may be reviewed and approved or denied administratively if:

1. A properly completed land partition or Type II Subdivision application is filed with the Planning Department.

2. Notice is sent by the Planning Department to all property owners within sixty (60) feet of the subject property and no remonstrances are received within fifteen (15) days of the mailing by the Planning Department. Notice shall also be posed upon the subject property by the applicant in a form approved by the Planning Department. This notice shall be posted for fifteen (15) days following the mailing of notice, and shall be removed by the applicant at the end of that fifteen day period.

3. The partition or Type II Subdivision complies with all applicable provisions of the Bend Subdivision and Zoning Ordinances.

4. If any remonstrance is received regarding the matter, an application for a partition or Type II Subdivision shall be referred to the Hearings Body for a public hearing, and an additional application fee shall be charged.

5. Decision. In the notice sent under subsection two (2) of this section, the Planning Director shall indicate that the decision shall be posted at the Planning Department for 15 days following the date of the decision.

6. Appeals. A decision under this section shall be final unless a notice of appeal is received in accordance with the City of Bend's adopted administrative procedures resolution. Appeals of the Subdivision Committee's decision shall be referred to the Hearings Officer. Appeals of the Hearings Officer's decision shall be to the City Commission.

ARTICLE X

GENERAL PROVISIONS

Section 10.010 PENALTIES. Violation of any provision of this ordinance is a Class A Civil Infraction and shall be enforced through the Bend civil infraction procedure.

Section 10. 020 VIOLATION DECLARED A NUISANCE. A land division or use in violation of this ordinance is hereby declared a nuisance.

Section 10.030 COMPLIANCE WITH OREGON REAL ESTATE REGULATIONS. Prior to the sale of any lot within a subdivision, a final subdivision plat shall be approved and recorded, and the subdivider shall file a "Notice of Intent" with the Oregon State Real Estate Division.

Section 10.040 CIVIL RELIEF. When any real property is or is proposed to be used, transferred, sold, or disposed of in violation of this ordinance, the Planning Director or any person whose interest in the property is or may be affected by the violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, temporarily or permanently enjoin, abate, or set aside such use, transfer, sale, disposition, offer, negotiation, or agreement.

Section 10.050 ADMINISTRATION OF ORDINANCE. It shall be the duty of the Planning Director or designated representatives to administer and enforce the provisions of this ordinance in such a way as to carry out its intent and purpose.

Section 10.060 SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 10.070 AMENDMENT. This ordinance may be amended or repealed as provided by law. Provided, however, an amendment to the standards set forth in Appendix "A" may be by resolution.

Section 10.080 CORRECTIONS. This ordinance may be corrected by order of the City Commission to cure editorial and clerical errors.

Section 10.090 EMERGENCY CLAUSE. 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, now, therefore, an emergency is hereby declared to exist and upon the passage hereof by the affirmative vote of all members of the Commission, this ordinance shall become immediately operative.

Section 10.95 REPEALER. Ordinance NS-591, as enacted May 2, 1962, and as subsequently amended, is hereby repealed upon passage and effective date of this Ordinance, except that any part of this Ordinance on which a presently pending legal action or proceeding is based, shall, for the purposes of the action or proceeding, continue in effect until the action or proceeding is terminated.

Read for the first time the 2nd day of December, 1981.

Read for the second time the 16th day of December, 1981.

Placed upon its passage the 16th day of December, 1981

YES: 4 NO: 0

Submitted to and approved by the Mayor the 16th day of December 1981

ATTEST:

Mayor

Recorder-Treasurer of the City of Bend

See RESOLUTION NO. 1764

APPENDIX "A"

CITY OF BEND
Supplementary
STANDARD SPECIFICATIONS FOR STREET CONSTRUCTION

I. General

Minimum general specifications for street construction shall be as set forth in the "Standard Specifications for Public Works Construction - APWA Oregon Chapter 1970". Certain sections of the "Standard Specifications for Highway Construction - Oregon State Highway Division 1974" shall also apply where reference is made.

The following special provisions are the minimum construction standards for the City of Bend and are intended as a supplement to the General Specifications.

II. Minimum Street Right-of-Way and Basic Improvement Standards for Urban Subdivisions.

Type of Street	R/W Width	Paving Width Curb to Curb	Type Paving	Paving Section AC Base	Curbs	Curb Return Radius Min.	Design Speed MPH	Max. % of Grade	Min. Radius of Curvature	Crown	Sidewalks
Primary Arterial (No parking)	80	48'-64'	-- CONCRETE --	(1)(4)	12" OSHD Type "C"	25'-50'	45	6	400	0.7'	(1)
Secondary Arterial or Collector	60	36'-48' (3)		3" AC 6" B (4)	12" Std.		35	6	300	0.5'	5'
Local	60	36' (5)	-- ASPHALT --	2" AC 4" B	12" Std.		25	8	150	0.4'	5'
Cul-de-sac	60 (1)	36' (2)		2" AC 4" B	12" Std.		25	10	150	0.4'	5'
Alley	20	R/W Width		2" AC 4" B	No		15	12	100	-	-

(1) Paving section to be engineered, sidewalk width to be determined on an individual basis.

(2) Right of way width may be reduced to 50' for cul-de-sac streets less than 200 feet in length. In all cases cul-de-sac bulb shall be minimum 50' right of way radius and 40 foot paving radius.

(3) 48' width to be used for streets requiring left turn lane (i.e. commercial zones), or when on-street parking is desirable on collector streets only. No parking on secondary arterial streets.

(4) Cinders not acceptable for base.

(5) Width may be increased when bicycle paths are needed.

ORDINANCE NO. NS-1350

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO. 2; DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1346, 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 elect to withdraw subject property from Rural Fire District No. 2 and did fix the 16th day of December, 1981, 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 to the City and withdrawal from Rural Fire District No. 2 of the following described property, and did cause the 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 Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section Thirty-four (34), Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian, Deschutes County, Oregon, containing 40 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 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 likewise withdrawn from Rural Fire District No. 2, 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 16th day of December, 1981.

Read for the second time the 6th day of January, 1982.

Placed upon its passage the 6th day of January, 1982.

YES: 7 NO: 0

Submitted to and approved by the Mayor the 6th day of January, 1982.

Ruth Burning
Mayor

ATTEST:

James O. Kryger
Recorder-Treasurer

ORDINANCE NO. NS-1351

AN ORDINANCE CHANGING THE NAME OF CERTAIN STREETS WITHIN THE CITY OF BEND

WHEREAS, THE Bend Urban Area Planning Commission held a public hearing on December 14, 1981 to consider possible name changes to the Division-1st Street Corridor; and

WHEREAS, the Planning Commission found that the name of the thoroughfare should have a consistent name from north to south; and

WHEREAS, the Bend City Commission at a regular Commission meeting voted to name the Division-list Street Corridor "Division Street" for its entire length as described below:

NOW THEREFORE, the Bend City Commission does ordain as follows:

Section 1. That the following described street name changes be implemented:

A. NE 1st Street, beginning at an east-west line running consistent to the southern property lines at Lot 1, Block 6 and Lot 1, Block 11 of Lytle Addition; thence north the distance of the right of way for said street to the intersection of NE 1st Street and U.S. Highway 97 (The New Dalles-California Highway) in the SE 1/4 of the NE 1/4 of Section 29, T. 17 S., R. 12 E., W.M., City of Bend, Oregon.

B. NE 1st Street and Deschutes Place, beginning at an east-west line consistent with the northern property lines of Lot 12, Block 10 and Lot 12, Block 7 of Lytle Addition; thence south the distance of the right of way of NE 1st Street to the vacated right of way of Quimby Avenue; thence southwest along the right of way of Deschutes Place to a north-south line running consistent to the eastern property line of Block 16 of Lytle Addition, City of Bend, Oregon.

C. Cascade Place, beginning at an east-west line running consistent with the northern property lines of Block 2 of Larch Addition and Block 3 of Hastings Addition; thence southwest along the right of way of said street to the eastern right of way line of Hill Street also running consistent to the northwestern right of way line of Oregon Trunk Railway Spur as indicated on Tax Map 17-12-32 DD, City of Bend, Oregon.

D. Hill Street and an unnamed public street, beginning at an east-west line running consistent with the southern property lines of Block 11, 12, 13, and 14 of Staats Addition; thence south along said right of way to the northern right of way for Wilson Avenue and to the southern section line of the SE 1/4 of the NE 1/4 of Section 5, T. 18 S., R. 12 E., W.M., City of Bend, Oregon.

E. SE 1st Street, beginning at the southerly edge of Wilson Avenue and running south to the northerly edge of Cleveland Avenue in 2nd Addition to Bend Park, and the southerly section line of the NE 1/4 of the SE 1/4 of Section 5, T. 18 S., R. 12 E., W.M., City of Bend, Oregon

Said streets described in A, B, C, D, and E above, and depicted on the map attached as Exhibit "A", shall be changed from the existing names and shall be renamed as Division Street.

Section 2. That the following described street name changes be implemented:

A. Division Street, beginning at an east-west line running consistent with the northern property lines of Blocks 132, 133, 134 of Section Addition to Bend Park, thence south the distance of the right of way for said street to an east-west line running consistent to the southern property lines of Blocks 160, 161, 162 of Second Addition to Bend Park, City of Bend, Oregon.

Said street described in A above and depicted on the map attached as Exhibit "B" shall be changed from the existing name and shall be renamed as Pelton Place.

Section 3. That the following described street name changes be implemented.

A. Division Street, beginning at a northwest to southeast line running consistent with the southern property lines of Lot 12, Block 10 and Lot 12, Block 7 of Lytle Addition; thence north the distance of the right of way for said street to an east-west line running consistent with the northern property lines of Block 8 and Block 9 Orokla Subdivision, City of Bend, Oregon.

Said street described in A above and depicted on the map attached as Exhibit "B" shall be changed from the existing name and shall be renamed as Deschutes Place.

Section 4. The effective date for the renaming of said streets described above shall be July 1, 1982.

Read for the first time the 3rd day of March, 1982

Read for the second time the 17th day of March, 1982

Placed upon its passage the 17th day of March, 1982

YES 7 NO 0

Mayor

ATTEST:

Recorder-Treasurer of the City of Bend

Exhibit "A"

CITY OF BEND
1ST STREET - DIVISION STREET
ROAD RENAME PROJECT

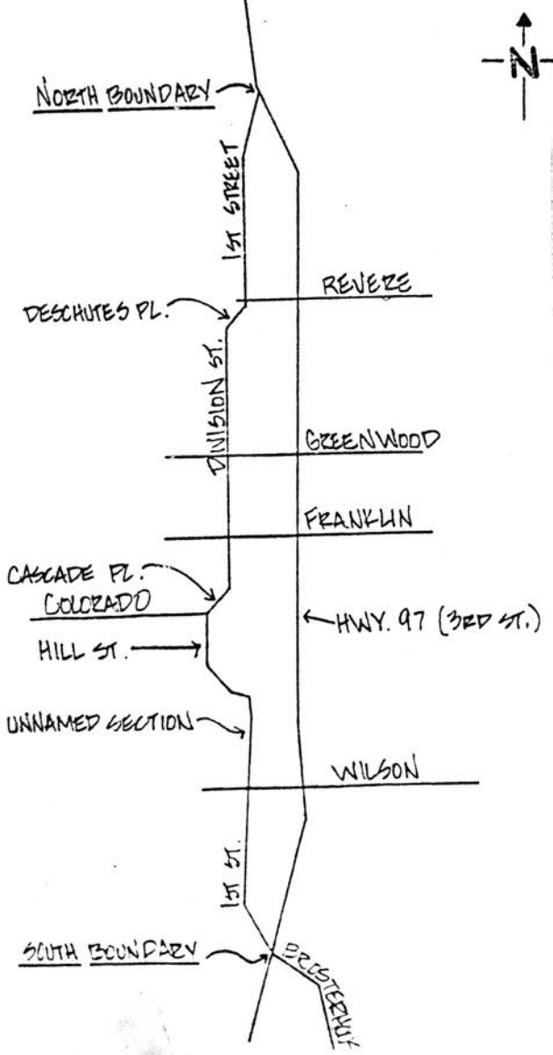
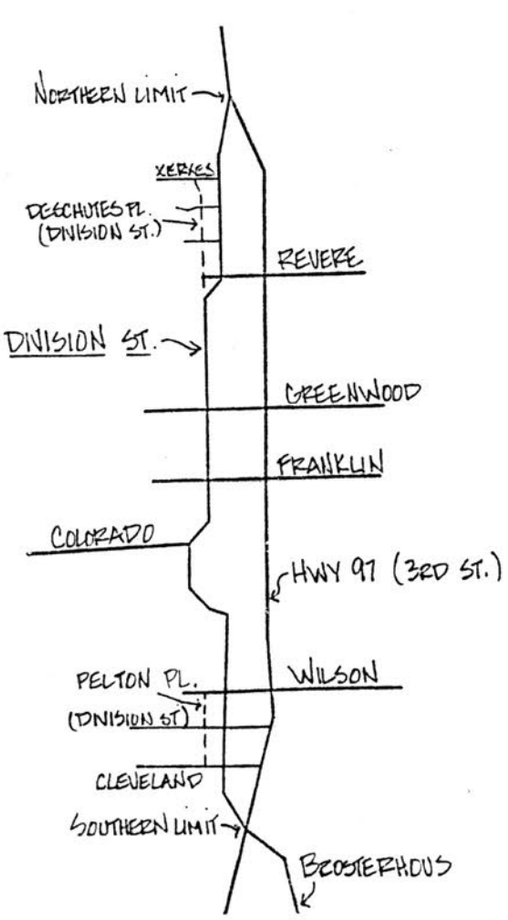


Exhibit "B"

RENAME OTHER SECTIONS



ORDINANCE NO. NS- 1352

ORDINANCE ESTABLISHING THE CHARGE FOR SEWER SERVICE LINES FINANCED BY A BOND ISSUE AUTHORIZED MAY 24, 1977 AND DIRECTING A LEIN TO BE ENTERED IN THE CITY LEIN DOCKET.

WHEREAS, a portion of the Bond sale proceeds from a Bond issue authorized May 24, 1977 was designated for financing up to the first forty feet of sewer service lines for those who contracted to use this financing and have the City of Bend manage the installation of their sewer service line and,

WHEREAS, the cost of those services financed and installed with Bond sale proceeds was to be distributed equally to all those participating in the sewer service line installation program and,

WHEREAS, all the house sewer service lines contracted for have been installed and,

WHEREAS, the total costs have been accumulated and accounted for and the total cost of $305,982.07 divided equally between 839 sewer service line properties which equals $364.70 per property and this amount to be financed over a period of twenty-four (24) years to bear interest at the rate of five (5) percent on the unpaid balance,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS: That a fee of $364.70 be charged for each sewer service line that was contracted for financing and installation with proceeds from the sale of bonds authorized May 24, 1977, as shown on the records on file in the City of Bend and,

THE CITY OF BEND DOES FURTHER RESOLVE that the City Recorder is directed to enter the above charge in the Docket of City Liens.

Read for the first time the 17th day of March 1982.

Read for the second time the 7th day of April 1982.

Placed upon its passage the 7th day of April 1982.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 7th day of April 1982.

Philip A. Young
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1353

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:

The South one-half (S 1/2) of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section Five (5), Township Eighteen (18) South, Range Twelve (12) East, Willamette Meridian, Deschutes County, Oregon;

ALSO all that portion of the following described tract of land lying North of the North line of said South 1/2 of the SE 1/4 of the SW 1/4 of Section 5. Beginning at a point which is located 956.71 feet west and 742.33 feet south from the Northeast corner of said SE 1/4 of the SW 1/4 of Section 5; thence North 9° 30' East, a distance of 10.00 feet; thence on a curve to the right whose central angle is 08° 26' 31" and whose radius is 542.96 feet, a distance of 80.00 feet; thence South 72° 03' 29" East a distance of 120.00 feet; thence on a curve to the left, whose central angle is 08° 26' 31", and whose radius is 422.96 feet, a distance of 62.32 feet; thence South 9° 30' West, a distance of 10.00 feet; thence North 80° 30' West, a distance of 120.00 feet to the point of beginning.

EXCEPT those portions described as follows: Beginning at a point on the north line of the South 1/2 of the SE 1/4 of the SW 1/4 of said Sec. 5 from which the northwest corner of the said South 1/2 of the SE 1/4 of the SW 1/4 of Sec. 5 bears S 89° 57' 54" W. 162.92 feet; thence N. 89° 57' 54" E. following said north line, 148.65 feet to the Westerly right-of-way line of S. A. Blakley Road; thence following the arc of a 603.69 foot radius curve left 56.26 feet (chord bears S. 12° 10' 13" W. 56.24 feet); thence S. 09° 30' 01" W. along said Westerly right-of-way line 57.47 feet; thence leaving said road right-of-way following the arc of a 30.00 foot radius curve left 48.42 feet (chord bears N.36° 44'22" W. 43.33 feet); thence N.82° 58' 45" W. 16.77 feet; thence following the arc of a 100.00 foot radius curve right 120.12 feet (chord bears N.48° 34'09" W. 113.03 feet) to the Point of Beginning; and

Beginning at the South 1/4 corner of said Section 5; thence along the south line of said Section N.89° 50' 27" W. 221.00 feet to the South right-of-way line of Silver Lake Boulevard; thence along said right-of-way N. 50° 13' 44" E. 283.50 feet to the easterly line of said SW 1/4 of Sec. 5; thence along said easterly line S. 00° 58' 34" E. 182.00 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 elects to withdraw from Rural Fire District No. 2, and by this ordinance does fix the 19th day of May, 1982 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 April, 1982.
Read for the second time the 5th day of May, 1982.
Placed upon its passage the 5th day of May, 1982.
YES: 6 NO: 0
Submitted to and approved by the Mayor the 5th day of May, 1982.

ATTEST:

Recorder-Treasurer

Mayor

ORDINANCE NO. NS-1354

AN ORDINANCE AMENDING NS 1326 BY ESTABLISHING A PENALTY FOR VIOLATIONS OF THE BEND AIRPORT RULES AND REGULATIONS.

WHEREAS, ORS 492.330 authorizes cities to establish civil penalties for violations of airport regulations,

Section One. Ordinance NS-1326 (Civil Infractions) is amended by the addition of the following sections:

"Section 27. Airport Entry.

(1) No unauthorized person shall enter, be or remain on a ramp, apron, runway, pad, taxiway, hangar, building or other improved area comprising the Bend Municipal Airport.

(2) The City Manager, airport manager, the City Commission or its designee, or a lessee or the lessee's agent may authorize persons to be upon the above mentioned premises for proper business only.

(3) A violation of this section is a class A civil infraction.

"Section 28. Airport Regulations.

(1) Any person using the Bend Municipal Airport and its facilities shall do so in compliance with the City's Airport Policies. For the purpose of this section, "Airport Policies" shall include any lawful order of the Bend Airport Manager which implements a duly adopted City policy.

(2) A violation of this section is a class A civil infraction."

Section Two. Effective Date. The effective date of this ordinance shall be June 19, 1982.

Read for the first time the 5th day of May, 1982

Read for the second time the 19th day of May, 1982.

Placed upon its passage the 19th day of May, 1982.

YES: 6 NO: 0

Approved by the Mayor this 19th day of May, 1982.

Phil A. Young
Mayor

ATTEST:

James W. Kerfoot
Recorder-Treasurer

NS-1355 repealed by NS-1498, passed 7-19-89

CITY OF BEND

ORDINANCE NO. NS-1355

AN ORDINANCE REGULATING THE WATERS AND WATERSHED OF THE CITY'S BRIDGECREEK WATER SOURCE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Definitions.

(1) "Pollution" means such alteration of the physical, chemical or biological properties of any waters of the Bridgecreek water source, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into such waters, which will or tends to, either by itself or in connection with any other substance, create a public nuisance or which will or tends to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other legitimate beneficial uses or to livestock, wildlife, fish or other aquatic life or the habitat thereof.

(2) "Wastes" means sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive or other substances which will cause or tend to cause pollution of such waters.

Section 2. It shall be unlawful for any person, firm or corporation to impair the purity of the City's Bridgecreek water source by:

(1) Causing pollution or causing any waste to be placed in a location where such wastes are likely to escape or be carried into the waters of Bridgecreek or the City's distribution system for these waters, or

(2) Discharging any wastes into the Bridgecreek waters or the City's distribution system for these waters if the discharge reduces the quality of such water below the water quality standards established by applicable law, rule or regulation.

Section 3.

(1) It shall be unlawful for any person, firm or corporation to engage in any activity on the City's Bridgecreek watershed that will or may tend to cause pollution to the waters of Bridgecreek within the watershed.

(2) The City's Bridgecreek watershed is described on Exhibit "A" which is attached as a part of this ordinance.

Section 4. Violation of this ordinance is a Class A misdemeanor. Each day within any continued violation shall constitute a separate offense.

Section 5. Any violation of this ordinance shall also constitute a public nuisance and may be abated as provided by law.

Section 6. If any part of this ordinance is determined to be unconstitutional or invalid for any reason then that part shall be severed from the remainder of this ordinance and the remaining provisions given full force and effect.

Section 7. Immediate passage of this ordinance is necessary for the immediate preservation of the peace, health and safety of the City and its inhabitants because persons are proposing to engage in mining activities within the watershed that will pollute the waters of Bridgecreek and because the watershed is in an extremely fragile condition because of the effects of the Bridgecreek fire.

Read for the first time the 19th day of May, 1982.

Read for the second time the 2nd day of June, 1982.

Placed upon its passage this 2nd day of June, 1982.

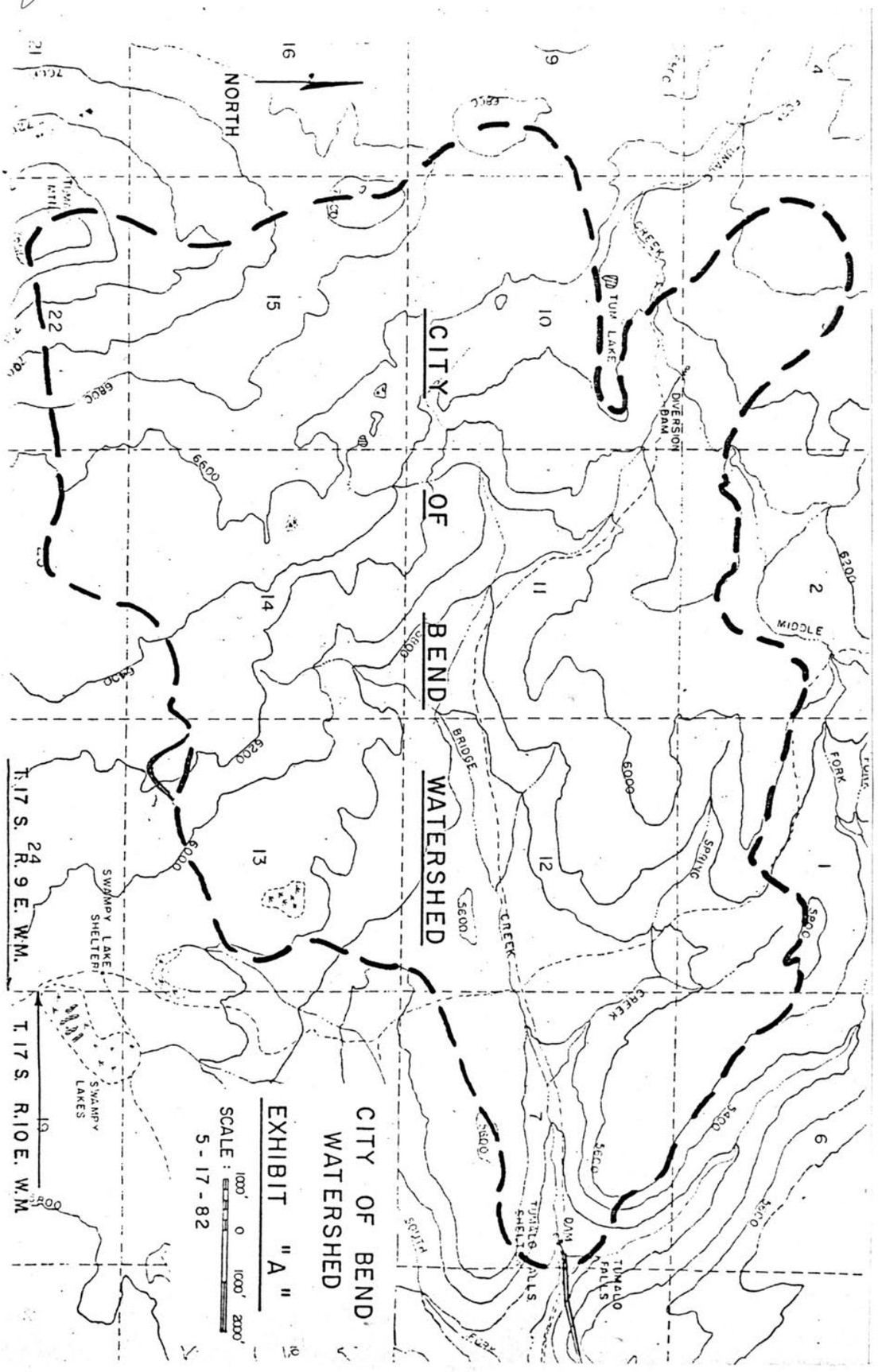
Vote: Ordinance - Yes: 6 No: 0 Emergency Clause-Yes: 6 No: 0

Submitted to and approved by the Mayor this 2nd day of June, 1982.

Mayor

ATTEST:

Recorder-Treasurer



ORDINANCE NO. NS- 1356

AN ORDINANCE RECITING PROCEDURES ACCOMPLISHED IN THE ANNEXATION OF REAL PROPERTY TO THE CITY OF BEND AND WITHDRAWAL FROM RURAL FIRE DISTRICT NO.2; DESCRIBING THE SUBJECT PROPERTY AND DECLARING THE ANNEXATION AND WITHDRAWAL.

THE CITY COMMISSION OF THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-1353, 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 elect to withdraw subject property from Rural Fire District No. 2 and did fix the 19th day of May, 1982, 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 to the City and withdrawal from Rural Fire District No. 2 of the following described property, and did cause the 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 South one-half (S 1/2) of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section Five (5), Township Eighteen (18) South, Range Twelve (12) East, Willamette Meridian, Deschutes County, Oregon;

ALSO all that portion of the following described tract of land lying north of the North line of said South 1/2 of the SE 1/4 of the SW 1/4 of Sec. 5. Beginning at a point which is located 956.71 feet west and 742.33 feet south from the Northeast corner of said SE 1/4 of the SW 1/4 of Sec. 5; thence North 9° 30' East, a distance of 10.00 feet; thence on a curve to the right whose central angle is 08°26'31" and whose radius is 542.96 feet, a distance of 80.00 feet; thence South 72°03'29" East a distance of 120.00 feet; thence on a curve to the left, whose central angle is 08°26'31", and whose radius is 422.96 feet, a distance of 62.32 feet; thence South 9°30' West, a distance of 10.00 feet; thence North 80°30' West, a distance of 120.00 feet to the point of beginning.

EXCEPT those portions described as follows: Beginning at a point on the north line of the South 1/2 of the SE 1/4 of the SW 1/4 of said Sec.5 from which the northwest corner of the said South 1/2 of the SE 1/4 of the SW 1/4 of Sec.5 bears S. 89°57'54" W. 162.92 feet; thence N. 89°57'54" E. following said north line, 148.65 feet to the Westerly right-of-way line of S. A. Blakley Road; thence following the arc of a 603.69 foot radius curve left 56.26 feet (chord bears S. 12°10'13" W. 56.24 feet); thence S. 09°30'01" W. along said Westerly right-of-way line 57.47 feet; thence leaving said road right-of-way following the arc of a 30.00 foot radius curve left 48.42 feet (chord bears N. 36° 44'22" W. 43.33 feet); thence N. 82°58'45" W. 16.77 feet; thence following the arc of a 100.00 foot radius curve right 120.12 feet (chord bears N. 48° 34'09" W. 113.03 feet) to the Point of Beginning; and

Beginning at the South 1/4 corner of said Sec. 5; thence along the south line of said Section N. 89°50'27" W. 221.00 feet to the South right-of-way line of Silver Lake Boulevard; thence along said right-of-way N. 50°13'44" E. 283.50 feet to the easterly line of said SW 1/4 of Sec. 5; thence along said easterly line S. 00°58'34" E. 182.00 feet 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 likewise withdrawn from Rural Fire District No. 2, 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 May, 1982.
Read for the second time the 2nd day of June, 1982.
Placed upon its passage the 2nd day of June, 1982.
YES: 6 NO: 0
Submitted to and approved by the Mayor the 2nd day of June, 1982.

Phil A. Young
Mayor

ATTEST:

James M. Knight SL
Recorder-Treasurer

ORDINANCE NO. NS- 1357

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY CHANGING THE ZONING OF A PARCEL OF LAND FROM RM URBAN MEDIUM DENSITY RESIDENTIAL TO RH URBAN HIGH DENSITY RESIDENTIAL

WHEREAS, the City of Bend Planning Department reviewed an application for a request to rezone certain real property described as Lot 7, Block 1, Riverside Addition (Tax Lot 4101, 17-12-28 CC), City of Bend, Oregon, in accordance with Section 33 of City of Bend Zoning Ordinance NS-1178; and

WHEREAS, the rezoning request was from RM Urban Medium Density Residential to RH Urban High Density Residential; and

WHEREAS, a public hearing was held on Tuesday, April 13, 1982 before the City of Bend Hearings Officer in accordance with the City of Bend Procedural Resolution; and

WHEREAS, the Hearings Officer did approve and recommend to the City Commission that the request be approved. The findings marked as Exhibit "A" were incorporated into the Hearings Officer decision and recommendation along with the condition attached; and

WHEREAS, the City Commission did hear and adopt the decision and findings set forth by the Hearings Officer.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That the public health, safety, welfare, and convenience will be served by reclassifying the zone which is the subject of this ordinance for property described as Lot 7, Block 1, Riverside Addition, City of Bend, Oregon from RM Urban Medium Density Residential to RH Urban High Density Residential subject to the following conditions:

a. That the use of the structure shall be for professional offices.
b. That the applicant shall submit a detailed site plan for the use of the existing site as an office in conformance with Section 23 of Ordinance NS-1178.
c. That there will be no outward appearance as viewed from adjoining properties on the east and west sides and from Revere Street of a commercial/office use taking place at the site. There will be no remodeling of the structure as to promote the appearance of an office use. That the orientation (entry, parking, etc.) be on the south side adjacent to the 20 foot paved alley.
d. That any proposed signs be limited to one wall (building fascia) sign and that said sign shall not be more than nine square feet in size.
e. Said stipulations shall apply until such time that the City of Bend Planning Department determines in writing that the character of the neighborhood has evolved from primarily a single family residential area to a more intensive character.

Read for the first time the 2nd day of June, 1982

Read for the second time the 16th day of June, 1982

Placed upon its passage the 16th day of June, 1982

Submitted to and approved by the Mayor this 16th day of June , 1982.

Mayor

ATTEST:

Recorder-Treasurer

NS-1358 repealed by NS-1496, passed 7-19-89.

ORDINANCE NO. NS-1358

AN ORDINANCE REPEALING ORDINANCE NS-176 WHICH PROVIDED FOR THE ABATEMENT OF DANGEROUS BUILDINGS AND ADOPTING THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (1979 Edition).

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Bend Ordinance No. NS-176 is hereby repealed.

Section 2. The City of Bend does hereby adopt the 1979 edition of the Uniform Code for the Abatement of Dangerous Buildings as published by the International Conference of Building Officials.

Read for the first time the 2nd day of June, 1982.

Read for the second time the 16th day of June, 1982.

Placed upon its passage the 16th day of June, 1982.

YES: 5 NO: 0

Approved by the Mayor this 16th day of June, 1982.

ATTEST:

Mayor

Recorder-Treasurer

AMENDED BY ORD. # 1371 1377

Repealed by NS-1474

ORDINANCE NO. NS-1359

AN ORDINANCE PROVIDING FOR UNIFORM LAND USE ACTION PROCEDURES, REPEALING RESOLUTION NO. 1558, AND DECLARING AN EMERGENCY.

THE CITY COMMISSION DOES ORDAIN AS FOLLOWS:

Section 1. Introduction. This ordinance is enacted to provide a uniform procedure for administrative actions and hearings. This ordinance shall be known as the City of Bend Uniform Land Use Procedure Ordinance.

Section 2. Land Use Permit. The words Land Use Permit, as used in this ordinance mean any land use permit, other than a building, sign, sanitation, or utility connection permit.

Section 3. Administrative Actions. An application for a Land Use Permit, other than a Type I Subdivision, Planned Unit Development, Planned Community, Destination Resort, Comprehensive Plan Map Amendment, and Zone Change may be decided as an administrative action.

A. Such an applicaiton shall be made to the Planning Director who may act upon the application or refer the application to the Hearings Body for hearing.

B. Notice of the application shall be sent within ten (10) days of the receipt of the application to persons entitled notice as provided in Section 7.

C. Any person may comment in writing on the application within (10) days from the date notice was mailed.

D. The Planning Director's decision shall be made within twenty (20) days after the mailing of notice.

E. The applicant and all persons commenting as provided in this Section constitute parties to the administrative decision. Any party can appeal the decision in accordance with Section 22 of this ordinance. On appeal, a de novo hearing shall be held.

Section 4. Site Plan Review. If a Site and Design Review Committee reviews site plan applications, such review shall be in accordance with the procedures set forth in Section 3 of this ordinance.

Section 5. Filing of Staff Report for Hearing.

a. At the time an application requiring a hearing is filed, a hearings date shall be determined.

b. A staff report shall be completed fifteen (15) days prior to hearing.

c. A copy of the staff report shall be mailed to the applicant, made available to such other persons who request a copy, and shall be filed with the Hearings Body.

d. Oral or written modifications and additions to the staff report shall be allowed prior to or at the hearing.

Section 6. Hearings Body Order. The following shall serve as Hearings Body in this order:

A. Hearings Officer

B. Planning Commission

C. City Commission

Section 7. Notice of Hearing or Administrative Action.

A. Notice of an application for a Land Use Permit, other than a utility facility line, shall be mailed at least ten (10) days prior to the hearing for those matters set for hearing , or within ten (10) days after receipt of an application for administrative action. Written notice shall be sent by mail to the following persons:

1. The applicant.

2. All owners of property abutting the property which is the subject of the application. For the purpose of determining whether property abuts another property, intervening public and private ways and water courses shall not be considered.

3. All owners of property located within 250 feet of property which is the subject of a Plan Amendment application or Zone Change application.

B. Notice for all applications shall also be posted on the property and be visible from any adjacent public way, where practicable.

C. Notice for a utility facility line permit shall be by posting the proposed route at intervals of not less than one half mile. The notice shall be posted as close as practicable and be visible from any public way in the vicinity of the proposed route.

D. In addition to notice by mail or posting, notice of a hearing or administrative action shall be published in a newspaper in the City at least ten (10) days prior to the hearing or administrative action.

E. The failure of a property owner to receive mailed notice shall not invalidate any permit.

Section 8. Contents of Notice.

A. All notices shall provide reasonable notice of the hearing or administrative action, the nature of the applicant's request, and the right to comment in writing. If a hearing is to be held, the notice shall also inform interested persons of their right to appear at the hearing on the application.

B. All notices for hearings shall contain a statement that recipients may request a copy of the staff report.

Section 9. Burden of Proof. The burden of proof is upon the one seeking change.

Section 10. Nature of Evidence. All relevant evidence shall be received.

Section 11. Limitation on Oral Presentations. The Hearings Body may set reasonable time limits.

Section 12. Standing. Any person appearing on the record at the hearing or presenting written evidence in conjunction with an administrative action or hearing shall have standing and shall be a party.

Section 13. Record.

A. A magnetic tape record of the hearing shall be made.

B. All exhibits presented shall be marked to show the identity of the person offering the evidence.

C. Exhibits shall be numbered in the order presented, in two categories, Proponents and Opponents, and shall be dated.

D. When introduced, the Proponent or Opponent Exhibit number or letter shall be read into the record.

Section 14. Prohibition on Pre-Hearing Contracts. The Hearings Body, or any member thereof, shall not communicate directly or indirectly with any party or his representative in connection with any issue involved in a hearing except upon notice and opportunity for all parties to participate. Any pre-hearing contacts shall be disclosed prior to the hearing.

Section 15. Challenge for Bias, Prejudgment or Personal Interest.

A. Prior to or at the commencement of a hearing, any party may challenge the qualification of the Hearings Body, or a member thereof, for bias, prejudgment, or personal interest. The challenge shall be documented with specific reasons supported by facts.

B. Should qualifications be challenged, the Hearings Body or the member shall disqualify itself, withdraw, or make a statement on the record of its capacity to hear.

Section 16. Hearing Procedure.

A. A hearing shall be conducted in the following order:

1. The Hearings Body shall explain the purpose of the hearing and announce the order of proceedings, including reasonable time limits on presentations by parties.

2. A statement by the Hearings Body regarding pre-hearing contacts, bias, prejudice or personal interest shall be made.

3. Any facts received, noticed, or recognized outside of the hearing shall be stated into the record.

4. Challenges to the Hearings Body's qualifications to hear the matter shall be stated.

5. Order of presentation:

   (a) Staff report
   (b) Proponents' presentation
   (c) Opponents' presentation
   (d) Proponents' rebuttal
   (e) Opponents' rebuttal may be allowed at the discretion of the Hearings Body
   (f) Staff comment
   (g) Questions from or to the chair may be entertained at any time at the Hearings Body's discretion.

Section 17. Objections to Jurisdiction, Procedure, Notice, or Qualifications. Any objections not raised prior to or during the hearing are waived.

Section 18. Notice of Decision. The final decision shall be in writing and mailed to all parties; provided, however, one person may be designated by the Hearings Body to be the recipient of the decision for a group, organization,

group of petitioners, or similar collection of individuals constituting parties.

Section 19. Reapplication Limited. If a specific application is denied, no reapplication for substantially the same proposal may be made for six (6) months following the date of the final decision.

Section 20. Temporary Permit. The Planning Director or City Commission may authorize a Temporary Land Use Permit for a period not to exceed six (6) months, provided:

A. An application for the Land Use Permit has been submitted.

B. The applicant has demonstrated good and sufficient cause for such temporary permit.

C. It appears that the application will be approved in substantially the form submitted by applicant.

D. The applicant accepts each and every risk of loss and damage that may result if the application is denied, and further agrees to carry City, its officers, agents, and employees harmless from said loss and damage.

E. Applicant agrees to restore site to its original condition if the application for the Land Use Permit is denied.

Section 21. Review by Planning Commission and City Commission.

A. A review of an administrative action of a Hearings Body's decision may be initiated by not less than two members of the Planning Commission or the City Commission.

B. The review shall be initiated in writing within fifteen (15) days of the date of the making of the final written decision of the Planning Director or lower Hearings Body.

C. A review shall be conducted in the same manner provided for in appeals.

Section 22. Appeal

A. The decision shall be final unless a written notice of appeal is received within fifteen (15) days following the mailing of the final written notice.

B. The following persons may file an appeal:

1. A party

2. A person to whom notice was to be mailed in accordance with Section 7 of this ordinance, and to whom no notice was mailed.

3. A person to whom notice is mailed is deemed notified, even if notice is not received.

Section 23. Notice of Appeal. Every notice of appeal shall contain:

A. The specific grounds relied upon for appeal.

B. If a hearing was held, a transcription of the magnetic tape record.

C. Failure to submit the transcription of the magnetic tape record shall render a notice of appeal insufficient, except that the said transcript may be submitted within ten days after the date notice of appeal is filed.

Section 24. Hearing on appeal.

A. All parties shall be mailed notice of the hearing on appeal at least ten (10) days prior to the hearing.

B. The review on appeal shall be de novo, and shall be heard as provided in Sections 9 through 17 of this ordinance, except that redundant evidence shall not be allowed.

C. The order of the Hearings Body shall be as provided in Section 6 of this ordinance.

D. The record of the proceeding from which appeal is taken shall be a part of the record on appeal.

Section 25. Rehearing. Rehearings shall not be allowed.

Section 26. Duration of Permit. All Land Use Permits shall be valid for a period of one year after the date of approval. unless a longer duration is granted as part of the approval. The date of the approval is the date the final written decision is mailed to the parties.

Section 27. Extension

A. Any land use permit may be extended, prior to expiration, by the Planning Director for periods of three months up to an aggregate period of one year. Such extension shall be administrative, without notice, and in writing.

B. No permit may be extended unless significant progress occurred during the duration of the permit or extension. If the permit is conditional, significant progress means, with respect to the conditions, that some action must have commenced or occurred with respect to each condition.

C. Any expired Land Use Permit dated prior to July 1, 1981, and which expired on or prior to the date of this ordinance, may be extended by the Planning Director in accordance with the procedure set forth in Section 27(1) of this ordinance, for a period of three months at any time within two years after the date of the expiration of the permit, provided there have been no changes in the Comprehensive Plan or other applicable ordinances which, if applied to the permit, would change the result or character of the Land Use Permit, if the expiration of the permit was due to excusable neglect, mistake, or other special circumstances.

Section 28. Liabilities. The repeal of any Ordinance or part thereof, by this ordinance shall not release or extinguish any penalty, forfeiture, nuisance, obligation or liability incurred under such ordinance, unless a provision of this ordinance shall so expressly provide, and such ordinances repealed shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, nuisance, obligation or liability.

Section 29. Repeal. Resolution No. 1558 is hereby repealed.

Section 30. Emergency. This ordinance being necessary for the immediate preservation of public peace, health, and safety, an emergency is declared to exist, and this ordinance takes effect on its passage.

Read for the first time the 7th day of July, 1982.

Read for the second time the 21st day of July, 1982.

Placed upon its passage the 21st day of July, 1982

YES: 7 NO: 0

ATTEST:

Mayor

Recorder-Treasurer

EXHIBIT "A" REPLACED BY
RES. NO. 1679
RES. NO. 1764

ORDINANCE NO. NS-1360

AN ORDINANCE AMENDING THE CITY OF BEND SUBIDVISION ORDINANCE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Ordinance No. NS-1349 be changed in the following respects. New material added is underlined and material to be deleted is in brackets.

Section 1. Section 3.035 is amended to read:

Section 3.035 Approval of a Master Development Plan. The Hearings Body shall review a master development plan at the same time the tentative plan for the first phase is reviewed. A master plan may be approved before the tentative plan for the first phase is submitted. The Hearings Body may approve, modify, or disapprove the master plan and shall set forth findings for such decision. The Hearings Body may also attach conditions necessary to bring the plan into compliance with all applicable land use ordinances and policies. Any tentative plan submitted for the plan area shall conform to the master plan unless approved otherwise by the City.

Section 2. Section 4.050, subsection 2 is deleted.

Section 3. Section 6.015, subsection 14 is amended to read as follows:

14. Sidewalks. Sidewalks are required to be installed on both sides of a public street and in any special pedestrian way within the subdivision except that in the case of collectors, arterials, [or] cul-de-sacs, industrial districts, or in steep terrain, the Hearings Body may approve a subdivision without sidewalks, or a sidewalk on one side only [if alternative pedestrian routes are available], and the Hearings Body shall consider alternate pedestrian routes if practical. In the case of streets serving residential areas having single family dwellings located on lots equivalent to one dwelling per two and one-half acres, the requirement of sidewalks shall not apply, provided there is no evidence of regular pedestrian activity along the streets involved. Sidewalks may be required along routes to existing or future school and park sites.

Section 4. Section 6.025 is amended by adding the following new subsection:

3. In steep terrain, increased lot sizes may be required to avoid excessive cuts, fills, and steep driveways.

Section 5. Article IX, Administrative Provisions is amended by adding the following Section 9.040:

Section 9.040: Variances.

1. Upon application, the Hearings Body may authorize variances from the standards of this ordinance if, because of special and unusual circumstances relating to the subject property, the literal application of the standards imposed by this ordinance would cause undue hardship. To show that any undue hardship exists, the applicant must establish:

   A. That special conditions exist which are peculiar to the subject property which make conformance to the standards of this ordinance impractical and/or prohibitively expensive.

   B. That the variance is the minimal deviance from the standards of this ordinance needed to accomplish the objective.

   C. That the varied standard(s) will conform to the purpose and objectives of the Bend Area General Plan and of this ordinance and will have no adverse impact on surrounding properties or on the provision of general urban services in the area.

2. The hearings Body may attach such conditions to any variance granted that will insure the variance meets the objectives of the Bend Area General Plan and of this ordinance and does not have an adverse impact on surrounding properties or on the provision of general urban services in the area.

Section 6. Section 9.030 Exceptions is hereby repealed.

Section 8. Appendix "A" which is attached hereto and incorporated by reference shall replace the existing Appendix "A" for the City of Bend Subdivision Ordinance.

Read for the first time the 7th day of July, 1982.

Read for the second time the 21st day of July, 1982.

Placed upon its passage the 21st day of July, 1982.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 21st day of July, 1982.

ATTEST:

Mayor

Recorder-Treasurer

APPENDIX "A"

CITY OF BEND

Minimum Street Right-of-Way and Basic Improvement Standards

Type of Street	Right of Way Width	Paving Width Curb to Curb	Paving Section	Curbs	Curb Return	Max. % of Grade	Min. Radius of Curvature	Signs	Sidewalks
Arterial	80'	48'	(1)(3)	12" OSHD Type C	25'-50'	6%(5)	400	(6)	Location and width to be determined. Minimum property line 1', curb line 5'.
Collector	60'	36'-48'	3" AC(3) 6" Base	12"	25'	6%(5)	300	(6)	
Local	60'(4)	36'	2" AC 4" Base	12"	25'	8%(5)	150	(6)	
Cul-de-sac	60'(2)	36'	2" AC 4" Base	12"	25'	10%(5)	150	(6)	
Alley	20'		2" AC 4" Base	None	--	12%(5)	100	(6)	

(1) Paving section to be engineered.

(2) Right of way may be reduced to 50' for cul-de-sac less than 200 feet in length to the turnaround. The cul-de-sac bulb shall be a minimum of 50' radius with a 40' paving section. The maximum length of a cul-de-sac shall be 600'.

(3) Cinders not acceptable base.

(4) Width may be increased when bicycle paths are needed.

(5) Increases in grade by 2% may be granted in unusually steep areas.
The Subdivision Committee or Hearings Body may approve narrower local streets when terrain or other factors warrant, and approve sidewalks on one side of a street in steep terrain.

(6) One street sign shall be provided at each intersection for each street.

NOTE: Construction specifications may be obtained from City Engineer.

44 AMENDED BY ORD. # 1365 - 1370 - 1384, 1449, 1398
1400, 1417 - 1423, 1424, 1429, 1436, 1493
NS-1513, NS-1546

ORDINANCE NO. NS-1361

AN ORDINANCE ADOPTING CHAPTERS FIVE (PUBLIC PROTECTION) AND SIX (TRAFFIC) OF THE CITY OF BEND CODE AND REPEALING CERTAIN ORDINANCES.

THE CITY OF BEND DOES ORDAIN as follows:

Section one. Adoption of Chapters. The City of Bend hereby adopts chapters five and six of the City of Bend Code which are attached hereto and incorporated by reference.

Section Two. Repealer. The following ordinances are hereby repealed:

NS-744 as amended
NS-1081 as amended
NS-1125
NS-1279 as amended
NS-1326 as amended
NS-455 as amended
NS-469 as amended
NS-728 as amended
NS-797

Section Three. Savings Clause. This ordinance shall not affect:

1. Any offense or act committed or done, any penalty of forfeiture incurred;

2. Any prosecution, suit or proceeding pending at the time this ordinance becomes effective;

3. Any judgment rendered prior to the time this ordinance becomes effective.

Read for the first time the 21st day of July, 1982

Read for the second time the 4th day of August, 1982

Placed upon its passage this 4th day of August, 1982

YES: 7 NO: 0

Submitted to and approved by the Mayor this 4th day of August, 1982

ATTEST:

Phil A. Young
Mayor

James W. Kerfoot
Recorder-Treasurer

AMENDED BY ORD. # 1384 NS-1492 (section 6.350 repealed) NS-1493 (5 sections 6.090, 6.095, 6.100, 6.105, 6.110 repealed)

BEND CODE

CHAPTER V: PUBLIC PROTECTION

CRIMINAL CODE

GENERAL PROVISIONS

5.000 Title. Sections 5.005 to 5.050 shall be referred to as "The City of Bend Criminal Code".

5.005 Application of the Oregon Criminal Procedures and Penalties. Provisions of the Oregon Criminal Code of 1971, as they now exist, relating to defenses, burden of proof, general principles of criminal liability, parties, general principles of justification, classification of offenses and penalties apply to offenses defined and made punishable by the City of Bend Criminal Code.

5.010 Definitions. Except where the context clearly indicates a different meaning, the definitions appearing in the definitional and other sections of particular chapters of the Oregon Criminal Code, as they now exist, are applicable to sections 5.020 to 5.050.

OFFENSES

5.020 Application of the Oregon Criminal Code. Violations of the Oregon Criminal Code for misdemeanors, violations set forth in ORS Chapters 162, 163, 164, 166 and 167 and those provisions relating to controlled substances in ORS Chapter 475 and alcohol in ORS 471 and 472 are offenses against the City of Bend.

5.025 Discharge of Weapons.

(1) No person other than an authorized peace officer shall fire or discharge any gun or other weapon, including spring or air-actuated pellet guns, or a weapon which propels a projectile by use of a bow or sling, explosives, or jet or rocket propulsion.

(2) The provisions of this section shall not be construed to prohibit firing or discharging any weapon by any person in the lawful defense or protection of his property, person or family or at any duly licensed firing range.

(3) A violation of this section is punishable as a Class A misdemeanor.

5.030 Unlawful Assembly.

(1) At an assembly of three or more persons, when there is reasonable cause to believe that a disturbance of the peace or a danger to public safety is imminent if the assembly continues, a peace officer may order persons present at the assembly to abandon any weapons or to disperse, if he finds that two or more persons present:

(a) Are threatening bodily harm to another or damage to property, with immediate power to carry out that threat, or
(b) Have committed an unlawful act of violence during the course of the assembly.

(2) It is unlawful for any person present at the scene of an assembly of three or more persons to disobey an order of a peace officer authorized by this section.

(3) A violation of this section is punishable as a Class C misdemeanor.

5.035 False Certification.

(1) No person shall, in connection with the issuance of a civil infraction citation, or filing of a complaint as defined in the City of Bend Civil Infraction procedure, knowingly certify falsely to the matters set forth in the citation or complaint.

(2) A violation of this section is punishable as a Class B misdemeanor.

5.040 Gambling.

(1) Social games shall be permitted only in private homes and charitable organizations when no house player, house banker or house odds exist and where there is no house income from the operation of the social games, provided such charitable organizations have first obtained a social game gambling license approved by the City Commission.

(2) License Fees. The annual fee for a social game gambling license for premises, containing one to four tables is $150, and $75 for each additional table. The license fee shall be paid January 1st of each year. Religious organizations are exempt from this fee.

(3) Application for License. Applications for licenses shall be made on 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 shall 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 game.
(e) Such other information as the city finds reasonably necessary to effectuate the general purpose of this section and to make a fair determination of whether the terms have been complied with.

(4) Investigation of Applicants. On the filing of an application for a social game gambling license, the Chief of Police shall investigate and determine if the applicant has ever been convicted of any felony or misdemeanor involving moral turpitude. On completion of the investigation, the Chief of Police shall report his findings to the City

Commission, which shall then act on the application at a regular or special meeting of the City Commission. Licenses under this section shall be granted only to persons who have not been convicted of a felony or a misdemeanor involving moral turpitude and on approval of the City Commission.

(5) Conditions of Licensing.

(a) Transferability. Licenses shall not be transferable and any attempt to transfer the license shall work a forfeiture of the license.
(b) Revocation and Suspension. Licenses shall be subject to revocation or suspension by the City Commission for good cause shown.
(c) Term. The term of a license shall be one year from its effective date.
(d) Renewal. No renewal of a license 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 on police request.

(6) A violation of the provisions of this section is punishable as a Class B misdemeanor.

5.045 Failure to Appear in the Third Degree. (1) A person commits the crime of Failure to Appear in the Third Degree if he intentionally fails to appear at a scheduled court appearance subsequent to the date of arraignment if the defendant has been given prior notice that his appearance is required.

(2) For the purposes of this section, notice of a scheduled court appearance is deemed given if the notice is mailed to the last known address of the defendant or if the defendant has been given actual notice of the scheduled proceeding.

(3) A violation of this section is a Class B misdemeanor.

(4) In addition to and not in lieu of the penalty imposed in subsection (3), the court may issue a warrant of arrest upon the person's failure to appear.

Section 5.050 Watershed Protection Area

1. Definitions

(a) "Pollution" means such alteration of the physical, chemical or biological properties of any waters of the Bridge Creek water source, including change in temperature, taste, color, turbidity, silt or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into such waters, which will or tends to, either by itself or in connection with any other substance, create a public nuisance or which will or tends to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational or other ligitimate beneficial uses or to livestock, wildlife, fish or other aquatic life or the habitat thereof.

(b) "Wastes" means sewage, industrial wastes, and all other liquid, gaseous, solid, radioactive or other substances which will cause or tend to cause pollution of such waters.

2. Pollution

(a) It shall be unlawful for any person, firm or corporation to impair the purity of the City's Bridge Creek water source by:

(1) Causing pollution or causing any waste to be placed in a location where such wastes are likely to escape or be carried into the waters of Bridge Creek or the City's distribution system for these waters, or
(2) Discharging any wastes into the Bridge Creek waters or the City's distribution system for these waters if the discharge reduces the quality of such water below the water quality standards established by applicable law, rule or regulation.

(b) It shall be unlawful for any person, firm or corporation to engage in any activity on the City's Bridge Creek watershed that will or may tend to cause pollution to the waters of Bridge Creek within the watershed.

(c) The City's Bridge Creek watershed is described on the official watershed map which is on file at City Hall.

Violation of this section is a Class A misdemeanor. Each day within any continued violation shall constitute a separate offense.

Any violation of this section shall also constitute a public nuisance and may be abated as provided by law.

5.055 Deschutes River: Waterfowl Protection.

(1) Except as authorized by the Bend Metropolitan Parks & Recreation District, it shall be unlawful for any person to kill, take, injure or molest any waterfowl or waterfowl nests along the banks of the Deschutes River within the city limits of Bend.

(2) A violation of this section is a Class C misdemeanor.

5.100 Civil Infraction Procedure. Enforcement of sections 5.110 to 5.390 shall be in accordance with the Bend Civil Infraction Procedure.

GENERAL INFRACTIONS

5.110 Children Confined in Vehicles.

(1) No person, who has under his control or guidance a minor child, under eight years of age, shall at any time lock or confine, or permit to be locked or confined, or leave such child unattended in an automobile, coach, bus or other vehicle or place on the streets, alleys, roadways or premises open to the public for a period of time longer than 10 minutes. It is lawful and the duty of a policeman or other peace officer, finding a child confined a violation of the terms of this section, to enter the automobile, coach, bus or other vehicle and remove the child. The officer may, if necessary, break the doors or windows of the vehicle in order to save the life of the child or to save the child from great mental or physical suffering.

(2) A violation of this section is a Class A Civil Infraction.

5.120 Obstructing Public Ways.

(1) No unauthorized person shall obstruct, cause to be obstructed, assist in obstructing or interfere with a public way, including streets, alleys and sidewalks, by depositing or storing personal property or other material on public ways or by any other manner obstructing or interfering with public ways.

(2) This section shall not apply to the delivery of merchandise or equipment provided delivery is accomplished within a reasonable time.

(3) An authorized obstruction of a public way between sunset and sunrise shall be illuminated by warning lights clearly visible 200 feet in all directions.

(4) No person shall use a public way for display or sale of goods except as authorized by the City.

(5) No unauthorized person shall deposit garbage, earth, debris or rubbish of any kind on a public way in the Deschutes River or any irrigation canals within the city.

(6) A violation of this section is a Class B Civil Infraction.

5.125 Sidewalks.

(1) No person shall leave open a cellar door or a grating of any kind located in or on a sidewalk except when the door or grating is necessarily open during its immediate use. When being used, the opening shall be properly guarded and protected.

(2) Except in an authorized parade, no person shall lead, ride, tie, or fasten a goat, horse, cow, sheep, swine or similar animal in such a manner as to permit it to remain on or go along a parking strip, sidewalk area, or public pathway.

(3) No person shall ride, drive or operate on a public sidewalk a motor vehicle within the city. However, this section shall not apply to baby carriages or perambulators on a sidewalk.

(4) A violation of this section is a Class C Civil Infraction.

5.130 Public Urination or Defecation.

(1) No person shall urinate or defecate in public by exposing his or her genitals in view of others except in urinals and washrooms provided for that purpose.

(2) A violation of this section is a Class B Civil Infraction.

5.135 Curfew for Minors.

(1) No minor under the age of 18 years shall be in or on a street, highway, park, alley, or other public place between the hours of 10:00 p.m. and 4:00 a.m. of the following morning if the following morning is that of a school day in the Bend public school system, and between the hours of 12:00 a.m. and 4 a.m. on other days.

(2) No parent, guardian, or person having the care and custody of a minor under the age of 18 years shall allow the minor to be in or on any street, highway, park, alley or other public place in violation of subsection (1).

(3) Enforcement. Peace officers and other law enforcement officers may take or send the minor to the minor's residence and notify the parents, guardian or person having care and custody of the minor concerning the violation.

(4) Exceptions. This section shall not apply:

(a) If the minor is accompanied by a parent or legal guardian or other person 21 years of age or older and authorized by the parent or by law to have care and custody of the minor;

(b) If the minor is engaged in a lawful pursuit or activity which requires his presence in public places during the hours specified in this section;

(c) To minors in motor vehicles engaged in direct interstate or interstate travel.

(5) A violation of this section is a Class B Civil Infraction.

AIRPORT

5.145 Airport Entry.

(1) No unauthorized person shall enter or be on a ramp, apron, runway, pad, taxiway, hangar, building or other improved area comprising the Bend Municipal Airport.

(2) The City Manager, airport manager, the city commission or its designee, or a lessee or the lessee's agent may authorize persons to be upon the above mentioned premises for proper business only.

5.150 Regulations. Any person using the Bend Municipal Airport and its facilities shall do so in compliance with the City's Airport Regulations. For the purpose of this section, "Airport Regulations" includes any lawful order of the Bend Airport Manager or designee implementing a duly adopted regulation.

5.155 Violation. A violation of sections 5.145 or 5.150 is a Class B Civil Infraction.

ALCOHOLIC LIQUOR

5.165 Definitions. For purposes of sections 5.170 to 5.245, the following words and phrases mean:

Alcoholic Liquor. Alcoholic beverages containing more than one-half of 1 percent alcohol by volume and every liquid or solid, patented or not, containing alcohol and consumed by a human being.

Commission. The Oregon Liquor Control Commission.

Licensee. A person who has an alcoholic liquor license from the commission authorizing such person to sell or dispense alcoholic liquor.

Licensed premises. The room or enclosure at the address for which a license has been issued by the commission for serving, mixing, handling or selling alcoholic liquor.

Liquor Control Act. The state law designated by ORS 471.027, and the Oregon Distilled Liquor Control Act as defined by ORS 472.020.

Minor. A person under the age of 21.

Other responsible relative:

(1) An adult who is the spouse of a minor.

(2) An adult, related to a minor, who has taken over the parental duty of governing the minor's action.

(3) A duly appointed, qualified and acting guardian who has taken over the parental duties of governing a minor's action.

Sell. To solicit or receive an order; keep or expose for sale; deliver for value or in any way other than purely gratuitously, peddle; keep with intent to sell; traffic in; or procure or allow to be procurred for any consideration promised or obtained directly or indirectly, or under any pretext or by any means.

5.170 Drinking on Unlicensed Premises.

(1) The following definitions shall apply to this section:

(a) Public Place. Those places defined as public by ORS 161.015(d).
(b) Premises open to the public. Those premises which are open to the general public, whether privately or publicly owned, irrespective of whether or not the premises are actually open at the time.

(2) Except in public parks or on land owned and operated by the Bend Metropolitan Park and Recreation District, no person shall drink, or be in possession of an open container of alcoholic beverages in a public place or premises open to the public unless the place or premise has been licensed by the Oregon Liquor Control Commission to sell intoxicating liquor for consumption or on premises for which a permit has been issued by the City.

(3) A violation of this section is a Class B Civil Infraction.

5.180 Intoxicated Person.

(1) A person who is intoxicated in a public place may be taken or sent to his home or to a treatment facility by the police. However, if the intoxicated person is incapacitated, the person's health appears to be in immediate danger, or the police have reasonable cause to believe the person is dangerous to himself or herself or to any other person, the person shall be taken by the police to an ppropriate treatment facility. A person shall be considered incapacitated when unable to make a rational deceision as to the acceptance of assistance.

(2) No person shall be in a public park while being under the influence of intoxicants. Any person who is under the influence may be required to leave the park. If the person fails to leave, the police may follow the provisions set forth in subsection one.

(3) The director of the treatment facility shall determine whether a person shall be admitted as a patient, referred to another treatment facility, or denied referral or admission. If the person is incapacitated or the person's health appears to be in immediate danger, or if the director has reasonable cause to believe the person is dangerous to himself or herself or to any other person, the person must be admitted.

(4) In the absence of a treatment facility or if refused entry into a treatment facility, an intoxicated person who would otherwise be taken by police to a treatment facility may be taken to the city jail and held until the person is no longer intoxicated or incapacitated.

(5) A person shall be discharged unless the person has applied for voluntary admission to the treatment facility within 48 hours.

(6) An intoxicated person taken into custody by the police for a violation of a city ordinance or code provisions shall immediately be taken to an available treatment facility, if any, when the conditions of intoxication requires emergency medical treatment.

(7) The records of a patient at a treatment facility shall be confidential and shall not be disclosed without the consent of the patient. A patient's request that no disclosure be made of his admission to a treatment facility shall be honored unless the patient is incapacitated or disclosure of admission is otherwise required by law.

(8) No peace officer, treatment facility and staff, physician or judge shall be held criminally or civilly liable for actions pursuant to this section if the act was in good faith, with probable cause and without malice.

(9) A violation of subsection two is a class B Civil Infraction.

5.185 Persons Not Allowed to Drink Alchoholic Liquor on Licensed Premises.

(1) No person shall allow a person who is visibly intoxicated to drink or consume any alchoholic liquor on any licensed premises.

(2) A violation of this section is a Class A Civil Infraction.

5.200 Minors.

(1) Employment in certain places. A person who operates a cardroom, poolroom, billiard room or shooting gallery where intoxicating liquor is consumed shall not allow a minor in or about the premises.

(2) A violation of this section is a Class B Civil Infraction.

5.205 Minors on Premises.

(1) Except as authorized by the City Commission or as necessitated by an emergency, no person under the age of 21 years shall enter or attempt to enter any portion of a licensed premise that is posted or otherwise identified as being prohibited to the use of minors.

(2) A violation of this scetion is a Class C Civil Infraction.

5.210 Minors on Licensed Premises.

(1) The provisions of sections 5.200 and 5.205 shall not be construed to prohibit:

(a) A minor from entering licensed premises for the transaction of business pursuant to the minor's duties in the regular course of lawful employment.
(b) A minor spouse from entering and remaining on licensed premises when the minor's in the immediate company of a spouse who is 21 years of age or older.

(2) This section shall not be construed to authorize a minor spouse to consume alcoholic liquor on licensed premises.

5.215 Delivering or Selling Liquor by Minor.

(1) Except as provided in subsection (3), no minor shall sell, offer to sell or deliver alcoholic liquor either for himself or herself or as agent or employe of another.

(2) Except as provided in subsection (3), no employer shall employ, hire or engage a minor to sell, offer for sale or deliver alcoholic liquor.

(3) An employe, 18 years of age or older, of a person who holds a package store license from the commission may sell alcoholic liquor authorized by the license on the licensed premises.

(4) A violation of this section is a Class C Civil Infraction.

5.220 Consumption by Licensee.

(1) No licensee or licensee's employe shall consume alcoholic liquor upon the premises where employed or to be under the influence of alcoholic liquor while on duty.

(2) A violation of this section is a Class A Civil Infraction.

5.225 Bringing Alcoholic Liquor Upon Licensed Premises.

(1) No licensee or agent or employe of a licensee, shall keep or knowingly permit to be kept,

brought or consumed on the licensed premises alcoholic liquor not allowed to be sold or served upon the premises.

(2) A violation of this section is a Class C Civil Infraction.

5.235 Lawful Hours of Sale.

(1) No package store licensee shall sell, dispense, deliver or permit the removal of alcoholic liquor from the licensed premises between the hours of 2:30 a.m. and 7:00 a.m.

(2) No retail malt, beverage, restaurant or dispenser licensee shall sell, dispense, deliver or allow the consumption of alcoholic liquor on licensed premises or permit the removal of alcoholic liquor from licensed premises between the hours of 2:30 a.m. and 7:00 a.m.

(3) A violation of this section is a Class B Civil Infraction.

5.240 Statement of Age as Defense. If a written statement of age and the information pertaining to the evidence which was exhibited to the permittee or licensee at the time the statement was made that is entered in writing on the statement, are offered as evidence in any administrative or criminal prosecution for sale or service of alcoholic liquor to a person not having reached 21 years of age, the permittee or licensee shall be found to have committed no crime or other wrong unless it is demonstrated that a reasonable person would have determined that the identification exhibited was altered or did not accurately describe the person to whom the alcoholic liquor was sold or served.

5.245 Minor in Possession.

(1) No person under the age of 21 years shall attempt to purchase or acquire alcoholic liquor. Except when the minor is in a private residence accompanied by a parent or legal guardian of the minor and with the parent's or guardian's consent, no person under the age of 21 years shall have personal possession of alcoholic liquor.

(2) For the purpose of this section, personal possession of alcoholic liquor includes the acceptance or consumption of such liquor. However, this section does not prohibit the acceptance or consumption by any person of sacramental wine as part of a religious rite or service.

(3) A violation of this section is a Class B Civil Infraction.

ANIMALS

5.250 Definitions. As used in sections 5.250 to 5.290:

(1) "Owner" means a person, firm, association or corporation owning, in possession or in temporary control of a dog or an animal listed in section 5.265(1).

(2) "At Large" means off the premises of the owner while the dog or animal is not under the complete control of the owner by adequate leash or bridle. However, a dog in a duly recognized obedience school on field training exercise and under the direct supervision of a handler or a dog within a vehicle shall not be considered to be "at large" as defined in this section.

5.252 Dog at Large.

(1) No owner shall permit the owner's dog to run at large. The owner is responsible for a dog at large.

(2) A violation of this section is a Class B Civil Infraction.

5.255 Dog Licensing.

(1) Every dog within the city that has a set of permanent canine teeth shall be licensed. The license tag shall be attached to a collar worn by the dog.

(2) A person owning or controlling a dog within the city shall license the dog not later than 30 days after the person becomes the owner or in control of the dog.

(3) Licenses shall not be required for dogs owned by dealers, breeders or exhibitors if the 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. Licenses are not required for dogs used by blind persons.

(4) A violation of this section is a Class C Civil Infraction.

5.260 Dog Waste.

(1) It shall be unlawful for an owner 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 the owner removes the solid waste deposited by his dog or any property other than his own.

(2) A violation of this section is a Class C Civil Infraction.

5.265 Animals at Large.

(1) No owner having the care or control of horses, cattle, sheep, goats or like animals shall permit such animals to run at large.

(2) A violation of this section is a Class B Civil Infraction.

5.270 Animal Nuisances. A dog or other animal is a nuisance if it:

(1) Runs at large.

(2) Howls or barks and thereby disturbs more than one household or barks continuously for more than fifteen minutes.

(3) Bites a person.

(4) Shows a propensity to bite persons.

(5) Habitually chases vehicles or persons.

(6) Damages property belonging to another.

(7) Injures or kills an animal or fowl belonging to a person other than the owner of the dog or animal.

(8) The owner of an animal committing any of the acts set forth in this section is subject to a civil infraction citation. A violation is a Class B Civil Infraction.

5.275 Impound.

(1) An animal that is a nuisance as described in section 5.270 or is unlicensed as required by law may be impounded.

(2) An animal impounded because of a violation of this code or any other ordinances or law shall be handled as in accordance with the administrative regulations of the Deschutes Humane Society.

5.280 Seizing Certain Dogs. A dog found biting a person or which has bitten a person may be summarily seized by any person and promptly delivered to a member of the Bend Police Department.

5.285 Rabid Dogs.

(1) To safeguard the public from the dangers of rabies, the mayor shall, when necessary, issue a proclamation ordering every person owning or keeping a dog to confine it securely on the person's premises unless the dog has a muzzle of sufficient strength to prevent its biting a person. An unmuzzled dog running at large during the time of proclamation shall be seized and impounded, unless noticeably infected with rabies. All dogs noticeably infected with rabies and displaying vicious propensities may be killed by the city without notice to the owner.

(2) If a dog is believed to have rabies or has been bitten by a dog suspected of having rabies, the dog shall be confined by a leash or chain on the owner's premises and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two weeks. The owner shall notify the poundmaster of the fact that his dog has been exposed to rabies, and the poundmaster may have the dog removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner.

(3) No person, knowing or suspecting a dog has rabies, shall allow the dog to be taken off the person's premises or beyond the city limits without written permission of the poundmaster. An owner, or other person, on ascertaining a dog is rabid, shall immediately notify the poundmaster or a policeman, who shall remove the dog to the pound or summarily destroy it.

(4) A violation of this section is a Class A Civil Infraction.

5.290 Vehicles Injuring Animals.

(1) A person operating a vehicle who runs over, strikes, injures, maims or kills a domestic animal shall immediately stop and aid the animal if the animal in injured, or provide for the disposition of the carcass if the animal is killed. In either case, such person shall diligently inquire to determine the owner of the animal. If the owner is found, the person shall notify the owner of the occurrence and, if the owner is not found, he/she shall report it to the Police Chief or his assistant.

(2) A violation of this section is a Class B Civil Infraction.

FIRE REGULATIONS

5.295 Open Burning.

(1) No person shall burn waste or other material except in accordance with all applicable regulations.

(2) A violation of this section is a Class B Civil Infraction.

5.300 Fire Control: Water Regulations.

(1) If in the opinion of the Fire Chief or designee, it is necessary for fire fighting purposes to require temporary termination for outdoor water usage, the city may order such use temporarily prohibited.

(2) A violation of this section shall be a Class A Civil Infraction.

5.305 Fireworks.

(1) Article 78 of the Uniform Fire Code (1979 edition) and ORS 480.110, 480,120, 480.130, 480.140(1), 480.150 and 480.170 are hereby incorporated by reference and made a part of the Bend Code, and shall apply to the use of fireworks within the City.

(2) No fireworks shall be used in the City of Bend except as authorized by the City.

(3) A violation of this section is a Class C Civil Infraction.

DESCHUTES RIVER

5.310 Boating, Fishing, Swimming and Ice Skating.

(1) No unauthorized person shall operate a motor propelled boat on the Deschutes River within the limits of the City of Bend; or operate any boat, whether propelled or not, within 100 feet of the islands located immediately below the Tumalo Bridge in the Deschutes River. This prohibition against boating shall not apply to boats coming to or going from abutting properties provided these boats do not unnecessarily disturb wild life.

(2) No person shall fish or dive from any bridge across the Deschutes River nor swim or wade in or ice skate on the Deschutes River.

(3) No person shall place, leave or abandon a duck or goose along the banks of the Deschutes River or in any park along the Deschute River.

(4) A violation of this section is a Class B Civil Infraction.

PARKS

5.315 Definitions. For purposes of section 5.320, the following mean:

(1) Public parks. All property owned or controlled by the City or by the Bend Metropolitan Park & Recreation District and operated for the public's recreational use.

(2) City property. Other real property owned or controlled by the city either within or without the city limits; excluding maintained city streets.

(3) Person. A person, firm or corporation, not including city or Bend Metropolitan Park & Recreation District personnel or those acting with the authority or permission of the commission or the Bend Metropolitan Park & Recreation District.

5.320 Violations.

(1) Persons using public parks and other city property shall obey the following rules and regulations:

(a) No person shall cut, remove or damage flowers, trees or trails.
(b) No person shall build a fire except in a stove or fireplace provided. Fires shall not be left unattended and every fire must be extinguished before its user leaves the park. Portable gas, gasoline, charcoal and oil camp stoves may be used in the parks only if in safe operating condition and only if operated in a safe manner.
(c) No person shall camp except in areas designed for camping or in connection with activities authorized by the commission.
(d) No person shall damage or injure a building, installation, equipment or other property in public parks.
(e) No person shall sell merchandise or services, or operate a concession in public parks without permission of the commission.
(f) No person shall litter in the parks. Garbage and refuse shall be deposited in proper receptacles provided for this purpose. Garbage and refuse shall not be brought to parks.
(g) No person shall operate or park a motor vehicle with a gross weight exceeding five tons in a public park, except buses carrying passengers to the park.

(h) No person shall operate or park a motor vehicle except on roads or designated parking areas.

(i) Except as authorized by the City or Park District, no person shall ride or lead a horse in a public park except on a designated bridle path. Horses or other animals shall not be tied to a tree or shrub in such a manner as to cause damage to the tree or shrub.

(j) No person shall use golf clubs, archery equipment, discus, javelin, shot put or model aircraft in parks except as permitted by the City or Park District.

(k) Except as authorized by the Oregon State Fish and Game Commission or Park District, no person shall hunt, pursue, trap, kill, injure or disturb the habitat of a bird or animal.

(l) Except those persons authorized to carry firearms under ORS 166.260, no person shall possess a loaded firearm in the park.

(m) No person shall dig up, deface or remove dirt, stones, rock or other substances nor make any excavation.

(n) No person shall erect signs, markers or instructions without city permission.

(o) No person shall wash clothing or materials or clean fish in streams, springs, pools or wells.

(p) Except as authorized by the City Commission, no person shall use any device that amplifies sound nor play a radio, tape recorder or record player in public parks or in vehicles parked on streets adjacent to public parks if the sound can be heard outside the vehicle. This regulation shall not apply to Vince Genna Stadium.

(2) A violation of this section is a Class B Civil Infraction.

NUISANCES

5.325 Definitions. For the purposes of sections 5.330 to 5.425, the following mean:

Person in charge of property. An agent, occupant, lessee, tenant, contract purchaser, or other person having possession or control of property or supervision of any construction project.

Person responsible. The person responsible for abating a nuisance shall include:

(1) The owner.

(2) The person in charge of property as defined above.

(3) The person who caused a nuisance to come into or continue in existence.

5.330 Nuisances Affecting the Public Health. No person shall cause or permit, on property owned or controlled by him, a nuisance affecting the public health. The following are nuisances affecting the public health and may be abated as provided in sections 5.400 to 5.425.

(1) An open vault or privy constructed and maintained within the city, except those constructed or maintained in connection with construction projects in accordance with the State Health Division regulations.

(2) An accumulation of debris, rubbish, manure and other refuse that is not removed within a reasonable time and that affects the health or liveability of adjacent residents.

(3) Stagnant water that affords a breeding place for mosquitoes and other insect pests.

(4) Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial wastes or other substances placed in or near the water in a manner that will cause harmful material to pollute the water.

(5) Decayed or unwholesome food that is offered for human consumption.

(6) Maintaining premises or keeping animals in such a state or condition as to cause an offensive odor, or that are in an unsanitary condition.

(7) Drainage of liquid wastes from private premises.

(8) Cesspools or septic tanks that are in an unsanitary condition or that cause an offensive odor.

(9) An abandoned icebox or refrigerator with an airtight door. The city may remove any such icebox or refrigerator immediately.

(10) The presence in the outdoor atmosphere of one or more air contaminants in quantities, of characteristics and of a duration that are injurious to human, plant or animal life or to property.

(11) A violation of this section is a Class A Civil Infraction.

5.335 Attractive Nuisances.

(1) No owner or person in charge of property shall permit on the property:

(a) Unguarded machinery, equipment, or other devices that are attractive, dangerous and accessible to children.
(b) Lumber, logs or piling placed or stored in a manner so as to be attractive, dangerous and accessible to children.
(c) An excavation to remain open for an unreasonable length of time without proper barriers.

(2) This section shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children.

(3) A violation of this section is a Class A Civil Infraction.

5.340 Snow and Ice. No owner or person in charge of property improved or unimproved, abutting a public sidewalk shall permit:

(1) Snow to remain on the sidewalk for a period longer than the first six hours of daylight after the snow has fallen in the commercial areas and one day in all other areas.

(2) Ice to remain on the sidewalk for more than six hours of daylight in commercial areas and one day in all other areas after the ice has formed unless the ice is covered with sand, ashes or other suitable material to assure safe travel.

(3) A violation of this section is a Class C Civil Infraction.

5.345 Noxious Growth.

(1) No owner or person in charge of property shall permit weeds or other noxious vegetation to grown on the property. It shall be the duty of an owner or person in charge of property to cut down or to destroy grass, shrubbery, brush, bushes, weeds or other noxious vegetation as often as needed to prevent them from becoming unsightly, becoming a fire hazard, from going to seed, from obstructing clear vision areas or from growing more than 18" in height.

(2) Noxious weeds include, but are not limited to, Russian Thistle, Canadian Thistle, Chinese Thistle, White Mustard and Tim Holl Mustard.

(3) A violation of this section is a Class B Civil Infraction.

5.355 Trees.

(1) No owner or person in charge of property that abuts a street or public sidewalk shall permit trees or bushes on the property to interfere with street or sidewalk traffic.

(2) No person shall trim or cut any trees in the public right-of-way that are maintained by either the City of Bend or the Bend Metropolitan Parks & Recreation District. For all other trees in nonresidential public rights-of-way, no person shall trim or cut said trees except as authorized by the City of Bend. This provision shall not apply to utility companies trimming trees within their easement area.

(3) No owner or person in charge of property shall allow a dead or decaying tree to stand if it is a hazard to the public or to persons or property on or near the property.

(4) A violation of this section is a Class B Civil Infraction.

5.365 Surface Waters, Drainage.

(1) No owner or person in charge of a building or structure shall permit rainwater, ice or snow to fall from the building or structure onto a street or public sidewalk or to flow across the sidewalk.

(2) The owner or person in charge of property shall install and maintain, in a proper state of repair, adequate drainpipes or a drainage system so that overflow water accumulating on the roof or about the building is not carried across or onto the sidewalk

(3) A violation of this section is a Class B Civil Infraction.

5.370 Radio and Television Interference.

(1) No person shall operate or use an electrical, mechanical or other device, apparatus, instrument or machine that causes reasonably preventable interference with radio or television reception by a radio or television receiver of good engineering design.

(2) This section does not apply to devices licensed, approved and operated under the rules and regulations of the Federal Communications Commission.

(3) A violation of this section is a Class C Civil Infraction.

5.375 Notices and Advertisements.

(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 on a public place or premises open to the public within the City, or place in or on 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 that 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 on it the name and address of the following:

(a) The person who printed, wrote, compiled or manufactures it.
(b) The person who caused it to be distributed; PROVIDED, that in the case of a fictitious name, the true names of the owners, managers or agents of the person sponsoring the handbill shall also appear on it.

(6) A violation of this section is a Class C Civil Infraction.

5.380 Discarded Vehicles.

(1) For the purposes of this section, "discarded" means any vehicle that is in one or more of the following conditions:

(a) Inoperative.
(b) Wrecked.
(c) Dismantled.
(d) Partially dismantled.
(e) Abandoned.
(f) Junked.

(2) Discarded vehicles may be considered to include major vehicle parts, including, but not limited to, bodies, engines, transmissions and rear ends.

(3) No person shall store or permit the storing of a discarded vehicle on private property for more than 72 hours unless it is completely enclosed within a building or in a space entirely enclosed by a solid fence, hedge or screen not less than six feet in height, or unless it is in connection with a business enterprise dealing in junked vehicles lawfully conducted within the citv.

(4) A violation of this section is a Class B Civil Infraction.

5.385 Noise.

(1) This section is adopted pursuant to the provisions of ORS 467.100.

(2) Definitions. As used in this section, the following mean:

Motorcycle. A motor vehicle having a seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a trailer. This includes motorcycles suitable for use off a road or on dirt trails, regardless of whether it may also be used on public streets or highways under state law. It includes motorcycles sold or commonly described as dirt bikes, motocross bikes, trail bikes and enderro bikes.

Motor Vehicle. A self-propelled vehicle designed for self-propulsion, except road rollers, farm tractors and traction engines. Police vehicles, ambulances, fire engines, and other emergency vehicles responding to emergency calls are not subject to this section.

Unreasonably Loud or Raucous Noise:

(a) Motor vehicles. Motor vehicle noise louder or heard for a longer period than that produced by reasonable use by motor vehicles with mufflers and that disturbs, injures, or endangers safety of persons 30 or more feet away, if the noise is not emitted in order to make the motor vehicle move up to the maximum speed limit on public streets, roads or highways for the purpose of direct transportation.

(b) Motorcycles. Using a motorcycle outside of public right of ways where the use disturbs the sleep, peace, quiet, comfort or repose of persons 30 or more feet away. If the user has a permit issued under subsection (4) of this section allowing a person to operate a motorcycle outside of public right of ways within the terms of the permit.

(c) Horns, signaling devices, etc. Sounding horn or signaling device on an automobile, motorcycle, bus, or other vehicle except as a reasonable signal required by the exigencies of vehicular or pedestrian traffic; creating by a signaling device a sound which disturbs the sleep, peace, quiet, comfort or repose of other persons; sounding such device for an unnecessary or unreasonable period of time.

(d) Radios, phonographs, etc. Playing, using, or operating a radio musical instrument, phonograph, television set, tape recorder or other machine or device for producing or reproducing sound in a manner that disturbs the sleep, peace, quiet, comfort or repose of other persons, or using the machine or device with louder volume than is necessary for convenient hearing by the person or persons who are in the room, vehicle, or chamber in which the machine is operated and others who are voluntary listeners. The operation of a machine audible to a peace officer at a distance of 50 feet from the building, room, structure, or vehicle in which it is located shall be prima facie proof of a violation of this section.

(e) Loud speakers, amplifiers, etc. Using, operating or permitting to be used or operated a mechanical or electrical loud speaker or sound amplifier, either stationary or mobile, for producing or reproducing sound that is cast on the public streets or other public property if it disturbs the sleep, peace, quiet, comfort or repose of persons more than 30 feet away. This subpart does not prohibit the reasonable use of mechanical loud speakers or sound amplifiers as authorized by the commission or emergency announcements required by public safety. However, repetitive mechanically or electrically amplified political advertising shall not be allowed in zoned residential neighborhoods between 10:00 p.m. and 7:00 a.m.

(f) Yelling, shouting, etc. Yelling, shouting, hooting, whistling, or singing on the public streets between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place that disturbs the sleep, peace, comfort, or repose of persons more than 30 feet away. This section shall not apply to applause and cheering at public meetings, lectures, sports events and shows held at schools, stadiums, auditoriums, churches, meeting halls, public parks and public playgrounds.

(g) Steam Whistles. Blowing a steam whistle attached to a stationary boiler, except to give notice of the time, to begin or stop work, as a warning of fire or danger, or on request of proper authorities.

(h) Exhausts. Discharging into the open air the exhaust of a steam engine, stationary internal combustion engine, motor boat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises.

(i) Defect in vehicle or load. Using an automobile, motorcycle or other vehicle so out of repair, so loaded or in such a manner as to disturb the sleep, peace, quiet, comfort or repose of persons more than 30 feet away.

(j) Unloading, loading, opening boxes. Loading or unloading a vehicle, or opening, closing or destroying bales, boxes, crates and containers so as to disturb the sleep, peace, comfort or repose of persons more than 30 feet away.

(k) Constructing or repairing buildings, streets, etc. Constructing (including excavating), demolishing, altering or repairing a building, street, sidewalk, driveway, sewer or utility line between the hours of 10:00 p.m. and 7:00 a.m. except as provided in subsection (4).

(l) Schools, courts, churches, hospitals. Creating a sound on a street adjacent to a school, institution of learning, church or court while in use, or an institution for the care of the sick or infirm, that would tend to unreasonably interfere with the operations of the institution, or disturb the sleep, peace, quiet, comfort or repose of persons more than 30 feet away. "Adjacent" means within 500 feet of an institutional building.

(m) Environmental Quality Standards. Noise that violates the standards of the Environmental Quality Commission adopted pursuant to ORS 467.030 and that is not exempt under ORS 467.035 or permitted by a variance issued under ORS 467.060.

(n) Blowers and compressors. Operating a blower, power fan, internal combustion engine, electric motor or compressor, or the compression of air, unless the sound from each machine is sufficiently muffled so as not to disturb the sleep, peace, quiet, comfort or repose of persons more than 30 feet away.

(3) Acts Prohibited. Except as permitted by subsection (4), no person within the boundaries of the city shall make an unreasonably loud or raucous noise that disturbs, injures or endangers the comfort, repose, health, peace or safety of others.

(4) Permits.

(a) In cases of emergency or other urgent public necessity, the City Manager may issue a permit allowing activities described in subsection (2)(e) to take place at any hour. Emergency permits may not be issued for a period exceeding three days, but may be renewed for successive periods not exceeding three days each for as long as the emergency continues.

(b) The City Manager may also issue a permit for a concert or similar event allowing activities described in subsection (2)(e) provided such concert or event is permitted under the applicable provisions of this code.

(c) Denial of permits by the City Manager may be appealed to the commission within 15 days after denial. The date of a denial shall be the date a permit is orally denied or the date a written denial is made, whichever is later. Granting the permit may be appealed at any time by a person who resides or works within hearing of the noise generated as a result of the granting of the permit.

(d) Permits may include such restrictions or conditions necessary to safeguard the public peace.
(e) This subsection shall not apply to emergency work performed on public improvements and public utilities. Such activities may be conducted without restriction.

5.390 Unenumerated Nuisances.

(1) The acts, conditions or objects specifically enumerated and defined in sections 5.330 to 5.385 are declared public nuisances, and such acts, conditions or objects may be abated by any of the procedures set forth in sections 5.400 to 5.425.

(2) In addition to the nuisances specifically enumerated in this code, every other thing, substance or act which is determined by the city commission to be injurious or detrimental to the public health, safety or welfare of the city is declared a nuisance and may be abated as provided in this code.

ABATEMENT PROCEDURE

5.400 Notice.

(1) If the City Manager or his designee is satisfied that a nuisance exists, the City Manager shall cause a notice to be posted on the premises or at the site of the nuisance, directing the person responsible to abate the nuisance.

(2) At the time of posting, the City Manager shall cause a copy of the notice to be forwarded by registered or certified mail, postage prepaid, to the person responsible at the last known address of such person.

(3) The notice to abate shall contain:

(a) A description of the real property, by street address or otherwise, on which the nuisance exists.
(b) A direction to abate the nuisance within 10 days from the date of the notice.
(c) A description of the nuisance.
(d) A statement that unless the nuisance is removed, the city may abate the nuisance and the cost of abatement will be charged to the person responsible.
(e) A statement that failure to abate a nuisance may warrant imposition of a fine.
(f) A statement that the person responsible may protest the order to abate by giving notice to the City Manager within 10 days from the date of the notice.

(4) If the person responsible is not the owner, an additional notice shall be sent to the owner stating that the cost of abatement not paid by the person responsible may be assessed to and become a lien on the property.

(5) On completion of the posting and mailing, the persons posting and mailing shall execute and file certificates stating the date and place of the mailing and posting.

(6) An error in the name or address of the person responsible shall not make the notice void, and in such case the posted notice shall be sufficient.

5.405 Abatement by the Person Responsible.

(1) Within 10 days after posting and mailing the notice, as provided in section 5.400, the person responsible shall remove the nuisance or show that no nuisance exists.

(2) A person responsible, protesting that no nuisance exists, shall file with the City Manager the protest statement that specifies the basis for the protest.

(3) The statement shall be referred to the City Commission as a part of the regular agenda at its next succeeding meeting. At the time set for consideration of the abatement, the person protesting may appear and be heard by the commission. The commission shall determine whether a nuisance in fact exists, and the determination of the commission shall be entered in the official minutes of the commission. Commission determination shall be required only in cases in which a written statement has been filed as provided.

(4) If the commission determines that a nuisance in fact exists, the person responsible shall abate the nuisance within 10 days after the commission determination.

5.410 Joint Responsibility. If more than one person is a person responsible, they shall be jointly and severally liable for abating the nuisance, or for the costs incurred by the city in abating the nuisance.

5.415 Abatement by the City.

(1) If the nuisance has not been abated by the person responsible within the time allowed, the commission may cause the nuisance to be abated.

(2) The officer charged with abatement of the nuisance shall have the right to enter into or on the property at reasonable times to investigate or cause the removal of a nuisance.

(3) The City Manager shall keep an accurate record of the expense incurred by the city in physically abating the nuisance and shall include in the record a charge of $10 or 10 percent of those expenses (whichever is greater) for administrative overhead.

5.420 Assessment of Costs.

(1) The City Manager or designee, by registered or certified mail, shall send to the person responsible a notice stating:

(a) The total cost of abatement, including the administrative overhead.

(b) That the cost as indicated will be assessed to and become a lien against the property, unless paid within 30 days from the date of the notice.

(c) That if the owner or person responsible objects to the cost of the abatement as indicated, a notice of objection may be filed with the administrator no more than 10 days from the date of the notice.

(2) On the expiration of 10 days after the date of the notice, the commission, in the regular course of business, shall hear and make a decision on the objections to the costs assessed.

(3) If the costs of the abatement are not paid within 30 days from the date of the notice, an assessment of the costs, as stated or as determined by the commission, shall be made by resolution and shall be entered in the docket of city liens. When the entry is made, it shall constitute a lien on the property from which the nuisance was removed or abated.

(4) The lien shall be enforced in the same manner as liens for street improvements are enforced and interest shall begin to run from the date of entry of the lien in the lien docket.

(5) An error in the name of the owner or person responsible shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void but it shall remain a valid lien against the property.

5.425 Summary Abatement. The procedure provided by sections 5.400 to 5.420 is not exclusive, but is in addition to procedures provided by other sections of the code. The health officer, the chief of the Fire Department, the fire marshal, the police chief or the city manager may proceed summarily to abate a health or other nuisance which unmistakably exists, and which imminently endangers health or property.

BEND CODE

CIVIL EMERGENCIES

5.450 Definitions. For the purposes of section 5.455, the following mean:

Civil emergency. A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force, if accompanied by three or more persons acting together without authority of law; or any time hostages are held; or any natural disaster or manmade calamity including flood, conflagration, cyclone, tornado, earthquake or explosion resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.

Curfew. A prohibition against a person walking, running, loitering, standing or driving on an alley, street, highway, public property or vacant premises, except persons officially designated to duty with reference to the civil emergency.

5.455 Regulations. When the mayor, or the mayor protem if the mayor is unable to act, determines that a civil emergency exists as a result of mob action or riotous assembly that causes danger of injury to or damage to persons or property, the mayor may impose by proclamation any and all of the following regulations necessary to preserve the peace and order of the city:

(1) Enforce a curfew on all or a portion of the city requiring all persons in designated curfew areas to remove themselves from the public streets, alleys, parks or other public places and, if three or more are assembled, to disperse. Physicians, nurses and ambulance operators performing medical services, utility personnel maintaining essential public services, firemen, and city-authorized or requested law enforcement officers and personnel may be exempted from the curfew.

(2) Close business establishments within the city for the duration of the emergency including, but not limited to, those selling intoxicating liquors, cereal malt beverages, gasoline or firearms.

(3) Close any public street, thoroughfare or vehicle parking area to motor vehicles and pedestrian traffic.

(4) Call on regular and auxiliary law enforcement and fire agencies within or without the city to assist in preserving and keeping the peace within the city.

(5) Close all private clubs or portions thereof where the consumption of intoxicating liquor and/or beer is permitted.

(6) Discontinue selling, distributing, giving away or transporting gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(7) Discontinue selling, distributing, dispensing or giving away firearms or ammunition of any character.

(8) Issue such other orders as are immediately necessary for the protection of life and property.

(9) Discontinue the sale of alcoholic beverages.

(10) Any violation of a regulation promulgated under this section is punishable as a Class A misdemeanor.

5.460 Time Limit on Emergency Regulations.

(1) The proclamation of emergency provided in section 5.455 shall become effective on its issuance and dissemination to the public by appropriate news media.

(2) A proclamation of emergency shall terminate 48 hours after its issuance, or on the issuance of a proclamation determining that an emergency no longer exists, whichever occurs first; provided, however, that a proclamation of emergency may be extended for additional periods of time as determined necessary by resolution of the commission.

BEND CODE
CHAPTER VI: VEHICLES AND TRAFFIC
TRAFFIC CODE

GENERAL PROVISIONS

6.010 Title. Sections 6.010 to 6.900 of this code may be cited as the Bend Uniform Traffic Code.

6.015 Application of State Traffic Laws. A violation of the provisions of the Oregon Vehicle Code in ORS Chapters 153, 481, 482, 483, 484, 485 and 487 is an offense against the City of Bend.

6.020 Definitions. In addition to the definitions contained in the Oregon Vehicle Code, the following mean:

Abandoned vehicle. A vehicle left unoccupied and unclaimed or in a damaged or dismantled condition on the streets or alleys of the city.

Bus stop. A space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.

Holiday. New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day proclaimed a holiday by the commission.

Loading zone. A space on the edge of a roadway designated by sign for loading or unloading passengers or materials during specified hours of specified days.

Motor vehicle. Every vehicle that is self-propelled, including tractors, fork-lift trucks, motorcycles, road-building equipment, street-cleaning equipment, and any other vehicle capable of moving under its own power, even if the vehicle is exempt from licensing under the motor vehicle laws of Oregon.

Pedestrian. A person afoot or confined to a wheelchair.

Taxicab stand. A space on the edge of a roadway designated by sign for use by taxicabs.

Traffic lane. The area of a roadway used for movement of a single line of traffic.

Vehicle. As used in subsequent sections of this code, includes bicycles.

ADMINISTRATION

6.025 Powers of the Commission.

(1) Subject to state laws, the Commission shall exercise all municipal traffic authority for the city except those powers delegated by the code or by ordinance.

(2) The powers of the Commission shall include, but not be limited to:

(a) Designation of through streets.
(b) Designation of one-way streets.
(c) Designation of truck routes.
(d) Designation of parking meter zones.
(e) Designation of certain streets as bridle paths and prohibition of horses and animals on other streets.
(f) Authorization of greater maximum weights or lengths for vehicles using city streets than is specified by state law.
(g) Initiation of proceedings to change speed zones.
(h) Revision of speed limits in parks.
(i) Temporary blocking or closing of streets.
(j) Establishment of bicycle lanes and paths and traffic controls for them.
(k) Restriction of use of certain streets by any class or kind of vehicle to protect the streets from damage.

(3) The Commission may exercise the powers set forth in subsection (2) by order or resolution.

6.030 Duties and Powers of the City Manager. The City Manager or designee shall:

(1) Implement the actions taken by the Commission under Section 6.025.

(2) Establish, maintain, remove or alter the following classes of traffic controls:

(a) Crosswalks, safety lanes, and traffic lanes.
(b) Intersection channelizations and areas where drivers of vehicles shall not make right, left, or U-turns and the time when the prohibition applies.
(c) Parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal).
(d) Loading zones and stops for vehicles.
(e) Traffic control signals.

(3) Issue parking permits for persons temporarily disabled.

6.035 Public Danger. Under conditions constituting a danger to the public, the City Manager or designee may install temporary traffic control devices.

6.040 Standards. City traffic regulations shall be based on:

(1) Traffic engineering principles and traffic investigations.

(2) Standards, limitations and rules promulgated by the Oregon Transportation Commission.

(3) Other recognized traffic control standards.

6.045 Authority of Police and Fire Officers:

(1) It shall be the duty of police officers to enforce the provisions of this code.

(2) In the event of a fire or other public emergency, police and fire officers may direct traffic as conditions require, notwithstanding the provisions of this code.

GENERAL PROVISIONS

6.050 Exceeding the Maximum Speed Limit:

(1) The municipal Judge may accept a plea to exceeding the maximum speed of any person charged with violating the basic rule (UBR.)

(2) A violation under this section is a Class C traffic infraction.

6.052 Repairs.

(1) No person shall repair or attempt to repair a motor vehicle on any part thereof, except for emergency repair work, upon any street or public alley in the City of Bend.

(2) A violation of this section is a Class B Civil Infraction.

6.055 Crossing Private Property.

(1) The operator of a vehicle shall not proceed from a street to an intersecting street by crossing private property. This provision shall not apply to stops on the property to procure or provide goods or services.

(2) A violation of this section is a Class C traffic infraction.

6.060 Unlawful Riding.

(1) The operator of a vehicle shall not permit a passenger to and no passenger shall ride on a vehicle on a street except on a part of the vehicle designed or intended for the use of passengers. This provision shall not apply to an employe engaged in the necessary discharge of a duty or to a person riding within a truck body in space intended for merchandise.

(2) No person shall board or alight from a vehicle while the vehicle is in motion on a street.

(3) A violation of this section is a Class C traffic infraction.

6.065 Damaging Sidewalks and Curbs.

(1) The operator of a motor vehicle shall not drive onto a sidewalk or a roadside planting strip except to cross at a permanent or temporary driveway.

(2) A violation of this section is a Class C traffic infraction.

6.070 Streets Prohibited to Trucks:

(1) When the use of certain streets is prohibited to trucks exceeding a specified weight, no person shall operate a truck on such streets contrary to the prohibition except for the purpose of delivering or picking up materials or merchandise, and then only by entering such streets at the intersection nearest the destination of the vehicle and leaving by the shortest route.

(2) A violation of this section is a Class C traffic infraction.

6.075 Removing Glass and Debris:

(1) A party to a vehicle accident or a person causing broken glass or other debris to be deposited on a street shall remove the glass or other debris from the street.

(2) A violation of this section is a Class C traffic infraction.

SPECIAL EVENTS

6.090 Prohibited Activity:

(1) A procession of people using the public right-of-way and consisting of 10 or more persons or 3 or more vehicles shall be considered a special event. No person shall organize or participate in a special event without obtaining a permit.

(2) A violation of this section shall be a Class B Civil Infraction.

6.095 Special Event Permit:

(1) Application for a special event permit shall be made to the Chief of Police at least 15 days before the date of the event unless the time is waived by the Chief.

(2) The application shall be signed by the person designated as chairperson and shall include the following:

(a) Name and address of the person responsible for the parade.
(b) Date of the parade.
(c) Desired route, including assembly points.
(d) Number of persons, vehicles and animals that will be participating in the parade.
(e) Proposed starting and ending time.

(3) The Chief shall issue a special permit authorized under this section conditioned on the applicant's written agreement to comply with the terms of the permit unless he finds:

(a) The time, route and size of the event will disrupt the movement of other traffic to an unreasonable extent.
(b) The event is of a size and nature that requires the diversion of so great a number of police officers to the event that allowing the event would deny reasonable police protection to the City.
(c) The event will conflict with another event for which a permit has already been issued.
(d) The information contained in the application is found to be false or non-existent in a material detail.
(e) The applicant refuses to agree to abide by or comply with all conditions of the permit.

(4) If the Chief finds one or more of the conditions listed in subsection (3), other than Subpart (e), exists, the Chief may impose such reasonable conditions in the permit necessary to alleviate the conditions; including but not limited to:

(a) Requiring an alternate date.
(b) Requiring an alternate route.
(c) Restricting the size of the parade.

(5) The Chief shall notify the applicant of the decision within five days of receipt of the application.

(6) If the Police Chief proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal the decision to the commission.

6.100 Appeal to Commission:

(1) An applicant may appeal the decision of the Police Chief by filing a written request of appeal with the city recorder within five days after the Police Chief has proposed alternatives or refused to issue a permit.

(2) The commission shall schedule a hearing, which shall be no later than the second regular session following the filing of the written appeal, and shall notify the applicant of the date and time.

6.105 Offenses Against Special Events:

(1) No person shall unreasonably interfere with a special event or participant.

(2) No person shall operate a vehicle that is not part of a special event between the vehicles or persons in the event.

(3) A violation of subsection (1) is a Class B civil infraction. A violation of subsection (2) is a Class C traffic infraction.

6.110 Permit Revocable. The Chief of Police may revoke a special event permit if circumstances show that the event can no longer be conducted consistent with public safety.

6.115 Funeral Processions:

(1) No permit shall be required for a funeral procession.

(2) A funeral procession shall proceed to the place of interment by the most direct route that is both legal and practical.

(3) The procession shall be accompanied by an adequate number of escort vehicles for traffic control.

(4) All motor vehicles in the procession shall be operated with their lights on.

PARKING REGULATIONS

6.150 Method of Parking:

(1) Where parking spaces are designated on a street, no person shall stand or park a vehicle other than in the direction of the street traffic and within a single marked space, unless the size or shape of the vehicle makes compliance impossible.

(2) The operator who first begins maneuvering a vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to interfere.

(3) When the operator of a vehicle discovers that the vehicle is parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area unless directed otherwise by police or fire officers.

6.155 Prohibited Parking or Standing. In addition to those areas designated in ORS 487.580, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

(1) A motor truck in excess of 12,000 pounds between the hours of 9:00 p.m. and 7:00 a.m. in front of or adjacent to a residence.

(2) A vehicle in an alley, except for a stop of not more than 30 consecutive minutes for loading or unloading persons or materials.

(3) A vehicle in violation of lawfully erected parking limitation sign.

6.160 Parking by Fire Plugs or a Bicycle Lane:

(1) No person shall park a vehicle within prohibited areas adjacent to fire plugs or in designated bicycle lanes.

(2) Unless the police officer issuing the citation witnesses the parking of the vehicle, a rebuttable presumption exists that a vehicle parked in violation of this section was parked by the registered owner of the vehicle and the citation issued for the violation may be placed on the vehicle. If the parking of the vehicle is witnessed by the police officer, the operator of the vehicle is in violation of this section.

(3) A violation of this section is a Class B traffic infraction.

6.165 Prohibited Parking. No operator shall park and no owner shall allow a vehicle to be parked on a street for the principal purpose of:

(1) Displaying the vehicle for sale.

(2) Repairing or servicing the vehicle, except repairs necessitated by an emergency.

(3) Displaying advertising from the vehicle.

(4) Selling merchandise from the vehicle, except when authorized.

6.170 Use of Loading Zone. No person shall stand or park a vehicle for any purpose or length of time in a place designed as a loading zone when the hours applicable to that loading zone are in effect, except for loading or unloading persons or materials. When the hours applicable to the loading zone are in effect, the stop for loading and unloading shall not exceed the time limits posted. If no time limits are posted, use of the zone shall not exceed 30 minutes.

6.175 Unattended Vehicles. When a police officer finds an unlocked motor vehicle parked on standing unattended with the ignition key in the vehicle, the officer is authorized to remove the key from the vehicle and deliver the key to the person in charge of the police station.

6.180 Standing or Parking Buses and Taxicabs. The operator of a bus or taxicab shall not stand or park the vehicle on a street in a business district at a place other than a bus stop or taxicab stand, except that this provision shall not prevent the operator of a taxicab from temporarily stopping the taxicab outside a traffic lane while loading or unloading passengers if no parking spaces are readily available.

6.185 Restricted Use of Bus and Taxicab Stands. No person shall stand or park a vehicle other than a taxicab in a taxicab stand or a bus in a bus stop, except that the operator of a passenger vehicle may stop temporarily while engaged in loading or unloading passengers when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space.

6.190 Lights on Parked Vehicle. No lights need be displayed on a vehicle that is parked in accordance with this ordiance on a street where there is sufficient light to reveal a person or object at a distance of at least 500 feet from the vehicle.

6.195 Extending Parking Time. Where maximum parking time limits are designated by sign, movement of a vehicle to another parking space within a block shall not extend the time limits for parking.

PARKING METERS

6.225 Deposit of Coins. No person shall park a vehicle, in a metered parking space, except as permitted otherwise by this code, without immediately depositing in the parking meter adjacent to the space the coin of the United States that is required by the meter, as designated by directions on the meter, unless the parking meter indicates that unexpired time remains from a previously deposited coin.

6.230 Legal Time Limit. Except as permitted otherwise by this code, no person shall leave a vehicle in a metered space when the meter adjacent to the space indicates that no unexpired time remains or beyond the time limit for parking in the space.

6.235 Extending Parking Time. No person shall cause to be deposited or deposit a coin in a parking meter to extend the parking time beyond the time limit for parking in a metered space.

6.240 Mechanical Defect. Unintentional violation of provision of this code because of mechnical failure of a parking meter is not an offense within the meaning of this code.

6.245 Collections. The Chief of Police shall direct the collection of all coins deposited in parking meters.

6.250 Parking Meter Hoods. The City Manager or designee may issue a parking meter hood to a contractor engaged in construction, reconstruction or repair of a building or installation of equipment in a building adjacent to a street where parking meters are installed. A hood shall be issued only when available unmetered areas, including alleys that might be used or blocked off without interference with commerce, are not found reasonably close to the installation or construction site and shall be issued only for use during a particular construction job. A fee of $1.00 shall be paid each hour after proof of continuing need. The hood shall be returned to the City when use is terminated.

6.255 Use of Parking Meter Hoods. A person with a properly issued hood may place it over a parking meter reasonably close to the construction site to reserve the parking meter space for the permittee's vehicle while the permittee is actually engaged in the task for which the hood was issued.

6.260 Violation. No person shall use a parking meter hood for a purpose other than that for which the hood was issued. Failure to abide by this provision will result in forfeiture of the hood without refund of any of the fees paid, and the City Manager shall not issue another hood to the violator except with Commission approval.

6.265 Delivery of Service Permit Cards. The City Manager or designee may issue a service permit, including a vehicle identification card, to a person regularly using a passenger-type vehicle for delivery of service or delivery or pickup of merchandise. On proof of necessity, the City Manager may issue a service permit for a commercial-type vehicle for performance of an essential service. The annual fee for a service permit shall be $50.00 for each vehicle.

6.270 Use of Service Permit Card. A person with a service permit may park the vehicle for which the identification card was issued in a loading zone in compliance with requirements for loading zones or in a metered space without depositing the required coin for a period not to exceed 30 minutes while actually engaged in delivery of service or pickup and delivery of merchandise.

6.275 Display. A person parking a vehicle with a properly issued permit shall display the identification card in plain sight within the driver's compartment of the vehicle.

6.280 Prohibited Use. No person shall use an identification card for a vehicle other than the vehicle for which it was issued or while using the vehicle for a purpose other than that authorized by the permit. Willful violation of these provisions will result in forfeiture of the permit and denial of future permits.

6.285 Courtesy Permits. The City Manager or designee may make a courtesy permit available to a visitor to the City. The permit shall be valid for not more than three days and shall be free. The permit shall authorize the permittee to park a vehicle without regard to time limits and without paying meter fees in a parking space that allows over 30 minutes continuous parking. The permit shall be displayed in accordance with directions prescribed by the City.

PARKING CITATION AND OWNER RESPONSIBILITY

6.290 An Illegally Parked Vehicle. When a vehicle without an operator is found parking in violation of a restriction imposed by this code or state law, the officer finding the vehicle shall take its license number and any other information displayed on the vehicle that may identify its owner and shall conspicuously affix a parking citation to the vehicle. The citation shall instruct the operator to answer to the charge or pay the panalty imposed within five days during specified hours and at a specific place. The citation shall also state the penalties that may be imposed for failure to comply.

6.295 Failure to Comply with Parking Citation. If the operator does not respond to a parking citation affixed to the vehicle within five working days, the Police Department shall send a letter to the owner of the vehicle informing the owner of the violation and giving notice that if the citation is disregarded for a period of thirty days:

(1) The fine will be doubled, and

(2) The vehicle may be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid.

6.300 Illegal Cancellation of Parking Citation:

(1) No person shall cancel or solicit the cancellation of a parking citation in any manner, except when approved by the municipal judge.

(2) A violation of this section is a Class B civil infraction.

6.305 Owner Responsibility. The owner of a vehicle in violation of a parking restriction is responsible for the offense unless use of the vehicle was secured by the operator without the owner's consent.

6.310 Registered Owner Presumption. In a proceeding against a vehicle owner charging violation of a parking restriction, proof that the vehicle was registered to the defendant at the time of the violation shall constitute a rebuttable presumption that the defendant was the owner.

BICYCLES

6.325 Bicycle Operating Rules. In addition to observing all applicable provisions of this code and state law pertaining to bicycles, a person shall:

(1) Not leave a bicycle other than in a bicycle rack. If no rack is provided, the person shall leave the bicycle so it does not obstruct a roadway, sidewalk, driveway or building entrance. A person shall not leave a bicycle in violation of the motor vehicle parking provisions.

(2) Not ride a bicycle on a sidewalk in any business district, except along an unimproved street or underpass. However, in a business district, bicycles may be ridden on sidewalks to deliver newspapers and messages and to make other deliveries.

(3) Not engage in racing upon a street, sidewalk or premises open to the public unless a special event permit is obtained.

(4) Upon emerging from an alley, driveway or building, shall yield the right-of-way to any pedestrians.

(5) A violation of this section is a Class B civil infraction.

6.330 Licensing:

(1) No person shall ride a bicycle on the streets unless the bicycle is licensed in accordance with this section.

(2) The owner of a bicycle shall obtain a license from the Police Department.

(3) A bicycle, whether or not licensed under the regulations of another governmental unit, shall be licensed in accordance with this code within 30 days after being brought into this City.

(4) No bicycle shall be licensed unless it is equipped as required by state law.

(5) The Police Department shall obtain the name and address of a person purchasing a license, record the make, model and serial number of the bicycle, and issue a license.

(6) A number shall be assigned to each bicycle by the Chief of Police or designee, and a record of the license shall be maintained as part of police records. The name of the city and the license number assigned shall be affixed to the frame of the bicycle.

(7) Bicycle licenses shall be permanent or until the bicycle is sold.

(8) All license fees shall be deposited in the general fund.

(9) A violation of this section is a Class A civil infraction.

6.335 Renting Bicycles:

(1) No person shall rent to another a bicycle that is not licensed and equipped as required by this code and state law.

(2) A violation of this section is a Class C civil infraction.

6.340 Impounding Bicycles:

(1) No person shall leave a bicycle on public or private property without consent of the person in charge or the owner of the property.

(2) A bicycle left on public property for more than 24 hours may be impounded by the Police Department.

(3) In addition to any citation issued, a bicycle parked in violation of this code may be immediately impounded by the Police Department.

(4) If a bicycle impounded under this code is licensed, or other means of determining its ownership exist, the police shall make a reasonable effort to notify the owner. No impounding fee shall be charged to the owner of a stolen bike.

(5) A bicycle impounded under this code and remaining unclaimed shall be disposed of in accordance with city procedures for disposal of abandoned or lost personal property.

(6) Except as provided in subsection (4), a fee of $2.00 shall be charged to the owner of a bicycle impounded under this section.

(7) A violation of subsection (1) of this section is a Class C civil infraction.

6.345 Rollerskates, Skateboards, Sleds, etc. No person shall:

(1) Use streets for traveling on skis, toboggans, sleds, or similar devices, except where authorized by the City.

(2) Use rollerskates or skateboards on sidewalks in any business district or on streets except to cross at a crosswalk or as authorized.

ABANDONED VEHICLES

6.350 Application of State Law. The procedures of the City of Bend pertaining to the towing, impoundment and sale of abandoned vehicles are those contained in ORS 483.351 to 483.396.

PENALTIES

6.900 Parking Penalties. A violation of sections 6.150 to 6.285 is punishable by:

Parking Meter Violation:

First Overtime	$ .50
Each Additional Overtime Unit	$ 3.00
If Not Paid Within 5 Days of The Ticket (Per Violation)	$ 6.00

2-Hour Parking Violation

First Overtime	$ 3.00
Each Additional Overtime Unit (2 Hours)	$ 6.00
If Not Paid Within 5 Days of The Ticket	$10.00

All Other Parking Violations	$ 5.00
If Not Paid Within 5 Days of The Ticket	$10.00

6.910 Downtown Parking District.

(1) There is hereby established a downtown parking district which shall encompass the following areas:

(a) Both sides of Bond Street between Louisiana and Greenwood Avenues, both sides of Wall Street between Louisiana and Greenwood Avenues, the north side of Louisiana Avenue between the alley west of Wall Street and Bond Street, the north side of Franklin Avenue between Wall and Bond Streets, both sides of Minnesota Avenue between Wall Street and the alley east of Bond Street, both sides of Oregon Avenue between Brooks and Harriman Streets, both sides of Irving Avenue between Bond and Harriman Streets, both sides of Brooks Street between Oregon and Newport Avenues, the west side of Harriman Street between Irving and Greenwood Avenues and both sides of Greenwood Avenue between Wall and Harriman Streets.

(b) All off street metered parking spaces within the Central Business District Zone (C-B).

(2) Within the downtown parking district designated in subsection (1) of this ordinance, the City Manager shall cause each parking space in a street or within an off-street parking area to be clearly marked. The City Manager shall determine the necessity for and the size and location of all parking spaces according to his reasonable determination of the

safety, convenience and necessity of the public. Such markings may include markings to reserve one or more spaces exclusively for parking of motorbikes, motor scooters, motorcycles, bicycles and handicapped parking.

(3) Except as provided in Subsections (1)(a) and (b), no person shall, while at his place of employment, cause, any motor vehicle owned, operated or controlled by that person to be parked in any one or more parking spaces upon the public streets or off-street parking areas within the downtown parking district between 10:00 a.m. and 4:30 p.m. on any day.

(a) This section shall not apply on Sundays or holidays and to persons lawfully parked in a limited-time parking space or a paid rental parking space within the downtown parking area.

(b) Employer-owned or controlled vehicles shall be permitted in designated loading zones, subject to the limitations on the use of such zones contained in this ordinance.

(c) Any person violating any of the provisions of this section for which a special penalty has not been expressly provided may pay a fine of $25.00. If this amount is not paid within five days after the notice was attached to the vehicle, the fine shall be increased to $50.00.

ORDINANCE NO. NS- 1362

AN ORDINANCE AMENDING THE BEND COMMUNITY ANTENNA COMPANY FRANCHISE ORDINANCE NO. NS-806 BY ADJUSTING THE RATES.

THE CITY OF BEND DOES ORDAIN as follows: NS-806 expired 7-19-89

Section 1. Section 16 of Ordinance No. NS-806 is amended by adding thereto three new sections which shall read:

(7) Beginning October 2, 1982 the monthly service charges may be increased 6% until October 1, 1983.

(8) Beginning October 2, 1983 the monthly service charges may be increased 6% each year until October 1, 1985 provided Liberty Television Cable Company has installed and provided those system services and technical facilities as described on Exhibit "G" which is attached as a part of this ordinance.

(9) Beginning October 2, 1982 the aerial installation charge shall be increased from $19.95 to $29.95 and the underground installation charge from $49.95 to $59.95 except in exceptionally difficult rock terrain the charge for burial of the line shall be a maximum of $85.00 per service.

Read for the first time the 18th day of August, 1982.

Read for the second time the 1st day of September, 1982

Placed upon its passage the 1st day of September, 1982.

YES: 7 NO: 0

Submitted to and approved by the Mayor the 1st day of September, 1982.

Robert A. Young
Mayor

ATTEST:

James W. Kerfoot
Recorder-Treasurer

Exhibit "G"

The Company will complete the upgrade of its cable television system to allow channel space for additional services. The upgrade will include installation of new trunk amplifiers, bridging amplifiers and line extenders, plus other related equipment, to enable expanded channel capacity with reliable performance. In addition, new channel processors and an earth station will be purchased and installed at the headend to enable reception and transmission of additional satellite-delivered program services available off the Westar 5 communications satellite. As a result, five additional program services will be available to the community prior to any rate adjustment in 1983.

ORDINANCE NO. NS-1363

An Ordinance amending the City Zoning Ordinance NS-1178, by adding development standards for Destination Resorts.

WHEREAS, the Bend Area General Plan does recognize and provide for potential destination resorts within the UAR-10 zones and does indicate that said resorts are a component of the area's basic employment base, and

WHEREAS, the Bend Urban Area Planning Commission has determined that the development of destination resorts is looked at as a positive economic force that augments the tourist industry, and

WHEREAS, the City's zoning ordinance and the County's zoning ordinance for the Bend Urban Area do not include specific development standards for Planned Unit Developments and Destination Resorts in the UAR-10 zone, and

WHEREAS, the Bend Urban Area Planning Commission has held a public hearing to consider changes to the Bend Area General Plan and the City Zoning Ordinance NS-1178 regarding encouraging destination resorts and allowing a case by case determination of density to be made by the Hearings Body,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following shall be added to Section 25, Provisions Applying to Special Uses:

(21) Destination Resorts

(a) Information to be supplied by the applicant:

1. Proposed land uses and densities
2. Building types
3. Circulation pattern
4. Park, playground, and open space
5. Existing natural features
6. Impacts on schools, roads, water and sewerage systems, fire protection
7. Proposed ownership pattern
8. Waste disposal facilities
9. Water supply system
10. Lighting
11. General timetable for development

(b) The conditional use permit may be granted upon the following findings:

1. That any exceptions from the standards of the underlying zone and subdivision ordinance are warranted by the design and amenities incorporated in the development plan
2. That the proposal is in harmony with the surrounding area or its potential future use
3. That the system of ownership and the means of developing, preserving, and maintaining open space is adequate
4. That sufficient financing exists to assure that the proposed development will be substantially completed in the timetable outlined by the applicant
5. That open space shall comprise 65 percent of the land. Open space shall mean land not in streets or structures.
6. That adequate provision is made for the preservation of natural resources such as bodies of water, natural vegetation, and special terrain features.
7. That the areas of activities are contained in the center of the development, or that adequate buffer yards are established to protect adjacent private lands.

(c) Dimensional Standards:

1. The minimum lot area, width, frontage, and yard requirements otherwise applying to individual buildings of the zone in which the development is located do not apply within a Destination Resort.
2. The Hearings Body shall establish yards, height limitations, space between buildings for the development, or may delegate this to the Site Plan Committee.

(d) Commercial uses designed and sized to meet the needs of the development's population are allowed subject to the following:

1. That such use shall be contained within the development.
2. That adequate screening and site design shall insure compatibility between these activities and adjacent uses.

Read for the first time the 1st day of September, 1982

Read for the second time the 15th day of September, 1982

Placed upon its passage the 15th day of September, 1982

YES: 6 NO: 0

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1364

AN ORDINANCE AMENDING ORDINANCE NS-806 RELATING TO CHARGES FOR FM OUTLETS FOR THE COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF BEND.

THE CITY OF BEND DOES RESOLVE AS FOLLOWS: NS-806 expired 7-19-89

Section 1. Section 16 of Ordinance No. NS-806 is amended by adding the following section:

(10) Initial and additional FM outlets shall be charged the same monthly rate as the rates charged for television outlets.

Read for the first time the 6th day of October, 1982.

Read for the second time the 20th day of October, 1982.

Placed upon its passage the 20th day of October, 1982.

YES; 6 No: 0

Submitted to and approved by the Mayor the 20th day of October, 1982.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1365

AN ORDINANCE AMENDING THE BEND CRIMINAL CODE NS-1361 BY PROVIDING FOR A PENALTY FOR NOISE VIOLATIONS AND ADDING POSSESSION OF LESS THAN ONE OUNCE OF A CONTROLLED SUBSTANCE AS A CIVIL INFRACTION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

(Those words underlined are added)

Section 1. Section 5.385(3)(Noise) of the Bend Criminal Code is amended to read as follows:

(3) Acts Prohibited. Except as permitted by subsection (4), no person within the boundaries of the City shall make an unreasonable loud or raucous noise that disturbs, injures or endangers the comfort, repose, health, peace or safety of others. A violation of this section is a Class A civil infraction.

Section 2. Section 5.160 is hereby added to the Bend Criminal Code as follows:

CONTROLLED SUBSTANCE

5.160 Possession and Delivery of Controlled Substances.

(1) No person shall knowingly or intentionally possess less than one avoirdupois ounce of dried leaves, stems and flowers of the plant Cannabis family Moraceae.

(2) No person shall deliver, for no consideration, less than five grams of the dried leaves, stems and flowers of the plant Cannabis family Moraceae.

(3) A violation of this section is a Class C civil infraction.

Read for the first time the 6th day of October, 1982.

Read for the second time the 20th day of October, 1982

Placed upon its passage the 20th day of October, 1982.

YES: 6 NO: 0

Approved by the Mayor the 20th day of October, 1982.

ATTEST:

Mayor

Recorder-Treasurer

ORDINANCE NO. NS-1366

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY ALLOWING CHURCHES, HOSPITALS, OR OTHER RELIGIOUS INSTITUTIONS TO BE LOCATED ON ARTERIAL, COLLECTOR OR LOCAL STREETS.

THE CITY COMMISSION DOES ORDAIN AS FOLLOWS:

Section 1. Section 25 (4) of Ordinance NS-1178 shall be amended as follows:

(4) Churches, Hospitals or other Religious Institutions. In any "R" district all such uses may be located on an arterial or collector street. Such uses may also be located on a local street provided that there is sufficient access to arterial or collector streets and that such uses do not unduly impact residential areas. Access and required off-street parking shall be designed so as to minimize impact on existing traffic patterns and adjoining properties.

All buildings shall be set back 30 feet from side and rear lot lines and all off-street parking facilities shall be screened from abutting properties. No sign shall exceed ten (10) square feet in size or be internally illuminiated.

Read for the first time the 20th day of October, 1982.

Read for the second time the 3rd day of November, 1982.

Placed upon its passage the 3rd day of November, 1982

YES: 7 NO: 0

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1367

AN ORDINANCE AMENDING NS-1178 BY CHANGING THE ZONING OF A PARCEL OF LAND FROM RS URBAN STANDARD DENSITY RESIDENTIAL TO CC CONVENIENCE COMMERCIAL.

WHEREAS, an application for a zone change was received and approved by the City Planning Commission, and

WHEREAS, the City Commission did approve a resolution of intent to rezone certain real property described herein, and

WHEREAS, a site plan for development of the parcel has been reviewed and approved by the City Planning Department,

NOW THEREFORE, the City of Bend does ordain as follows:

Section 1. Section 7(1) of City Zoning Ordinance NS-1178 and the Zoning Map of the City of Bend are changed as follows:

> That the property described as the south 40 feet of Lot 23, Block 114, First Addition to Bend Park, City of Bend, Deschutes County, Oregon from RS Urban Standard Density Residential to CC Convenience Commercial.

Read for the first time the 17th day of November, 1982.

Read for the second time the 1st day of December, 1982.

Placed upon its passage the 1st day of December, 1982.

YES: 6 NO: 0

Mayor

ATTEST:

Recorder-Treasurer

NS-1368 repealed by NS-1496 passed 7-19-89

ORDINANCE NO. NS - 1368

AN ORDINANCE REGULATING THE USE OF CITY SANITARY SEWERS FOR THE DISCHARGE OF INDUSTRIAL WASTEWATER.

THE CITY OF BEND ORDAINS AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS

1.1 Purpose and Policy

This Ordinance sets forth requirements for the discharge of industrial wastewater into the wastewater collection and treatment system of the City of Bend and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the general Pretreatment Regulations (40 CFR, Part 403).

The objectives of this ordinance are:

(a) to prevent the introduction of pollutants into the City's wastewater system which will interfere with the operation of the system or contaminate the resulting sludge and effluent waters.

(b) to prevent the introduction of pollutants into the City wastewater system which will pass through the system, inadequately treated, into ground waters or the atmosphere or otherwise be incompatible with the City's effluent disposal system.

(c) to improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(d) to provide for equitable distribution of the cost of the City wastewater system.

This ordinance provides for the regulation of discharge to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This ordinance shall apply to the City of Bend and to persons outside the City of Bend who are, by agreement, users of the City's wastewater collection and treatment system. Except as otherwise provided herein, the Director of Public Works shall administer, implement, and enforce the provisions of this ordinance.

1.2 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the following meanings:

(a) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

(b) Approval Authority. The Director of the Department of Environmental Quality for Oregon.

(c) Authorized Representative of Industrial User. An authorized representative of an industrial user may be: (1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the industrial discharge originates.

(d) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l).

(e) Building Sewer. A sewer conveying wastewater from the premises of a user to the City system.

(f) Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard as established by the Environmental Protection Agency.

(g) City. The City of Bend or the City Commission of Bend.

(h) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

(i) Compatible Pollutant. Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria; plus any additional pollutants identified in the City's Water Pollution Control Facilities Permit, where the treatment plant treats such pollutants to the degree required by the City's permit.

(j) Control Authority. The term "control authority" shall refer to the "Approval Authority", defined under (b) above or the Director of Public Works if the City has an approved Pretreatment Program under the provisions of 40 CRF, 403.11.

(k) Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

(L) Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

(m) Holding Tank Waste. Any waste from holding tanks such as chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

(n) Incompatible Pollutant. All pollutants other than compatible pollutants as defined in sub-paragraph (i) of this section.

(o) Industrial Discharge. The discharge or the introduction of non domestic pollutants from any source, this includes partial domestic and partial nondomestic wastewater, regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the City's collection and treatment system (including holding tank waste discharged into the system).

(p) Industrial User. A source of discharge or the introduction of nondomestic pollutants from any source regulated under section 307 (b) or (c) of the Act, (33 U.S.C. 1317) into the City's collection and treatment system (including holding tank waste discharged into the system).

(q) Interference. The inhibition or disruption of the City's treatment processes or operations of which contributes to a violation of any requirement of the City's D.E.Q. Permit. The term includes prevention of sewage sludge use or disposal by the City in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the City.

(r) National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of Industrial Users.

(s) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

(t) New Source. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a section 307(c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard

(u) National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to section 402 of the Act (33 U.S.C. 1342).

(v) Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.

(w) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(x) Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(y) Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

(z) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the City's sewer system. The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).

(aa) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

(bb) City Collection and Treatment System. The collection and treatment system which is owned by the City of Bend. This definition includes any sewers that convey wastewater to the City's treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Ordinance, the City collection and treatment system shall also include any sewers that convey wastewaters to the treatment plant from persons outside the City of Bend who are, by agreement with the City of Bend, served by the City's wastewater system.

(cc) City Treatment Plant. That portion of the City's system designed to provide treatment to wastewater.

(dd) Shall is mandatory; May is permissive.

(ee) Significant Industrial User. Any Industrial user of the City's wastewater disposal system who (1) has a discharge flow of 50,000 gallons or more per average work day, or (2) has a flow greater than 5% of the flow in the City's wastewater treatment system, or (3) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act, or (4) is found by the City, D.E.Q. or the U. S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

(ff) State. State of Oregon.

(gg) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office or Management and Budget, 1972.

(hh) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(ii) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

(jj) Director of Public Works. The person designated by the City to supervise the operation of the City owned treatment works and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

(kk) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

(LL) User. Any person who contributes, causes or permits the discharge of wastewater into the City's collection and treatment facilities.

(mm) Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions whether treated or untreated, which is contributed into or permitted to enter the City's collection and treatment system.

(nn) Waters of the State. All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of any portion thereof.

(oo) Industrial Wastewater Discharge Permit. As set forth in section 4.2 of this ordinance.

1.3 Abbreviations.

The following abbreviations shall have the designated meanings;

- BOD - Biochemical oxygen demand.
- CFR - Code of Federal Regulations.
- COD - Chemical oxygen demand.
- EPA - Environmental Protection Agency.
- l - Liter
- mg - Milligrams.
- mg/l - Milligrams per liter.
- NPDES - National Pollutant Discharge Elimination System.
- O&M - Operation and Maintenance
- SIC - Standard Industrial Classification.
- SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
- USC - United States Code.
- TSS - Total suspended solids.

SECTION 2. REGULATIONS

2.1 General Discharge Prohibitions

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the City's wastewater collection and treatment system. These general prohibitions apply to all such users of the City facilities whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State of Oregon, or local Pretreatment Standards or Requirements. A user may not discharge the following substances into the City sewer system in such amounts that interfere with the operation of the sewer system:

(a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewer system or to the operation of the pump stations and treatment plant. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides and any other substances which the City, the State of Oregon or EPA has notified the users is a fire hazard or a hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding, or polishing wastes.

(c) Any wastewater having a pH less than 5.0, or higher than 11.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the collection system, pump stations or treatment plant.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with maintenance of the wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving water of the plant or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act. See Exhibit "A" of this ordinance.

(e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

(f) Any substance which may cause the treatment plant's effluent or any other product of the plant such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the plant is pursuing a reuse and reclamation program. In no case shall a substance discharged to the system cause the treatment plant to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State of Oregon criteria applicable to the sludge management method being used.

(g) Any substance which will cause the treatment plant to violate its State Disposal System Permit.

(h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(i) Any wastewater having a temperature which will inhibit biological activity in the treatment plant, but in no case wastewater with a temperature at the introduction into the system which exceeds 65°C (149°F) for users with a daily wastewater flow of 25,000 gallons or more.

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow and/or pollutant concentration which a user knows or has reason to know will cause interference to the treatment plant. In no case shall a slug load have a flow rate, or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(k) Any wastewater containing any radioactive wastes or isotopes of such halflife or concentration as may exceed limits established by the State of Oregon or Federal regulations.

(L) Any non-domestic wastewater which causes a hazard to human live or creates a public nuisance.

2.2 Federal Categorical Pretreatment Standards

Upon the promulgation of the Federal Categorical Pretreatment Standard for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this ordinance. The Director of Public Works shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.

2.3 Modification of Federal Categorical Pretreatment Standards

Where the City's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the City may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistant removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The City may modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

2.4 Specific Pollutant Limitations

No person shall discharge wastewater containing in excess of:

0.5 mg/l arsenic

0.5 mg/l cadmium

1.5 mg/l copper

0.5 mg/l cyanide

1.5 mg/l lead

0.05 mg/l mercury

1.5 mg/l nickel

0.5 mg/l silver

0.5 mg/l total chromium

1.5 mg/l zinc

2.5 State of Oregon Requirements

State of Oregon requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this ordinance.

2.6 City's Right of Revision

The City reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in section 1.1 of this ordinance

2.7 Excessive Discharge

No user shall ever increase the use of process water or, in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the City or State. (Comment: Dilution may be an acceptable means of complying with some of the prohibitions set forth in Section 2.1, e.g. the pH prohibition.)

2.8 Accidental Discharges

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. All existing users shall complete such a plan by January 1, 1984. No user who commences contribution to the City Sewer System after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this ordinance. In case of an accidental discharge, it is the responsibility of the user to immediately telephone and notify the City of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Written Notice. Within five (5) days following an accidental discharge; the user shall submit to the Director of Public Works a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the City facilities, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

Notice to Employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees to call the City in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

SECTION 3 - FEES

3.1 Purpose

It is the purpose of this section to provide for the recovery of costs from users of the City's wastewater disposal system for the implementation of the program established herein. The applicable extra strength charge will be set forth in the City's Schedule of Charges and Fees.

3.2 Fee

The permit fees for sewer service for industrial wastes that require a pretreatment permit shall be as follows:

(a) Base fee for all industrial pretreatment permits - $50.00.

(b) Plan review for pretreatment and accidental discharge facilities - $50.00 minimum plus any additional actual cost.

(c) Minimum annual fee for monitoring inspections and surveillance - $75.00.

(d) Other fees the City determines are necessary to pay for carrying out the requirements of this ordinance.

These fees relate solely to industrial pretreatment and are separate from all other fees charges by the City, such as connection charges.

SECTION 4 - ADMINISTRATION

4.1 Wastewater Dischargers

It shall be unlawful to discharge any industrial wastewater to the City sewer system without first obtaining a permit from the City of Bend.

4.2 Wastewater Contribution Permits

(a) General Permits All significant industrial users proposing to connect to or to contribute added flow to the City's sewer system shall obtain an Industrial Wastewater Discharge Permit before connecting to or contributing to the system. All existing significant users connected to or contributing to the system shall obtain an Industrial Wastewater Discharge Permit within 180 days after being notified by the City.

(b) Permit Application Users required to obtain an Industrial Wastewater Discharge Permit shall complete and file with the City, an application in the form prescribed by the City, and accompanied by a $50.00 fee noted in section 3.2 Fee. Existing users shall apply for a Wastewater Discharge Permit within 180 days after notification. In support of the application, the user along with a Professional Engineer, shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name, address, and location, (if different from the address);

(2) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

(3) Wastewater constituents and characteristics including but not limited to those mentioned in section 2 of this ordinance as determined by an EPA approved analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;

(4) Time and duration of contribution;

(5) Average daily and 3 minutes peak wastewater flow rates, including daily, monthly and seasonal variations if any;

(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

(7) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

(8) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional O&M and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards;

(9) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard:

The following conditions shall apply to this schedule:

(A) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(B) No increment referred to in paragraph (1) shall exceed nine (9) months.

(C) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Director of Public Works including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Director of Public Works.

(10) Each product produced by type, amount, process or processes and rate of production;

(11) Type and amount of raw materials processed (average and maximum per day);

(12) Number of type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(13) Any other information as may be deemed by the City to be necessary to evaluate the permit application.

The City staff will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City Manager may issue an Industrial Wastewater Discharge Permit subject to terms and conditions provided herein.

Any applicant for an Industrial Use Permit who wishes to appeal the administration of this ordinance may submit a written appeal to the Bend City Commission for review by the Commission Sewer and Water Committee.

(c) Permit Modifications.

Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit or users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a National Categorical Pretreatment Standard has not previously submitted an application for an Industrial Wastewater Discharge Permit as required by 4.2(b), the user shall apply for an Industrial Wastewater Discharge Permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the User with an existing Industrial Wastewater Discharge Permit shall submit to the Director within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraph (8) and (9) of section 4.2(b).

(d) Permit Conditions

Industrial Wastewater Discharge Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:

(1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

(2) Limits on the average and maximum wastewater constituents and characteristics;

(3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;

(4) Requirements for installation and maintenance of inspection and sampling facilities;

(5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

(6) Compliance schedules;

(7) Requirements for submission of technical reports or discharge reports (see 4.3);

(8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;

(9) Requirements for notification of the City or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

(10) Requirements for notification of slug discharges as per 5.2;

(11) Other conditions as deemed appropriate by the City to ensure compliance with this ordinance.

(e) Permits Duration The permits will not specify a specific time period. The permits will remain in force until there is any change in the wastewater discharge; changes in the terms of the permit or modifications in the requirements of this ordinance; or if other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(f) Permit Transfer Industrial Wastewater Discharge Permits are issued to a specific user for a specific operation. An Industrial Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

4.3 Reporting Requirements for Permittee

(a) Compliance Date Report Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the City sewer system, any user subject to Pretreatment Standards and Requirements shall submit to the Director of Public Works a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and prepared by a qualified professional engineer.

(b) Periodic Compliance Reports

(1) Any user subject to a Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the City sewer system, shall submit to the Director of Public Works during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Director, a report indicating the nature and concentration, of pullutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in paragraph (b)(4) of this section. At the discretion of the Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Director may agree to alter the months during which the above reports are to be submitted.

(2) The Director of Public Works may impose mass limitations on users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (1) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Director, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the Environmental Protection Agency pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Environmental Protection Agency. Sampling shall be performed in accordance with the techniques approved by the Environmental Protection Agency.

(Comment: Where 40 CFR, Part 136 does not include a sampling or analylitical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Environmental Protection Agency.)

4.4 Monitoring Facilities

The City shall require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the City.

4.5 Inspection and Sampling

The Director of Public Works shall inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the City or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, State D.E.Q., and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

4.6 Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or State of Oregon D.E.Q. upon request.

4.7 Confidential Information

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.

When requested by the person furnishing a report, the portions of a report which would disclose trade secrets or secret processes shall not be made available for inspection by the public under ORS 192.500.

Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the City as confidential may not be disclosed except as authorized under ORS 192.500

SECTION 5. ENFORCEMENT

5.1 Harmful Contributions

The City may suspend the wastewater treatment service and/or an Industrial Wastewater Discharge Permit when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare, of persons, to the environment, causes interference to the treatment plant or causes the City to violate any condition of its operating premit.

Any person notified of a suspension of the wastewater treatment service and/or the Industrial Wastewater Discharge Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the City shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the City sewer system or endangerment to any individuals. All reconnection expenses shall be the responsibility of the user. The City shall reinstate the Industrial Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within 15 days of the date of occurrence.

5.2 Revocation of Permit

Any user who violates the following conditions of this ordinance, or applicable State and Federal regulations, is subject to having his permit revoked in accordance with the procedures of section 5 of this ordinance:

(a) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;

(b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

(c) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,

(d) Violation of conditions of the permit.

5.3 Notification of Violation

Whenever the City finds that any user has violated or is violating this ordinance, or the Industrial Wastewater Discharge Permit, or any prohibition, or limitation of the requirements contained within this ordinance, the City may serve upon such person a written notice stating the nature of the violation. Said notice may include a wastewater discharge limit as set by the Director of Public Works. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the City by the user.

5.4 Show Cause Hearing

(a) The City may order any user who causes or allows an unauthorized discharge to show cause before the City Commission why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the City Commission regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the City Commission why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

(b) The City Commission may itself conduct the hearing and take the evidence, or may designate any of its members or any officer to:

(1) Issue in the name of the City Commission notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(2) Take the evidence;

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City Commission for action thereon.

After the City Commission has reviewed the evidence, it may issue an order to the user responsible for the discharge that the sewer service be discontinued after a specified time period. Discontinued service may occur unless adequate treatment facilities, devices or other related appurtenances are properly operated; or devices or other related appurtenances are installed on existing treatment facilities. Further orders and directives as are necessary and appropriate may be issued.

5.5 Legal Action

If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this ordinance, Federal or State Pretreatment Requirements or any order of the City, the City Attorney may commence an action for appropriate legal and/or equitable relief in the Courts of Deschutes County or of the City of Bend.

SECTION 6. PENALTY: COSTS

6.1 Penalties

An infraction of an order of the City Commission or willful or negligent failure to comply with any provision of this ordinance, and the orders, rules, regulations and permits issued hereunder, is subject to a Class A misdemeanor. Each day on which a violation shall occur or continue shall be deemed a separate and distinct violation.

In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate civil suit at law against the person found to have violated this ordinance or the orders, rules, regulations, and permits issued hereunder.

6.2 Falsifying Information

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or Industrial Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance, shall, upon conviction, be punished as a Class A misdemeanor.

SECTION 7. SEVERABILITY

If any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraph, words, sections, and chapters shall not be affected and shall continue in full force and effect.

SECTION 8. CONFLICT

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Read for the first time the 1st day of December, 1982.

Read for the second time the 5th day of January, 1983.

Placed upon its passage the 5th day of January, 1983.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 5th day of January, 1983.

Mayor

ATTEST:

Recorder-Treasurer

Exhibit 'A'

65 Toxic Pollutants Listed In 307(a) of the Federal Clean Water Act of 1977

Acenapthene
Acrolein
Acrylonitrile
Aldrin/Dieldrin
Antimony and compounds
Arsenic and compounds
Asbestos
Benzene
Benzidine
Beryllium and compounds
Cadmium and compounds
Carbon tetrachloride
Chlordane
Chlorinated benzenes
Chlorinated ethanes
Chlorinalkyl ethers
Chlorinated naphthalene
Chlorinated phenols
Chloroform
2-chlorophenol
Chromium and compounds
Copper and compounds
Cyanides
DDT and metabolities
Dichlorobenzenes
Dichlorobenzidine
Dichloroethylenes
2, 4-dichlorophenol
Dichloropropane & Dichloropropene
2, 4-dimethylphenol
Dinitrotoluene
Diphenylhydrazine
Endosulfan & metabolites
Endrin and metabolites
Ethylbenzene
Fluoranthene
Haloethers
Halomethanes
Heptachlor and metabolites
Hexachlorobutadiene
Hexachlorocyclopentadiene
Hexachlorocylohexane
Isophorone
Lead and compounds
Mercury and compounds
Naphthalene
Nickel and compounds
Nitrobenzene
Nitrophenols
Nitrosamines
Pentachlorophenol
Phenol
Phthalate esters
Polychlorinated byphenyls (PCB)
Polynuclear aromatic Hydrocarbons
Selenium and compounds
Silver and compounds
2,3,7,8, -Tetrachlorodibenzo-p-dioxin (TCDD)
Tetrachloroethylene
Thallium and compounds
Toluene
Toxaphene
Trichloroethylene
Vinyl chloride
Zinc and compounds

ORDINANCE NO. NS-1369

AN ORDINANCE AMENDING THE CITY ZONING ORDINANCE NS-1178 BY CHANGING THE ZONING OF A PARCEL OF LAND FROM RS URBAN STANDARD DENSITY RESIDENTIAL TO RH URBAN HIGH DENSITY RESIDENTIAL

WHEREAS, a zone change application was filed in accordance with City Zoning Ordinance NS-1178 for a parcel described as Lot 1 and the west Half of Lot 2, Block 28, Center Addition, City of Bend, Oregon; and

WHEREAS, the zone change was from RS Urban Standard Density Residential to RH Urban High Density Residential; and

WHEREAS, the Bend Area General Plan does designate the subject property Urban High Density Residential; and

WHEREAS, a public hearing was held before the City of Bend Hearings Officer, and the Hearings Officer upon recommendation from the City Planning Department did approve the request with a recommendation to the City Commission for approval,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the property described as Lot 1 and the west half of Lot 2, Block 28, Center Addition, City of Bend, Oregon be rezoned from RS Urban Standard Density Residential to RH Urban High Density Residential.

Read for the first time the 1st day of December, 1982.

Read for the second time the 15th day of December, 1982

Placed upon its passage the 15th day of December, 1982.

Yes: 7 No: 0

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1370

AN ORDINANCE AMENDING SECTION 5.252 OF THE BEND CIVIL INFRACTION CODE AND SECTIONS 6.030, 6.095 AND 6.300 OF THE BEND TRAFFIC CODE. NS-1361

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Those words underlined are added and those words ~~lined~~ through are deleted.

Section One. Section 5.252 of the Bend Code (Dog at Large) is amended as follows:

5.252 Dog at Large:

(1) ~~No owner shall permit the owner's dog to run at large.~~ No dog shall run at large. The owner is responsible for a dog at large.

(2) A violation of this section is a Class B Civil Infraction.

Section Two. Section 6.030 of the Bend Code (Powers of City Manager) is amended to read as follows:

6.030 Duties and Powers of the City Manager. The City Manager or designee shall:

(1) Implement the actions taken by the Commission under Section 6.025.

(2) Establish, maintain, remove or alter the following classes of traffic controls:

(a) Crosswalks, safety lanes, and traffic lanes.
(b) Intersection channelizations and areas where drivers of vehicles shall not make, left, or U-turns and the time when the prohibition applies.
(c) Parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal).
(d) Loading zones and stops for vehicles.
(e) Traffic control signals.
(f) Temporarily block or close off local residential streets.

(3) Issue parking permits for persons temporarily disabled.

Section 3. Section 6.095(1) of the Bend Code (Special Events) is amended to read as follows:

6.095 Special Event Permit:

(1) Application for a special event permit shall be made to the Chief of Police at least ~~15~~ 30 days before the date of the event unless the time is waived by the Chief.

Section 4. Section 6.300(1) of the Bend Code (Illegal Cancellation of Parking Citation) is amended to read as follows:

6.300 Illegal Cancellation of Parking Citation:

(1) No person shall dismiss ~~cancel or solicit the cancellation of~~ a parking citation in any manner, except when approved by the municipal judge.

(2) A violation of this section is a Class B civil infraction.

Read for the first time the 19th day of January, 1983.

Read for the second time the 2nd day of February, 1983.

Placed upon its passage the 2nd day of February, 1983.

VOTE: YES: 6 NO: 0

Samuel A. Langmas
Mayor

ATTEST:

James V. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1371

AN ORDINANCE AMENDING BEND ORDINANCE NS-1359, THE CITY OF BEND LAND USE PROCEDURE ORDINANCE.

THE CITY COMMISSION DOES ORDAIN AS FOLLOWS:

Those words underlined are to be added and those words ~~lined through~~ are to be deleted.

The following sections of Ordinance NS-1359 are amended as follows.

Section One. Section 6 is amended to read as follows:

Section 6. Hearings Body Order. The following shall serve as Hearings Body in this order:

A. Hearings Officer
~~B. Planning Commission~~
~~C~~B. City Commission

Section Two. The following new subparagraphs shall be added to Section 7 to read as follows:

A.
4. All owners of record for solar access permits shown on the application.

B. Notice for all applications shall also be posted on the property and be visible from any adjacent public way, where practicable. Further notice of a solar access application shall be posted on each lot identified in the application.

Section Three. Section 12 is amended to read as follows:

Any person appearing on the record at the hearing or presenting written evidence in conjunction with an administrative action or hearing shall have standing and shall be a party. Additionally, any owner of property to be burdened by a solar access permit shall be considered a party at every stage of the solar access permit decision process.

Section Four. Section 21 is amended to read as follows:

Section 21. Review by ~~Planning Commission and~~ City Commission.

A. A review of an administrative action or a hearing body's decision may be initiated by not less than two members of ~~a Planning Commission or~~ the City Commission.

B. The review shall be initiated in writing within fifteen (15) days of the date of the making or the final written decision of the Planning Director or lower hearings body.

C. A review shall be conducted in the same manner provided for in appeals.

Section Five. Section 22 is amended to read as follows:

Section 22. Appeal.

A. The decision shall be final unless a written notice of appeal is received within fifteen (15) days following the mailing of the final written notice.

B. The following persons may file an appeal:

1. A party.

2. A person to whom notice was to be mailed in accordance with Section 7 of this Ordinance and to whom no notice was mailed.

3. A person to whom notice is mailed is deemed notified, even if notice is not received.

4. The Planning Commission may appeal any administrative decision to the Hearings Officer or a decision of the Hearings Officer to the City Commission. Said appeal may be initiated by not less than two (2) members of the Planning Commission. Once an appeal is initiated, the Planning Commission shall, at its next regular meeting, determine to continue the appeal or not and, if so, what recommendation it wishes to make on the appeal. Said recommendation shall be forwarded to the Hearings Officer or the City Commission.

Section Six. Section 23 is amended to read as follows:

Section 23. Notice of Appeal. Every Notice of Appeal shall contain:

A. Specific grounds relied upon for appeal.

B. If a hearing was held, a transcription of the magnetic tape record.

C. Failure to submit the transcription of magnetic tape record shall render a Notice of Appeal insufficient, except that the said transcript may be submitted within ten (10) days after the date Notice of Appeal is filed.

D. If a party wishes to have a de novo hearing, a Motion for a De Novo Hearing shall accompany the Notice of Appeal. If an appeal is filed by the Planning Commission, the Motion for a de novo hearing may be made at their next regularly scheduled meeting. The Motion shall set forth the reasons why a de novo hearing should be held.

Section Seven. Section 24 is amended to read as follows:

Section 24. Hearing on Appeal.

A. All parties shall be mailed notice of the hearing on appeal at least ten (10) days prior to the hearing.

B. The review on appeal shall be on the record and shall be heard as provided for in Sections 9 through 17 of this Ordinance. Provided, however, the governing body may allow a de novo hearing if a proper motion is filed and the City Commission finds that:

1. There is new evidence that could not have been reasonably placed into the record at the hearing below; or

2. The party requesting the de novo hearing did not receive notice of the initial hearing; or

3. If the City Commission finds that there is excusable neglect on the part of the parties in not fully developing the record below.

~~B.--The-review-on-appeal-shall-be-de-novo-and-shall-be-heard-as-in-Sections 9-through-17-of-this-Ordinance,-except-that-redundant-evidence-shall-not be-allowed.~~

C. The order of the Hearings Body shall be provided in Section 6 of this Ordinance.

D. The record of the proceeding from which the appeal is taken shall be a part of the record on appeal.

Section Eight. Section 25. is added as follows:

Section 25. Hearings Officer's Decision Affirmed. The City Commission may decline to hear the matter on appeal by affirming the decision of the Hearings Officer at a regularly scheduled Commission meeting following the filing of a Notice of Appeal. If the Commission affirms the Hearings Officer's decision without a hearing, the period for filing an appeal to the Land Use Board of Appeals (LUBA) shall run from the date of the Commission decision.

Section Nine. Section 26 is added as follows:

Section 26. Denial of a Decision Not a Bar to Reapplication. An application may be refiled within the six month period following denial of said application if the substantive law concerning the application is amended.

Section Ten. The following Sections are changed in number only:

Section ~~25.~~ 27.
Section ~~26.~~ 28.
Section ~~27.~~ 29.
Section ~~28.~~ 30.
Section ~~29.~~ 31.
Section ~~30.~~ 32.

Read for the first time the 16th day of February, 1983.

Read for the second time the 2nd day of March, 1983.

Placed upon its passage the 2nd day of March, 1983.

YES: 6 NO: 0

ATTEST: Samuel C. Longnes
Mayor

Recorder-Treasurer

ORDINANCE NO. NS-1372

AN ORDINANCE AMENDING THE CITY OF BEND ZONING ORDINANCE (NS-1178):

The CITY OF BEND DOES ORDAIN AS FOLLOWS:

Those words ~~lined-through~~ are to be deleted and
those words underlined are to be added.

Section One. Section 3 (compliance) is amended to read as follows:

Section 3. Compliance with Ordinance Provisions. Except as provided in Section 28, no building or other structure shall be constructed, improved, altered, enlarged or moved, nor shall any use or occupancy of premises within the City be commenced or changed, nor shall any condition of or upon real property be caused or maintained, after the effective date of this Ordinance, except in conformity with conditions prescribed for each of the several zones established hereunder. It shall be unlawful for any person, firm or corporation to erect, construct, establish, move into, alter, enlarge, or use, or cause to be used, any building, structure, improvement or use of premises located in any zone described in this Ordinance contrary to the provisions of this Ordinance. Where this Ordinance imposes greater restrictions than those imposed or required by other rules or regulations or ordinances, the provisions of this Ordinance shall control.

(1) No building permit shall be issued unless all fees, including but not limited to sewer and water connection fees, systems development fees and any reimbursement fees required by City policy are paid.

Section Two.

(1) Section 4 (Definitions) is amended by deleting the following definitions:

(5) ~~Adjoin~~
(6) ~~Advertising Structure~~
(11) ~~Applicant~~
(12) ~~Application for Land Use Permit~~
(13) ~~Billboard~~
(42) ~~Contested Case~~
(46) ~~District~~
(55a) ~~Height of Building~~
(57) ~~Hearing, Initial~~
(58) ~~Hearings Officer~~
(65) ~~Land Use Action~~
(89) ~~Permit~~

The Planning Director is hereby authorized and directed to also delete the enumeration of each definition remaining.

(2) The following definitions are hereby added to read:

Destination Resort: A largely self contained facility offering recreational opportunities for permanent residents and seasonal visitors, catering primarily to members and guests. Minimum area for a destination is 160 acres.

Dude Ranch: A ranch operated wholly or in part as a resort offering horse riding related activities as outdoor recreation opportunities, and offering only temporary rental accomodations for vacation use by non-residents.

Zero Lot Line Subdivision or Partition: A type of residential subdivision or partition utilizing zero lot lines between dwelling units and providing for individual ownership of each lot.

Adult Bookstore: Any premises from which minors are excluded and in which the retail sale of books, magazines, newspapers, movie films, devices, slides, or other photographic or written reproductions is conducted as a principal use of the premises; or as an adjunct to some other business activity, but which constitutes the primary or a major attraction to the premises.

Adult Theatre: A building used for presenting an obscene performance for which an admission is charged or is advertised as open to the general public. For the purpose of this definition "obscene performance" shall have that meaning defined in ORS 167.060(6).

Section Three. Districts. Except for referenced to the Flood Plain District, the Planning Director or designee is hereby authorized and directed to substitute the word "zone" for the word "district" throughout the Zoning Ordinance.

Section Four. Section 9 (Zoning of Annexed Areas) is amended to read:

Section 9. Zoning of Annexed Areas. ~~All land~~ If a reclassification for lands annexed to the City of Bend is necessary, said land shall be reclassified to a zone consistent with the Comprehensive Plan after hearing and recommendation by the Planning Commission to the City Commission. Any conditions, limitations or restrictions appled by the County to regulate a development of land annexed to the City shall continue to apply until replaced by the City. Where appropriate the City may continue any restrictions, limitations and conditions and enforce the same as if applied by the City pursuant to the Ordinance and its procedures.

Section Five. Section 9(a)(3) (UAR-10 Conditional Use) is amended to read:

(r) Building over 30 feet in height.

Section Six. Section 9(a)(4) (UAR-10 Height) is amended to read:

(4) Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height without a conditional use permit.

Section Seven Section 9A(5)(f) is added to read:

(f) Zero Lot Line Subdivisions or Partitions: Regulations for side yard setback may be waived for an approved zero lot line subdivision or partition.

Section Eight. Section 10(3)(u) and (v) are added as follows:

(u) Garage that exceeds 720 square feet in floor area.

(v) A building or structure over 30 feet in height.

Section Nine. Section 10(4) is amended to read as follows:

(4) Height Regulations. No building or structure shall be hereafter erected, enlarged ro structurally altered to exceed 30 feet in height without a conditional use permit.

Section Ten. Section 10(5)(g) is added as follows:

(g) Zero Lot Line Subdivision or Partition:
Regulations for a side yard setback may be waived for an approved zero lot line subdivision or partition.

The Planning Director is also authorized and directed to replace the words "~~Planning Commission~~" in Section (10)(5) with the words "Hearings Body".

Section Eleven. Section (11)(5)(g) is added as follows:

(g) Zero Lot Line Subdivision or Partition:
Regulations for a side yard setback may be waived for an approved zero lot line subdivision or partition.

Section Twelve. Section (11)(7)(b) is amended to read:

(b) ~~Except for single family dwellings on a single lot,~~ The distance between principal buildings shall be at least ~~one half the sum of the height of both buildings, provided, however, that in no case shall the distance be less than 12~~ 10 feet. This requirement shall also apply to portions of the same building separated from each other by a court or other open space.

Section Thirteen. Section (12)(2)(c) is amended to read:

(c) Multiple family dwellings, apartment houses, ~~and~~ dwelling groups and condominiums.

Section Fourteen. Section 12(7)(b) is amended to read:

(b) ~~Except for single family dwellings on one lot,~~ The distance between principal buildings shall be at least ~~one half the sum of the height of both building, provided, however, that in no case shall the distance be less than 12~~ 10 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court or other open space.

Section Fifteen. Section 14(2)(i)(m)(t) and (x) are amended to read:

(i) Barber and beauty shop.
(m) Clothes cleaning agency using non-flammable cleaning agents, including self-service cleaning establishment and a clothes cleaning pickup agency.
(t) Food and health food store.
(x) Hobby shop and toy store.

The Planning Director is also authorized and directed to reletter the uses set forth in 14(2) where necessarv.

Section Sixteen. Section 14(3)(j) is added to read:

(j) A building over 30 feet in height.

Section Seventeen. Section 14(4) is amended to read:

(4) Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 30 feet without a conditional use permit.

Section Eighteen. Section 15(2)(g)(k)(p)(w)(y)(dd) are amended to read and Section (zz) us added as follows:

(g) Auto parts sales ~~(new)~~.
(k) Barber and beauty shop.
(p) Clothes cleaning agency using nonflammable cleaning agents including self-service cleaning establishments and pick-up cleaning agencies.
(w) Food and health food store.
(y) Furniture and home furnishing stores.
(dd) Hobby shop and toy store.
(zz) Bus terminal.

Section 15 (2)(ii)(jj)(1)(cc)(ee) and (vv) are hereby deleted. The Planning Director is hereby authorized and directed to correct the lettering of the uses where necessary.

Section Nineteen. Section 15 (3)(p) is added as follows:

(p) A building over 30 feet in height.

Section Twenty. Section 15 (4) is amended to read:

(4) Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 30 feet without a conditional use permit.

Section Twenty-One. Section 16 (2)(cc) is added to read:

(cc) Bus terminal

Section Twenty-Two. Section 16 (3)(d) and 16 (4) are amended to read:

(3)(d) Building over ~~35~~ 30 feet in height.
(4) Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 30 feet without a conditional use permit.

Section Twenty-Three. Section 17 (2)(n) and 18 (2)(i) are added as follows:

(17)(2) (n) Bus terminal.
(18)(2) (i) Bus terminal.

Section Twenty-Four. Section 18(4) is amended to read:

(4) Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 45 feet ~~except as provided in Section 29~~ without a conditional use permit.

Section Twenty-Five. Section 18 (6) is amended to read:

(6) Off-Street Parking and Loading. There are no requirements for existing buildings in the area bound by Brooks Street, Newport-Greenwood Avenues, the alley east of and parallel to Bond Street and Franklin Avenue. Parking in the remaining CB zone will be established by the Site Plan Committee ~~Planning Commission~~ during site plan review.

Section Twenty-Six. Section 18 (7)(c) is amended to read:

(c) Existing off-street parking shall be maintained unless alternative parking is provided with a redevelopment plan.

Section Twenty-Seven. Sections 19 (2)(h), 20 (2)(r) and 21 (2)(g) are hereby deleted.

Section Twenty-Eight. Section 22, the words "Hearings Body" shall replace the words "~~Planning Commission~~"

Section Twenty-Nine. Section 23 (1) is amended to read:

Section 23. Site Plan Approval.

(1) Purpose. The purpose of Site Plan Approval is to ensure compliance with the objectives of this Ordinance and the Comprehensive Plan where development may cause a conflict between uses in the same or adjoining zones by creating unsightly, unhealthful or unsafe conditions and thereby adversely affect the public health, safety, and general welfare. The purpose shall also be to avoid creating undue burdens on public facilities and services. In considering a site plan the Committee shall take into account the impact of the proposed development on nearby properties, on the capacity of the street system, on land values and development potential of the area, and on the appearance of the street and community. ~~The Committee may require the following in addition to the minimum standards of this Ordinance as a condition to the Site Plan approval.~~

~~(a) An increase in the required yards.~~
~~(b) Additional off-street parking.~~
~~(c) Screening of the proposed use by a fence or landscaping or combination thereof.~~

~~(d)--Limitations on the size, location and number of lights.~~
~~(e)--Limitations on the number and location of curb cuts.~~
~~(f)--Dedication of land for the creation or enlargement of streets where the existing street system will be impacted by or inadequate to handle the additional burden caused by the proposed use.~~
~~(g)--Improvement, including but not limited to paving, curbing, installing of traffic signals and construction of sidewalks, of the street system which serves the proposed use where the existing street system will be burdened by the proposed use.~~
~~(h)--Improvement or enlargement of utilities serving the proposed use where the existing utilities system will be burdened by the proposed use.--Improvement may include but shall not be limited to extension of utility facilities to serve the proposed use and installation of fire hydrants.~~
~~(i)--Landscaping of the site.~~
~~(j)--Any other limitations or conditions which it considers necessary to achieve the purposes of this Ordinance.~~

Section Thirty. Section 23 (2) is amended to read:

(2) Site Plan Committee. There is hereby created a Site Plan Committee consisting of the Planning Director, the Public Works Director ~~the Building Official~~ and the City Engineer, or their authorized deputies, to carry out the duties set forth in this section. ~~This committee shall have the authority to approve, disapprove, or to approve with conditions, the site plans for all proposed new buildings (except single family, duplex and triplex dwellings), outdoor sales, storage and parking areas, enlargement of existing buildings and the conversion of a building to a more intensive use in those zoning districts where Site Plan Approval is required.--In the review of plans, the Site Plan Committee shall be governed by the purposes and objectives of this section as set forth in subsection (1) of Section 23.~~

Section Thirty-One. Section 23 (3)(4)(5) is hereby deleted and replaced by the following to read:

(3) Site Plan Requirements. In all zones, except for a single family, duplex or triplex unit on one lot, all new uses, buildings, outdoor storage or sales areas and parking lots or alterations thereof shall be subject to the provisions of this section. Site plan approval shall not be required where a proposed alteration of an existing building does not exceed 25% of the original structure unless the Planning Director finds the original structure or proposed alteration does not meet the requirements of this ordinance or other ordinances of the City of Bend.

(4) Non-compliance.

(a) Non-compliance with a final approved site plan or development agreement shall be treated as a zoning ordinance violation, subject to the provisions of Section 36.

(b) The applicant shall demonstrate continued compliance with the approved landscape plan.

(5) Procedure.

(a) Prior to filing a site plan application, the applicant is encouraged to confer with the Planning Department concerning the requirements of formal application.

(b) The Site Plan application shall be filed on a form provided by the Planning Department and shall be accompanied by drawings containing information as specified by the Planning Department. A minimum of eight (8) copies of the site plan shall be submitted and such additional information as is deemed necessary for the Site Plan Committee to adequately review the application.

(c) The Site Plan Committee shall approve, approve with conditions, or disapprove the site plan. In approving the plan, the Committee shall find that all provisions of this ordinance are complied with and that all buildings and facilities, access points, parking and loading facilities, lighting, and walls or fences are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected, and that there will be minimal adverse effect on surrounding property. The decision of the Committee shall be final unless appealed in accordance with the City of Bend's land use procedures.

(6) The Committee may require the following in addition to the minimum standards of this Ordinance as a condition to the Site Plan Approval.

(a) An increase in the required yards.
(b) Additional off-street parking.
(c) Screening of the proposed use by a fence or landscaping or combination thereof.
(d) Limitations on the size, location and number of lights.
(e) Limitations on the number and location of curb cuts.
(f) Dedication of land for the creation or enlargement of streets where the existing street system will be impacted by or inadequate to handle the additional burden caused by the proposed use.
(g) Improvement, including but not limited to paving, curbing, installing of traffic signals and constructing sidewalks, of the street system which serves the proposed use where the existing street system will be burdened by the proposed use.
(h) 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.
(i) Landscaping of the site.
(j) Any other limitations or conditions which it considers necessary to achieve the purposes of this Ordinance.

(7) Agreement and Security. The developer and owner shall, as a condition of approval, execute a development agreement for any improvements required on a form approved by the City Attorney and may be required to file with the City a performance bond or other security as approved by the City Attorney to assure full performance of the required improvements. The bond shall be for the cost of the improvements plus 10%.

(8) Site Plan Criteria. Approval of a site plan shall be based on the following criteria:

(a) Safety and Privacy. Residential site plans shall be designed to provide a safe living environment, while offering appropriate opportunities for privacy and transitions from public to private spaces.
(b) Special Needs of Handicapped. When deemed appropriate the site plan shall provide for the special needs of handicapped persons, such as ramps for wheelchairs, drop curbs, and handicapped parking stalls.
(c) Preservation of Natural Landscape. The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve the applicant's functions. Preserved trees and shrubs shall be protected during construction.
(d) Pedestrian and Vehicular Circulation and Parking. The location and number of points of access to the site, the interior circulation patterns, designs of parking areas, and the separation between pedestrians and moving and parked vehicles shall be designed to promote safety and avoid congestion on adjacent streets.
(e) Buffering and Screening. Areas, structures, and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered, or screened to minimize adverse impacts on the site and neighboring properties.
(f) Utilities. All utility installations above ground, if such are allowed, shall be located so as to minimize adverse impacts on the site and neighboring properties.
(g) Public Facilities. The proposed use shall not be an undue burden on public facilities, such as the street, sewer or water systems.

(9) Required Minimum Standards.

(a) Landscaping Requirements.
(i) A minimum of 15% of the area of a project shall be landscaped for multi-family, commercial, and industrial developments, subject to site plan approval.
(ii) In addition to the requirements of subpart (i) of subsection (a) above, a parking or loading area exceeding

20 parking stalls shall be required to be improved with defined landscaped areas totaling no less than 15 square feet per parking space.

(b) A landscaped strip separating a parking or loading area from a street shall contain:

(i) Street trees spaced as appropriate to the species, not to exceed 50 feet apart, on the average; and
(ii) Low shrubs, not to reach a height greater than 3' 10" spaced no more than eight feet apart, on the average; and
(iii) Vegetative ground cover spaced as appropriate to the species.

(c) Landscaping in a parking or loading area shall have a width of not less than five feet. Landscaping in a parking or loading area shall be located in a defined landscaped areas which are uniformly distributed throughout the parking or loading area.

(d) Provision shall be made for the irrigation of planting area.

(e) Required landscaping shall be continuously maintained.

(f) Shared areas. Usable outdoor recreation space shall be provided for the shared use of residents and their guests in any apartment residential development as follows:

(i) Units with one or two bedrooms; 200 square feet of lawn per unit.
(ii) Units with three or more bedrooms: 300 square feet of lawn per unit.

(g) Storage. Areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc.

(h) Drainage. Surface drainage shall be contained on site.

Section Thirty-Two. Section 25 (1)(h) is amended to read:

(h) 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 unless a site plan for a new use is submitted, approved and implementation has begun. 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~~ by City law.

Section Thirty-Three. In sections 25 (7)(9)(10)(12) and (18) the words "Hearings Body" shall replace the words "~~Planning Commission~~".

Section Thirty-Four. Sections 25 (15) is amended to read:

(15) Home Occupation. An occupation carried on within a dwelling by members of a family occupying the dwelling with no servant, employee, or other persons being engaged, provided the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. Such occupations shall be a secondary use on the premises, shall not occupy more than 25 percent of the floor area of one floor of the dwelling and there shall be no stock in trade ~~stored in~~ displayed or goods sold, upon the premises. Signs shall be permitted according to the provisions of the City Sign Code. For purposes of this Ordinance, nursery schools and kindergartens shall not be considered as home occupations in residential zones.

Section Thirty-Five. Paragraph 2 of Section 26 (1) is amended as follows:

The distance set forth shall be measured from the centerline and at right angles to the centerline of the street ~~and required yards are in addition to this setback~~ with the required setback of the specific zone to be added to the special setback listed below.

The Planning Director is authorized to revise the names of the streets listed in Section 26 to conform with their current names.

Section Thirty-Six. Section 27 (2)(e) is amended to read:

(e) Solar panels, collectors, or other similar solar devices may be maintained as accessory structures.

Section Thirty-Seven. Section 27 (5) is hereby deleted and replaced by the following language to read:

(5) Establishment and Measure of Clear Vision Areas. In all zones, on all corners adjacent to the intersection of two streets, an alley and a street or of a street and railroad, within a triangle formed by the street lines of such building site (ignoring any corner radius) and a line drawn between points on such street lines at designated distances from the intersection thereof, there shall be no fence, wall, hedge, building or any other obstruction to vision other than a post column or tree trunk (clear of branches or foliage) between a height of two feet and a height of eight feet above the level of the curb, or of the level of the above mentioned point of intersection if the streets are sloping.

A clear vision area shall consist of a triangular area two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot line extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersection ends of the other two sides. The following measurements shall establish Clear Vision Areas within the urban area.

(a) In all commercial and industrial zones except the CB zone the minimum distance shall be 15 feet. However, at the intersection of an alley and a street, the distance shall be 10 feet.

(b) In all residential zones, the minimum distance shall be in relationship to street and road right-of-way widths as follows except at intersections of an alley and a street in a residential zone, the minimum distance shall be 15 feet.

R.O.W. Width	Clear Vision Measurement
80 feet & more	20 feet
60 feet	30 feet
50 feet	40 feet

Section Thirty-Eight. In Sections 28 (4), 29 (2)(3)(4)(5)(6)(7)(11) and 30 (1)(2)(6)(7)(9)(10), the words "Hearings Body" shall replace the words "~~Planning Commission~~".

Section Thirty-Nine. Section 31 "Variances" is hereby deleted and replaced as follows:

Section 31. Variances.

(1) Authorization to Grant or Deny Variances. Except as provided for in Subsection (3), the Hearings Body may authorize variances from the standards of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this ordinance would cause an undue or unnecessary hardship; except that no variance shall be granted to allow the use of the property for purposes not authorized within the pertinent zone, or to alter any procedural requirements of this ordinance. In granting a variance, the Hearings Body may attach conditions found necessary to protect the best interest of the surrounding property or neighborhood and to otherwise achieve the purposes of this ordinance.

(2) Criteria. No variance shall be granted pursuant to the provisions of Subsection (1) unless the applicant can establish:

(a) That special conditions exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, buildings, or structures in the same zone.

(b) That strict interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zone under the terms of this ordinance.

(c) That the special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience.

(d) That granting the variance will be in harmony with the objectives of this ordinance, and not injurious to the neighborhood or otherwise detrimental to the public welfare.

(3) Authorization to Grant or Deny Variances to On-Site Requirements. The Planning Director or, if the variance is reviewed in conjunction with site plan review, the Site Plan Committee may authorize a variance from the standards of this ordinance relating to on-site requirements (e.g. yards, parking, etc.) Provided, however, that no variance under this section shall be greater than 25% of the requirement from which the variance is sought.

(4) Criteria for Variances Granted Under Subsection 3.

(a) In the case of a yard variance, the applicant shall show the approval will result in:

(i) More efficient use of the site.
(ii) Preservation of natural features, where appropriate.
(iii) Adequate provisions of light and privacy to adjoining properties.

(iv) Natural features of the site (topography, vegetation and drainage) which would be adversely affected by application of required parking standards.

(b) For variances to other on-site requirements of 25% or less the applicant shall show that approval of the variance will be consistent with the overall objectives of the Comprehensive Plan and this Ordinance where applicable and that the variance will have a minimal adverse impact on the liveability, value or development of abutting properties and the surrounding area.

(5) Application for a Variance. A property owner may initiate a request for a variance by filing an application with the Planning Director. The application shall be accompanied by a plan, drawn to a suitable scale, showing the condition to be varied and the dimensions and arrangement of the proposed development. The application shall be reviewed in the manner provided for in the City of Bend's land use procedures.

Section Forty. In Section 33 (Amendments) the words "Hearings Body" shall replace the Words "~~Planning Commission~~".

Section Forty-One. Section 33 (2) is amended to read:

(2) Before taking final action on a proposed amendment, the (~~Planning Commission~~) Hearings Body shall hold a public hearing thereon. The ~~Commission~~ Hearings Body shall follow the procedures set forth in the City of Bend's land use procedures for map changes. For amendments to the text notice of the time and place of the public hearing before the ~~Planning Commission~~ Hearings Body and of the purpose of the proposed amendment shall be given by three publications in a newspaper of general circulation in the City ~~not less than five days nor more than~~ at least ten days prior to the date of the hearing.

Section Forty-Two. Section 33 (3)(a-f) shall be amended to read:

(a) That the change conforms with the Comprehensive Plan. Specifically, the change is consistent with the plan's intent to promote an orderly pattern and sequence of growth.

(b) That the change will not interfere with existing development on, development potential, or value of other land in the vicinity of the proposed action.

(c) That the change in classification for the subject property is consistent with the purpose and intent of the proposed zone classification.

(d) That the change will result in the orderly and efficient extension or provisions of public services. Also, that the change is consistent with the City of Bend policy for provision of public facilities.

(e) That there is proof of a change of circumstance or a mistake in the original zoning.

Section Forty-Three. Section 25 (22) Adult Entertainment is hereby added as follows:

(21) Adult Entertainment Establishments. (a) Adult bookstores and adult theatres shall not be located within 500 feet of any residential zone or use, church, school, park or playground, or other area where large numbers of minors regularly travel or congregate, or any other adult entertainment establishment.

(b) The interior of an adult bookstore shall be adequately lighted and constructed so that every portion thereof is readily visible to the clerk or other supervisory personnel from the counter or other regular station.

The findings set forth in Exhibit A attached hereto are hereby incorporated by reference as a bisis for the aforesaid regulations.

Section Forty-Four. Section 15 (3)(q) CL-Zone - Conditional Uses is hereby added to read:

(q) Truck parts sales and truck repair in the CL zone on either side of 3rd Street provided the business is conducted within an enclosed building.

Read for the first time the 16th day of February, 1983.

Read for the second time the 2nd day of March, 1983.

Placed upon its passage the 2nd day of March, 1983.

Vote: YES 6 NO 0

ATTEST:

Samuel M. Langmas
Mayor

James M. Kerfoot
Recorder-Treasurer

Ordinance NS-1372

EXHIBIT "A"

In adopting regulations for the location of adult entertainment establishments, the City Commission hereby makes the following findings of fact:

1. Adult entertainment establishments, if in conformity with the provisions of State law, are protected from unreasonable regulation by Oregon and United States Constitutions.

2. These establishments do, however, have an adverse impact on property located adjacent or in close proximity to them if those properties have uses of the type at which minors frequent or live at. By close proximity, an area of approximately two city blocks or 500 feet is the area in which these uses could have an adverse impact.

3. State law allows the dissemination of certain obscene material to adults but prohibits their dissemination to minors.

4. The location of adult entertainment businesses in areas where minors congregate such as arcade rooms, shopping malls, residential areas, churches, schools, parks and playgrounds will serve as attractive nuisances to minors.

5. Separating adult entertainment businesses from the areas set forth above will assist the community in insuring the provisions of the State law are complied with.

6. Separating adult entertainment businesses from each other will insure a concentration of said businesses in one area does not occur. A concentration of these businesses in other communities has oftentimes resulted in the deterioration of the entire area.

HARMONY HOUSE NURSING HOME

ORDINANCE NO. NS-1373

AN ORDINANCE AMENDING THE CITY ZONING ORDINANCE NS-1178 BY CHANGING THE ZONING OF A PARCEL OF LAND FROM RS - URBAN STANDARD DENSITY RESIDENTIAL TO RM - URBAN MEDIUM DENSITY RESIDENTIAL

WHEREAS, a zone change application was filed in accordance with City of Bend Zoning Ordinance NS-1178 for a parcel of land described as Lots 3, 4, 5, and 6, Block 8, Orokla Addition, and Lots 1, 2, and 3, Replat of West Portion of Block 11, Riverside Addition, City of Bend, Oregon; and

WHEREAS, said zone change application was from RS - Urban Standard Density Residential to RM Urban Medium Density Residential; and

WHEREAS, the Bend Area General Plan does designate the subject property as Urban Medium Density Residential; and

WHEREAS, a public hearing was held before the City Hearings Officer on February 24, 1981, who did recommend to the Bend City Commission that a Resolution of Intent to Rezone be approved for the zone change from RS to RM; and

WHEREAS, the Bend City Commission on May 6, 1981 did approve a Resolution of Intent to Rezone the described property provided that the property be developed in accordance with the approval of Site Plan S-4-81; and

WHEREAS, the conditions as outlined in the approval of Site Plan S-4-81 have been satisfied by the property owner; now therefore

THE CITY COMMISSION DOES ORDAIN AS FOLLOWS:

That the property described as Lots 3, 4, 5, and 6, Block 8, Orokla Addition, and Lots 1, 2, and 3, Replat of West Portion of Block 11, Riverside Addition, City of Bend, Oregon be rezoned from RS - Urban Standard Density Residential to RM - Urban Medium Density Residential.

Read for the first time the 16th day of February, 1983

Read for the second time the 2nd day of March, 1983

Placed upon its passage the 2nd day of March, 1983

YES: 6 NO: 0

Samuel A. Langmas
Mayor

ATTEST:

James W. Kerfoot
Recorder-Treasurer

 AMENDED BY ORD. # 1383, 11/25, 1433

ORDINANCE NO. NS-1374

AN ORDINANCE ADOPTING A NEW SIGN CODE FOR THE CITY OF BEND AND REPEALING THE EXISTING BEND SIGN CODE NS-1055.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section One. Repealer. Ordinance NS-1055, the City of Bend Sign Code is hereby repealed.

Section Two. Adoption of Sign Code. The City of Bend hereby adopts the City of Bend Sign Code which is attached hereto and incorporated by reference.

ARTICLE I
TITLE AND PURPOSE

1.010 SHORT TITLE. This ordinance shall be known as the City of Bend Sign Code and may be so cited and plead.

1.020 PURPOSE. The purpose of this ordinance is to provide reasonable and necessary regulations for the erection and maintenance of signs in order to:

1. Protect the health, safety, property and welfare of the public.
2. Promote a neat, clean, orderly and attractive appearance within the City.
3. Improve the effectiveness of signs in identifying and advertising businesses and facilities.
4. Eliminate signs that demand, rather than invite public attention.
5. Provide for reasonable, orderly and effective display of outdoor advertising compatible with their surroundings.
6. Preserve, protect and enhance the economic, scenic, historic and aesthetic values and objectives of the City and its citizens.
7. Provide effective signing to meet the anticipated differing needs of various areas in the City.

DEFINITIONS

1.040 TERMINOLOGY. The word "City" shall mean the City of Bend, Oregon. The words "City Commission" shall mean the City Commission of Bend, Oregon. The words "Manager", "Planning Director" and "Building Official" shall mean the Manager, Planning Director and Building Official respectively of the City of Bend. The words "Planning Commission" shall mean the Bend Urban Area Planning Commission.

1.050 GENERAL DEFINITIONS. For the purposes of this article, words used in the present tense include the future, the singular includes the plural, the word "shall" is mandatory and the word "building" includes structures other than sign structures.

1.060 SPECIFIC DEFINITIONS. The following words and phrases used in this article have the meanings given to them in this section.

1. Animation. Any form of movement by electric, mechanical or kinetic means including but not limited to, rotation, revolving or wind activation of all or a portion of sign, or incorporating flashing or intermittent light for sign illumination.

2. Arterial. A restricted access street of substantial continuity which is primarily a traffic artery and so designated by the City of Bend.

3. Awning. A structure made of cloth, metal or similar material with metal frames attached to a building, projecting over a thoroughfare or entrance.

4. Banner. A flag, bunting or other flexible sign characteristically hung on a building, or otherwise suspended down or along its face or across any public streets of the City. The banner may or may not include copy or other graphic symbols.

5. Bench Sign. Any sign painted on or otherwise attached to a bench or other seat placed in a public right-of-way or meant to be seen by the public.

6. Billboards. A sign structure subject to the provisions of this ordinance erected for the purpose of leasing advertising space to promote an interest other than that of an individual, business, product or service available on the premise the billboard is located on.

7. Business. All of the activities carried on by the same legal entity on the same premises and shall include but not be limited to, service, commercial and industrial uses and fraternal, benevolent, education, government and social organizations.

8. Business Complex. One property ownership with the property owner and one or more business tenants as occupants or two or more business tenants as occupants of the property. In a business complex, business tenants include retail shops, executive or administrative services including medical clinics and accessory pharmacies, professional offices, and personal service establishments which perform personal services on the premises and similar uses.

9. Canopy. A permanent roofed structure which may be free-standing or partially attached to a building for a purpose of providing shelter to patrons in automobiles, and patrons on foot, but shall not mean a completely enclosed structure.

10. Clear Vision Area. In a residential district the minimum distance shall be 30 feet or, at intersections including an alley, 10 feet. In all other districts where yards are required, the minimum distance shall be 15 feet or, at intersections including an alley, 10 feet. Provided, however, when the angle of intersection between streets other than an alley is less than 30 degrees, the distance shall be 25 feet.

11. Cutout. A display in the form of letter, figures, characters, or other representations in cutout or irregular form attached to or superimposed upon an advertising sign.

12. Display Surface. The area made available by the sign structure for the purpose of displaying a message thereon.

13. Eave. Lowest horizontal line of any roof.

14. Erect. To construct, paint, place, affix or otherwise bring into being.

15. Facade. Any face of a building.

    a. Dominant. The principal facade of the building where its principal entrance is located and which may or may not face the street upon which its legal address is located.
    b. Subordinate. The sides or rear of a building; facades other than the dominate facade.

16. Frontage, Building. That facade of a building which faces and is parallel to, or most nearly parallel to the public street which provides the primary direct vehicular access to the building.

17. Frontage, Street. A lot line fronting a public street. Unless the premises has only one such frontage, the width along such lot line must be at least 50 feet to qualify as a "frontage".

18. Incombustible Material. A material that will not ignite at or below a temperature of 1200 degress F. during an exposure of five minutes and which will not continue to burn or glow at that temperature. The test for an "incombustible material" shall be conducted as specified in the Uniform Building Code.

19. Kiosk. A small, free standing structure which may have one or more surfaces used to display advertising or to identify or index a business or businesses.

20. Maintain. To allow to exist or continue.

21. Marquee. A permanent roofed structure attached to or supported by a building, but does not mean a "canopy" as defined herein.

22. Non-structural Trim. A molding, batten, cap, nailing strip or stringer, lattice, cutout, letter or walkway attached to a sign structure.

23. Parapet. A low wall or railing used to protect the edge of a roof, also called a parapet wall.

24. Pergola. A structure usually consisting of parallel colonnades supporting an open roof of girder and crossrafters, also known as an arbor, trellis or ramada.

25. Person. An individual, corporation, partnership, association, joint venture, or other legal entity.

26. Roof Line. The line which marks the highest point of the vertical front of a building in the case of a false front, or the line where the roof is joined to the vertical front wall of the building in other cases.

27. Shopping Center. A premises planned and developed as a unit with an undivided, non-segregated parking area and is advertised as a center or mall and has multiple occupancy by business.

28. Sign. A sign is any object or device or part thereof situated outdoors or indoors which, if projected in such a manner to attract the attention of the public outside, is used to advertise or identify an object, person, institution, organization, business, product, service, event or location by means including pictures, colors, motion illumination or projected images. Signs do not include the following:

a. Flags of nations, or an organization of nations, states and cities, fraternal, religious and civic organizations.

b. Merchandise, pictures or models or products or services in window display.

c. Time and temperature devices not related to a product.

d. National, state, religious, fraternal, professional and civic symbols or crests.

e. Works of art which in no way identify a product except as provided for in Section 3.010(13).

Particular Signs

(1) Building Directory Sign. A sign giving the name, address number or location of the occupants of a building or buildings.
(2) Directional Sign. An on-premise sign designed to be read by a person already on the premises and used only to identify and locate an office, entrance, exit, motor vehicle route, telephone or similar place, service or route.
(3) Free Standing Sign. A sign supported by one or more uprights or braces and not attached or incidentally attached to any building or structure but does not include ground mounted signs.
(4) Ground Mounted Sign. A sign which is not attached to any structure or building, and has a support which places the bottom thereof less than four (4) feet from the ground.
(5) Internally Illuminated Sign. A sign which is wholly or partially illuminated by an internal light source from which source light passes through the display surface to the exterior of the sign.
(6) Mobile Sign. Any sign which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on self-propelled or towed vehicle, and the primary purpose of which is advertising.
(7) Motor Vehicle Directional Sign. A sign identifying motor vehicle entrances or exits to or from the premises on which the sign is located.
(8) Non-conforming Sign. A sign erected prior to the adoption of this ordinance which does not conform to the provisions contained herein.

(9) Outdoor Advertising Sign. A sign which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.

(10) Parapet or Pergola Sign. Any sign or other commercial graphic attached to a parapet, ramada, pergola or other similar structure.

(11) Portable Sign. Any sign or other graphic which is designed to be or is capable of being transported from one place to another.

(12) Projecting Sign. A sign which extends perpendicular or nearly perpendicular from the building face to which it is attached.

(13) Roof Sign. A sign located on or above the roof of any building, not including a false mansard roof or other fascia.

(14) Temporary Sign. A banner, pennant, poster or advertising display constructed of cloth, canvas, plastic, sheet, cardboard, wall board, sheet metal, plywood or similar materials and intended to be displayed for a limited period of time.

(15) Wall Sign. A sign painted or otherwise affixed to the face of a building, marquee, or roof overhang in a plan parallel to such face and extending not more than 18 inches therefrom.

29. Sign Review Committee. This committee shall be established in accordance with the provisions of Appendix "A" which is incorporated hereby.

30. Uniform Building Code. The State of Oregon Structural Specialty Code and Fire and Life Safety Code of 1979 Edition (Uniform Building Code) published by the International Conference of Building Officials, as adopted by the City of Bend and which is referred to as "UBC" in this ordinance.

31. Zones or Zoning District. A zoning district established pursuant to the City of Bend Zoning Ordinance.

ARTICLE II
GENERAL PROVISIONS AND PROCEDURES

2.010 GENERAL PROVISIONS.

1. It is unlawful for any person to erect, repair, alter or relocate or maintain within this City, any sign or other graphic except as provided in this ordinance.

2. No sign shall be attached to or placed against a building or other structure in such a manner as to prevent or inhibit ingress or egress through any door or window required or designated for access to any building, nor shall any sign obstruct or be attached to a fire escape.

3. No sign or other street graphic other than a City or other public agency sign shall be allowed to be erected, installed, replaced, or maintained in, over or on any public property, including parkways, except as provided in Sections 3.020(5) and 4.060 of this ordinance.

4. Any sign or other street graphic which is supported by more than one means and therefore cannot be clearly defined as a ground, marquees, wall, roof, projecting, or other sign shall be administratively assigned to the sign category most logically applicable and the appropriate standards applied.

5. Service signs such as those identifying VISA or Mastercharge shall not be attached to an approved sign. If such services are to be advertised, the signs shall be integrated into the overall sign design and are subject to all requirements of this ordinance.

6. Signing shall be in proportion with and visually related to the architectural character of the building, restrained in the size and be in conformance with generally accepted principles of good design and architecture.

7. Signing adjacent to, or in a residential area shall be harmonious with and reflect the residential character of the area.

8. Signing for a business within a commercial or industrial center, shall be in harmony with the signing of the entire complex. The signing for any new or remodeled commercial or industrial center shall be approved concurrent with the site plan of the project in the form of a signing program.

9. The use of logos, trademarks, and/or three dimensional symbols is encouraged. Innovation and artistry are encouraged where visually and economically effective.

10. This ordinance outlines maximum requirements; however, signs must be appropriate to the nature of the activity to which they pertain and compatible with their surroundings.

2.020 SIGN PERMIT. Except as provided in Section 2.050 of this ordinance, no sign shall be erected, structurally altered or relocated until a sign permit has been issued.

2.030 PROCEDURE.

1. Applications for a sign permit shall be made in writing upon forms furnished by the Building Official. Such applications shall include a scale drawing of the sign including dimensions, height and materials and showing its relationship to the ground or to any building or structure to which the sign is proposed to be installed or affixed. When appropriate, a plot plan drawn to scale shall be submitted which indicates the location of proposed signing relative to street and property lines. Prior to the issuance of a sign permit, the Building Official may review the construction aspects of the proposed sign. The Building Official or designee may require other pertinent information where in their opinion, such information is necessary to determine compliance with the provisions of this ordinance. Applications for signs in the CB district shall be referred to the Bend Sign Review Committee for review and approval. The committee shall act upon said application within fifteen (15) days of its filing.

2. The Building Official or designee shall issue a permit for a sign covered by application duly made unless the sign is in violation of the provisions of this ordinance. Sign permits mistakenly issued in violation of this ordinance are void.

3. The Building Official or designee may revoke a sign permit if he finds that there was a material and misleading false statement fact in the application for the permit.

4. A sign permit shall be null and void if work for which the permit was issued has not been completed within a period of six (6) months of the date of issuance of the permit.

5. Where an electrical permit for a sign installation is required, it shall be obtained from the Oregon State Department of Commerce, Building Codes Division, prior to making the final electrical connection from the sign to the electrical power source.

2.040 MEASUREMENT.

1. The following criteria shall be used in measuring a sign to determine compliance with this ordinance:

   a. Area or Area of Sign. Area or area of a sign is the area within any perimeter which encloses the limits of any writing, representation, emblem, figure or character. The area of a sign having an irregular shape shall be computed by enclosing the surface area within a known geometric shape or shapes. The area of all signs in existence at the time of the enactment of this ordinance, whether conforming or nonconforming, shall be counted in establishing the permitted sign area of all new signs to be allowed for an individual business or a premises. Where a sign is of a three dimensional or round or irregular solid shape, the largest cross section shall be used as though it were a flat surface to determine sign area.

   b. Clearance. Clearance of a sign is measured from the average grade at the base of the sign to the lowest point of the sign.

c. Height. Height is measured from the grade of the curb line closest to the base of the sign to the highest point of the sign. In the absence of a curb line, the edge of the street pavement shall be used.

2. Area of front building facade. When the area of the front building facade is used to determine sign area, said area shall be computed by multiplying the width of the building frontage or portion thereof by the height of the building or portion thereof which are devoted to the particular business. "False fronts" and mansard roofs may be included when calculating the area of the building facade.

2.050 PERMIT EXCEPTIONS. The following signs or procedures shall not require a sign permit and shall be allowed in all zones. Provided, however, these signs shall be subject to the provisions of Section 3.030 excepting subsection (10):

1. Exempt signs listed in Section 3.010.

2. Temporary signs listed in Section 3.020. Provided, however, before signs under subsections (7) or (8) may be erected, a permit shall be obtained. No fee shall be charged for said permit.

3. The changing of advertising or message on an approved painted or printed sign or sign specifically designed for the use of replaceable copy, except for changing the name of the business or use advertised.

4. The painting, repainting, cleaning and normal maintenance and repair of an existing sign unless a substantial structural change is made.

ARTICLE III
EXEMPT, TEMPORARY AND PROHIBITED SIGNS

3.010 EXEMPT SIGNS.

1. Safety signs, trespassing /signs, memorial plaques and historical markers.

2. Except as provided for in Section 3.020, signs of a noncommercial nature. Provided, however, the permitted area for said signs shall be subject to the area and location requirements of the pertinent zone in which they are located.

3. Signs determined to have historical value as determined in accordance with Section 7.030 of this ordinance.

4. Individual dwelling units. One name plat for each dwelling unit.

5. Kiosk on public property or as approved otherwise by the Sign Review Committee.

6. Non-illuminated directional and motor vehicle directional signs painted on paving or otherwise limited to a maximum dimension of four feet and a sign area of eight feet.

7. Small signs not exceeding 1½ square feet in area, attached flat against a building, non-illuminated and announcing only the name and occupation of the building tenant.

8. Interior, non-illuminated signs designed primarily to be viewed from a sidewalk or street when maintained inside a building, including but not limited to, signs attached to or painted on the inside of a window, provided, however, the permitted area for such signs shall be subject to the area requirements for wall signs and that such signs conform to the illumination requirements of this ordinance.

9. Signs on coin operated vending machines, gasoline pumps, and telephone booths and not exceeding the dimensions of said machines, etc.

10. In commercial, professional or industrial areas, signs not exceeding one square foot bearing only the street address.

11. Traffic or other municipal signs, legal notices, railroad crossing signs and danger signs. The City may also post off-premise directional signs for restaurants, hotels (motels), automobile service stations and business/industrial centers in accordance with a signing plan approved by the City Commission.

12. Churches, schools and other public facilities in any zone may have an on site sign for each building or activity facility not exceeding 32 square feet.

13. Graphics that do not advertise any business, commercial product or service. Provided, however, graphics covering more than 10% of a building facade shall be subject to review by the Sign Review Committee. A graphic is defined herein as a painting, drawing, engraving or any other form which expresses an idea by means of lines, marks or characters imposed on a surface.

14. Interior fence signs at public ballfields provided said signs are no higher than 12 feet above the ground level.

3.020 TEMPORARY SIGNS

1. Construction signs which identify the architects, engineers, contractors and other individuals or firms involved with the construction or renovation of a building or landscaping. Said signs shall be located on the site of construction, shall not exceed thirty-two square feet in area and shall be removed within fourteen days of the beginning of the intended use of the project.

2. Real estate firm or owner erected signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed up to a total area of thirty-two square feet, except for such signs in a residential zone which shall not exceed a total of six square feet. Such signs shall not be located in such a manner as to cause a public safety hazard and shall be removed within fourteen days of the sale, rental or lease.

3. Open house directional signs for the purpose of directing the public to "Open House" events providing for sale, rental, or lease of premises other than upon which the sign is located, providing such signs shall be erected only during the daylight hours and shall be removed the same day they are erected. Said signs shall not be located in such a manner as to cause a public safety hazard or nuisance, and shall not exceed an area of eight square feet.

4. Signs identifying or advertising a non-profit civic, charitable or benevolent event. Said signs shall be less than 32 square feet in size and shall be removed within seven days after the event.

5. Street banners across a public street or alley advertising a public event may be allowed for a period not more than thirty days before and three days after the event. Said banners shall first be approved by the Sign Review Committee. Any person proposing a banner shall demonstrate that the banner is safe and will not deteriorate within the period it is proposed to stand. The Committee shall consider the opinion of the building official regarding safety before approving the banner.

5A. Sidewalk banners attached to poles or street lights and advertising a public event or promoting the community or portion thereof may be allowed if approved by the Sign Review Committee. Any person or groups proposing sidewalk banners shall demonstrate the banner(s) are safe and will not adversely affect the surrounding area and will not deteriorate within the period they are proposed.

6. Land development project signs pertaining to the sale, lease, rent or development of a subdivision, office complex, shopping center, industrial park or similar parcel are allowed for a period of one year upon issuance of a permit. Size of signs shall be controlled by the following schedule:

PROJECT SIZE	TOTAL # OF SIGNS	MAXIMUM AREA PER SIGN
4 acres or less	1	32 sq. ft.
over 4 acres	1	96 sq. ft.

7. Penants and streamers only when associated with a grand opening or promotional event of a business which may be displayed for a maximum of thirty days in any one calendar year.

8. One portable reader board less than 16 square feet in size and only when associated with a grand opening or promotional event of a business which may be displayed for a maximum of thirty days in any one calendar year.

9. Christmas or seasonal decorations as customarily used.

10. Temporary political campaign signs that pertain to a certain election date shall be removed within ten days after the election to which the signs pertain.

11. Special sale or close-out sale signs provided no business shall post said signs more than thirty (30) days in any one calendar year.

3.030 PROHIBITED SIGNS. Except as specifically allowed in this code, the following signs are prohibited:

1. Signs that use valances, propellers or similar wind activated or attention attracting devices. These devices when not part of any sign, but on the premises where a sign is utilized, are similarly prohibited unless they are permitted specifically by other legislation.

2. That contain or include or are illuminated by any flashing, intermittent, revolving, rotating or moving lights or moves or has any animated moving parts; however, this does not apply to traffic control signs or signs providing public service information such as time, date, temperature, weather.

3. Those the Building Official or designee determines violate - ORS 483.138, which applies to signs creating confusion with or interfering with the effectiveness of traffic signs or signals.

4. That are placed on, affixed to or painted on a motor vehicle or trailer and placed on public or private property for the primary purpose of providing a sign not otherwise permitted by this ordinance. Signs on vehicles used in the normal course of business shall not be subject to this provision.

5. Portable signs not supported by a sign structure in the ground, nor attached to or erected against a building or structure, and capable of being moved about the premises except as may be specifically permitted by the terms of this ordinance.

6. Bench signs.

7. Signs or sign structures that create a hazard by obstructing clear view of pedestrian and vehicular traffic.

8. Any small sign, generally of a temporary nature, and generally known as a "snipe sign" tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or buildings or other structures, where the information appearing thereon is not applicable to the present use of the premises upon which sign is located.

9. Except for billboards and exempted signs allowed under the provisions of this ordinance, all signs which advertise a commercial activity, business, product or service which are not provided, sold, manufactured or distributed on or from the premises on which sign is located.

10. Are not otherwise in conformance with the provisions of this ordinance.

11. Roof signs.

ARTICLE IV
SIGNS PERMITTED BY ZONES

4.010 SIGNS IN RESIDENTIAL ZONES. No signs shall be permitted in any residential zones (RS-RM-RH UAR-10) except as provided in this section.

1. Multiple Family Complex. For multiple family complex with more than 12 units, one sign not to exceed sixteen square feet in area shall be permitted per project. Such signs shall be a wall or ground mounted type.

2. Subdivisions, P.U.D.'s and Mobile Home Parks. For subdivisions, P.U.D.'s and mobile home parks, one ground mounted sign not to exceed thirty-two square feet in area shall be permitted.

3. Professional Office, Medical and Dental Clinic. A medical or dental clinic in a residential zone may have one wall or ground mounted sign not to exceed thirty-two square feet in area and may have a building directory sign provided the area of such sign does not exceed one square foot per occupant of the building.

4. Commercial Uses. All other commercial uses allowed in a residential zone may have one wall or ground mounted sign not exceeding thirty-two square feet in area.

5. Illumination. No sign in a residential zone shall be illuminated.

6. Directional signs subject to the provisions of Section 4.090.

7. Awnings and canopies subject to the provisions of Section 4.070.

4.015 SIGNS PERMITTED IN RESTRICTED COMMERCIAL ZONES. This section shall apply to all signs in the following zones:

In the Neighborhood Commercial (CN) District no signs shall be permitted in this zone except as provided in this section.

1. Wall Sign. A business may have a sign area not to exceed thirty-two square feet.

2. Directional signs subject to the provisions of Section 4.090.

3. Awnings and canopies subject to the provisions of Section 4.070.

4.020 SIGNS PERMITTED IN GENERAL COMMERCIAL ZONES. Except as provided for in Section 4.035, this section shall apply to all signs in the following zones:

In the Highway Commercial (CH) zone, Limited Commercial (CL) zone, Convenience Commercial (CC) zone and General Commercial (CG) zone, no signs shall be permitted in these zones except as provided in this section.

1. Wall Signs. Said signs shall be in conformance with Section 4.045.

2. Ground Mounted Sign or Free Standing Sign. One ground mounted or free standing sign shall be allowed. Said sign may be sixteen feet in height plus one foot for each twenty feet of street frontage up to a maximum height of thirty feet. Said sign may have one square foot of sign area for each lineal foot of frontage up to 100 square feet with ½ square foot for each additional lineal foot of frontage with a maximum limit of 200 square feet. For a ground mounted or free standing sign only the frontage upon which the sign is located shall be used in determining area and height limits.

3. Each individual business in a business complex or an integrated shopping center may have one wall sign. The size of said sign shall be in conformance with Section 4.057.

4. Directional signs subject to the provisions of Section 4.090.

5. Awnings, canopy and marquee signs subject to the provisions of Sections 4.070 and 4.080 respectively.

6. Building directory signs limited to three square feet per occupant.

7. Motor vehicle service or drive-up window signs limited to one ground mounted sign not to exceed twelve square feet.

8. Billboards subject to Section 4.095.

9. Gasoline stations may also have one ground mounted sign displaying prices of fuel having an area no greater than twelve square feet.

10. Alley sign in conformance with Section 4.055.

11. Projecting signs in conformance with Section 4.060.

4.030 SIGNS PERMITTED IN THE CENTRAL BUSINESS DISTRICT (CB) ZONE. This section shall apply to all signs in the (CB) Zone. All signs in the (CB) Zone shall be first approved by the Bend Sign Review Committee in accordance with the standards set forth herein and guidelines set forth in Appendix B which is attached hereto and incorporated by reference.

1. Wall Signs. Wall signs shall be allowed in conformance with Section 4.045.

2. Directional signs subject to the provisions of Section 4.090.

3. Awnings, canopy and marquee signs subject to the provisions of Section 4.070 and 4.080 respectively.

4. A building directory sign limited to three square feet per occupant.

5. Billboards subject to Section 4.095.

6. Gasoline stations may also have one ground mounted sign displaying prices of fuel having an area no greater than twelve square feet.

7. Alley sign in conformance with Section 4.055.

8. Ground or free standing sign. One ground or free standing sign per business which is not in an integrated shopping center or business complex. Such signs may be sixteen feet in height plus one foot for each twenty feet of street frontage up to a maximum height of twenty-five feet. Such signs may have one square foot of sign area for each lineal foot of street frontage up to 100 square feet.

9. Projecting signs in conformance with Section 4.060.

10. Banners subject to Section 4.097.

In the CB Zone, all signs on Brooks Street, between Oregon and Franklin that project over the public right-of-way shall have a minimum clearance from grade of 15 feet.

4.040 SIGNS PERMITTED IN INDUSTRIAL ZONES. This section shall apply to all signs in the following zones:

Light Industrial I-L Zone and General Industrial I-G Zone. No signs shall be permitted in these zones except as provided in this section.

1. Wall sign. For each permitted or conditional use in an industrial zone, the maximum permitted sign area on a building shall not exceed ten percent of the area of the front building facade. Said signing shall only be located on that facade which faces the street where access is obtained. Provided, however, in no case shall the maximum permitted area exceed 200 square feet.

2. Free-standing or ground mounted signs. A business may have one free-standing or ground mounted sign not to exceed seventy-five square feet in area and shall be located adjacent to the street frontage providing direct vehicular access into the project. The maximum height of a free-standing sign or ground mounted sign shall not exceed twenty feet.

3. Directional signs subject to the provisions of Section 4.090.

4. Building directory sign limited to three square feet per occupant.

5. Billboards subject to the provisions of Section 4.095.

6. Projecting Signs subject to the provisions of Section 4.060.

SIGN REGULATION BY CLASS OF SIGNS

4.045 WALL SIGNS. Unless otherwise specified in this ordinance, the following criteria shall be applicable for attached wall signs:

1. The signable area of a wall sign shall be the space between the lower and upper limits on the face of a building as defined below:

   a. The lower limit shall be the lintel or window head of the first story, but in no case shall it be lower than 9 feet from the finished grade immediately below.

   b. The upper limit shall be the window sill of the floor immediately above the lower limit and, in the absence of a window, 2-½ feet above such floor.

   c. For signs erected after the effective date of this ordinance, in the case of a one-story building, the upper limit shall be the roof line or the top of a parapet if there is one.

2. Sign Area:

   a. The specific copy for wall signs shall not exceed 15% of the signable area. However, this percentage may be increased to 30% if there is no projecting sign, and up to 45% if there are no projecting signs, free standing signs and canopy signs. In no case shall the copy area exceed 2 square feet per lineal foot of the frontage of the premises. The "sign area" shall be the area enclosed by a frame, and in the absence of a frame, to total permitted signable area.

   b. Identification wall signs with non-illuminated letters not higher than 3 inches, up to a total of 4 square feet in area for each premises, shall be exempted from area calculations.

   c. Only the frontage on which the sign is located shall be used for sign area calculations.

3. Projection:

   a. A wall sign shall not project beyond 24 inches from the building face and shall not extend above the sill of any window or above guard rails or balustrades immediately above such sign.

   b. Lamps and fixtures used to illuminate a wall sign shall not project more than 3 feet beyond building faces and shall have a minimum clearance of 9 feet from the finished grade immediately below.

4. Location: A wall sign may be permitted below the signable area when the Building Official can be assured that the public is satisfactorily protected from the sign and the sign is entirely over private property, and provided the permissible signable area is not exceeded.

4.050 FREE-STANDING AND GROUND MOUNTED SIGNS. Unless otherwise specified in this ordinance, the following criteria shall be applicable for all free-standing signs and ground mounted signs:

1. No sign or structure shall be located in a vision clearance area defined by the City Zoning Ordinance. Unless the bottom of the sign is higher than 8 feet above the grade at the curbs and the supporting pole is less than 12 inches in diameter.

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 from a building.

4. No ground sign shall be composed of vertical mounted modular cells or letters.

5. No ground sign shall project into a public right-of-way.

4.055 ALLEY SIGNS. A business located on an alley may have a wall sign of six square feet in area used to identify a business. This is the only type of sign allowed on a building face fronting an alley. Said sign shall be located above or next to an entrance and if it projects it shall have a minimum clearance of 15 feet.

4.057 SIGNS FOR A BUSINESS COMPLEX OR SHOPPING CENTER.

1. One principal ground sign for an integrated shopping center or business complex. Such sign may be 16 feet in height plus one foot for each 20 feet of frontage with a maximum height of 30 feet. Such signs may have one square foot of sign area for each lineal foot of frontage, up to 100 square feet, with ½ square foot for each additional lineal foot of frontage, with a maximum limit of 200 square feet.

2. Signs for interior businesses of shopping centers or business complex shall be consistent with the provisions of Section 4.050 provided that if a business uses the part of the center's ground sign, his wall sign shall be reduced as provided in Section 4.045.

4.060 PROJECTING SIGNS. The following criteria shall be applicable for a projecting sign. Projecting signs shall be allowed according to the following provisions:

1. Projection in Residential Zones. No sign shall project over public property in a residential zone.

2. Projection in Commercial and Industrial Zones:

   a. In all commercial or industrial zones except the CB, 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 CB 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. For signs erected after the effective date of this ordinance, no projecting sign shall extend above a parapet wall or the roof line of the supporting building.

4.070 AWNINGS AND CANOPY SIGNS. The following shall be applicable for signs on awnings and canopies:

1. No advertising shall be placed on an awning or canopy, except the name or logo of the owner, business or industry conducted within the premises, address of the building or the building name.

2. The area of a sign on an awning or canopy shall be deducted from the wall sign area permitted within the respective zone in which the building is located.

3. Posts or columns beyond the property line will not be permitted.

4. Lettering or logos shall be painted or otherwise permanently placed in a space not exceeding the area allowed for a wall sign on the supporting building. The sign area on the awning shall be deducted from the area allowed for a wall sign.

5. The lowest point of the awning must be at least seven feet above the sidewalk.

6. Awnings and canopies shall not interfere with street trees or traffic signs.

4.080 MARQUEE SIGNS. 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 a business entrance way only.

4.090 DIRECTIONAL SIGNS. On premise directional signs designed to be read by a person on the premises on which the sign is located and used to identify or locate an entrance, exit or drive-up window are limited to four square feet in area and four feet in height. If the sign is on the wall of the building, it shall be limited to four square feet in area and eight feet in height.

4.095 BILLBOARDS. The following criteria shall be applicable for all the billboards allowed in the City of Bend:

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 24 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 erected or moved after the effective date of this ordinance 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.

9. The maximum number of billboards allowed in the City of Bend is 23. These billboards are identified in Appendix C which is attached hereto and incorporated by reference. No new billboard may be erected after the effective date of this ordinance unless it replaces an existing billboard. Provided, however, billboards outside the City, inside the Bend Urban Area, and existing on the effective date of this ordinance may be added to the maximum number if the area in which they are located is annexed to the City of Bend. The Sign Review Committee and staff shall inventory those billboards existing outside the City but within the Urban Area. An owner whose billboard is not included in this inventory may request the committee add that billboard to the number allowed if it is shown the billboard was existing on the effective date of this ordinance.

10. After the effective date of this ordinance, no additional billboards may be erected on the following streets:

Newport Avenue	Colorado Drive
Simpson Avenue	Century Drive
Mt. Washington Drive	Division Street
14th Street	Galveston Avenue

4.097 BANNERS. In the CB zone a business may have a banner or banners that do not advertize a product by name or business. Said banners shall be subject to review and approval by the Sign Review Committee. Said banners shall consist of cloth or similar material and may not interfere with the signage of adjacent businesses. The size of any banner allowed shall be in harmony with the building and the surrounding area.

ARTICLE V

MAINTENANCE, CONSTRUCTION AND SAFETY STANDARDS

5.010 MAINTENANCE. All signs together with all of their supports, braces, guys and anchors shall be kept in good repair and be maintained in a safe condition. All signs and the site on which they are located shall be maintained in a neat, clean, and attractive condition. Signs shall be kept free from deterioration. The display surfaces, trims, frames and supports of all signs shall be kept neatly painted or otherwise neatly maintained, as applicable. No person shall scatter, daub or leave any paint, paste or glue or other substances used for painting or affixing a message to the display surface of any sign or throw or permit to be scattered or throw any bills, waste matter, paper, cloth or materials of whatsoever kind removed from a sign on any public street, sidewalk or private property.

5.020 WIND LOADS. Signs shall be designed and constructed to withstand wind loads as set forth in Chapter 23 of the Uniform Building Code.

5.030 DESIGN.

1. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground 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.

5.040 SEISMIC LOADS. Signs shall be designed and constructed to resist seismic forces as specified in Chapter 23 of the Uniform Building Code.

5.050 COMBINED LOADS.

1. Wind and seismic loads need not be combined in the design or signs and only that load producing the larger stresses need be used.

2. Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with the wind of seismic loads.

5.060 ALLOWABLE STRESSES.

1. The design of wood, concrete, steel or aluminium members shall conform to the requirements of Chapters 25, 26, 27 and 28 of the Building Code. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in Chapter 29 of the Building Code.

2. The working stresses of wire rope and its fastenings shall not exceed 25 percent of the ultimate strength of the rope or fasteners.

5.070 ANCHORAGE AND SUPPORTS.

1. 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 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 supports shall penetrate to a depth below ground greater than the frost line.

2. 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.

3. Unless such wall is designed in accordance with the requirements specified in Chapter 23 of the Uniform Building Code, no anchor or support of any sign or wall facade for signs shall be connected to, or supported by an unbraced parapet wall.

4. 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.

5.080 CLEARANCE FROM HIGH VOLTAGE POWER LINES. Signs shall be located not less than eight feet horizontally and eight feet vertically from overhead electrical conductors which are energized in excess of standard service loads 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.

5.090 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.

5.100 ELECTRIC SIGN CONSTRUCTION.

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 Uniform Electric Code, with Oregon amendments.

3. Every electric sign shall have 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.

5.105 PERMITTED MATERIALS.

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 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 not be 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 except that if galvanized, such members shall not be less than one-eight inch 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. Wood anchors and supports when embedded in 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 trims, 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 or designee may require that sufficient technical data 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. Wood may be used in signs subject to the requirements of the City's Building and Fire Codes.

   h. Wood signs shall be supported by a minimum of 4 x 4 inch nominal post and be a minimum of 2 inch nominal thick plank or 1 1/8 inch thick exterior plywood.

5.110 ILLUMINATION. Limit on sign illumination. No sign shall be erected or maintained which, by use of lights or illumination creates an unduly distracting and hazardous condition to a motorist, pedestrian or the general public. In addition:

1. No exposed reflective type bulb, or incandescent lamp, which exceeds 11 watts, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.

2. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed 30 millamperes rating for any colored tubing.

3. When florescent tubes are used for the internal illumination of a sign, illumination shall not exceed illumination equivalent to 800 millamperes rating tubing behind a plexiglass face spaced at least nine inches, center to center.

4. No sign may be internally illuminated if the wall of the building on which the sign is displayed directly abuts a residential zone.

5. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

6. No sign may be erected or maintained if it contains, includes or is illuminated by any flashing intermittent revolving, rotating or moving light or lights or moves or has any animated or moving parts; however, this does not apply to a traffic control sign or portions thereof providing only public service information such as time, date, temperature, weather or similar information.

ARTICLE VI

INSPECTION AND ENFORCEMENT

6.010 INSPECTION. The Building Official or designee may inspect signs periodically to determine their conformance with this ordinance.

6.015 ENFORCEMENT. The Building Official or designee is hereby authorized and directed to enforce the provisions of this ordinance:

1. The Building Official or designee may order the removal of any sign erected or maintained in violation of the provisions of this ordinance. Except as provided in Section 6.015(2), the Building Official or designee shall give ten days prior written notice to the owner of the sign or the owner of the building, structure or premises upon which the sign is located to remove the sign or bring it in compliance with the provisions of this ordinance. If the owner of the sign, building, structure or premises fails to comply or remove the sign, the Building Official or designee may order the removal of such sign at the expense of the owner of the sign, building, structure or premises on which the sign is located and such costs and expenses including but not limited to the notifications, transportation, may be a lien against the land or premises on which the sign is located and may be collected or foreclosed in the same manner as liens are entered in the lien docket of the City.

2. If the Building Official or designee determines that the supports, braces, grip anchors, etc. are not kept in good repair or safe condition, or if the sign presents an immediate and serious danger to the public, he may, without prior written notice, order its immediate removal. The Building Official or designee may authorize the removal of such signs in the event that the person responsible for such sign cannot be found, or after notification, such person fails to repair or remove it. The owner of the sign and the owner of the building, structure or premises upon which the sign is located are jointly and severably liable for its removal or repair.

3. Any order for removal of signs by the Building Official or designee pursuant to the provisions of this section may be appealed to the Hearings Officer by filing a written notice of appeal with the Building Official within fifteen (15) days of the order.

NON-CONFORMING AND ABANDONED SIGNS

6.020 NON-CONFORMING SIGNS. Except as provided within Section 6.030 and Section 7.030, permanent signs in existence on the effective date of this ordinance which are not in conformance with the provisions of this ordinance shall be regarded as non-conforming signs and must be removed, altered or replaced so as to conform within two years from the date of official notification or three years from the effective date of this ordinance whichever is less. Temporary signs which are not in conformance with the provisions of this ordinance shall be removed within thirty (30) days of the effective date of this ordinance. Provided, however, an owner of a temporary sign that is not located in a public right-of-way or is not a traffic hazard shall have one year from the effective date of this ordinance to remove that sign if they obtain a permit to retain that sign prior to July 1, 1983. Provided, however, a change in use or occupation of a site shall require full compliance with the provisions of this ordinance. For areas annexed into the City, an owner of a non-conforming sign shall have two (2) years from the date of annexation by the City Commission to remove said sign.

6.030 SPECIAL REQUIREMENTS FOR NON-CONFORMING SIGNS. A non-conforming sign which is structurally altered, relocated or replaced shall immediately conform to the requirements of this ordinance except that:

1. A sign may be removed from its sign structure for the purpose of repair, maintenance or a change of copy within the dimensions of the existing sign.

2. Signs may be structurally altered where such alteration is necessary for public safety.

3. Such signs may be reconstructed if they are moved for construction or repair of public works or public facilities and such reconstruction is completed within one year.

4. Such signs may be reconstructed if they are damaged by an Act of God or an accident, provided such damage does not exceed fifty percent of the cost of reconstruction of the entire sign, and provided that such sign is reconstructed within 180 days of the date the sign is damaged.

6.040 ABANDONED SIGNS. A sign shall be removed within thirty days by the owner or leasee of the premises upon which the sign is located when the advertised business is no longer conducted on the premises. Provided, however, a billboard allowed under this ordinance where a person has merely leased a contracted advertising space need not be removed in accordance with this section. Abandoned signs may be removed and costs may be collected as provided in Article VI.

ARTICLE VII
VARIANCES

7.010 VARIANCE APPLICATION. An applicant for a sign permit or an applicant owning or leasing a sign that is not in conformance with the provisions of this ordinance, may seek a variance to the provisions of this ordinance. A variance request for sign location or for sign height or area may be allowed by the Building Official or designee. Provided, however, no variance shall exceed twenty-five percent (25%) of the applicable provision. The decision of the Building Official or designee may be appealed to the Hearings Officer. The decision of the Hearings Officer shall be final. A variance may be granted upon a finding by the appropriate review body that all of the following criteria can be satisfied:

1. The request will be the minimum variance necessary to alleviate the hardships or practical difficulties.

2. There are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape or topography of the property that do not generally apply to other properties or uses in the same zoning district.

3. In determining a variance, the Building Official or the Hearings Officer may attach such conditions to granting all or a portion of any variance as necessary to achieve the purpose of this ordinance.

7.020 TIME LIMIT ON A PERMIT FOR A VARIANCE. Authorization of a variance shall be void if the work approved by such variance is not commenced within six months of the date of approval.

HISTORICAL SIGNS

7.030 APPLICATION. The owner of a non-conforming sign in existence on the date of enactment of this ordinance may apply for a determination that the sign qualifies as an historical sign under the provisions of this ordinance.

7.040 SIGN COMMITTEE REVIEW. An application for an historical sign designation shall be reviewed by the Bend Sign Review Committee. The Committee may designate a sign as historical if it finds the following criteria have been met or can be met with conditions:

1. The sign is essentially as constructed, with sufficient original workmanship and material to serve as instruction in period of fabrication.

2. Through public interest, sentiment, uniqueness or other factors, the sign has come to connote an historical period.

3. Due to removal of similar objects or the uniqueness of this sign, the sign is singularly appropriate to represent an historical theme or period.

4. The sign is associated with significant past trends in structure materials and design and in conformance with generally accepted principles of good design and architecture.

5. The sign was constructed early in the relative scale of local history and is one of a few of its age remaining in the City.

APPEALS

7.050 Any decision of the Building Official or Sign Review Committee may be appealed to the Hearings Officer in accordance with the City of Bend land use procedures.

ARTICLE VIII
SPECIAL PROVISIONS

8.010 FEES. Fees for permits and applications shall be set by Resolution of the City Commission.

8.020 SEVERABILITY. If any part, section, subsections, sentence or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

8.030 PENALTIES. A violation of any provision of this ordinance shall be a Class A Infraction. Each day shall be a separate violation. Violations will be enforced through the Bend Civil Infraction Procedure.

8.040 INTERPRETATION. Where conditions imposed by the provisions of this ordinance are less restrictive than comparable conditions imposed by any other provisions which are more restrictive the more restrictive shall govern.

8.050 VIOLATION DECLARED A NUISANCE. The location, erection, construction, maintenance, repair, alteration or use of a sign in violation of this ordinance is declared a nuisance and shall be abated in either the manner provided for in this ordinance or in the same manner as all other nuisances.

Read for the first time the 16th day of February, 1983.

Read for the second time the 16th day of March, 1983.

Placed upon its passage the 16th day of March, 1983.

YES: 7 NO: 0

Samuel A. Lingnau
Mayor

ATTEST:

James O. Kerfoot
Recorder-Treasurer

ORDINANCE NS-1374
APPENDIX A

CITY OF BEND

SIGN REVIEW COMMITTEE

Section 1. MEMBERSHIP.

1. The City of Bend Sign Review Committee shall consist of five members who shall be recommended by the Mayor and shall be appointed by the City Commission. The Sign Review Committee shall receive no compensation, but shall be reimbursed for duly authorized expenses.

2. One member of the committee shall be employed in either the sign painting or sign graphics profession or shall be employed in the architectural or designing profession. Two members shall be appointed from the downtown business community. All other members of the committee shall be at-large members, but all members shall reside within the corporate limits of the City of Bend.

3. Not more than two persons of the Sign Review Committee may be employed in the sign painting, graphics, or any other profession relating to the making, selling, or display of signs.

4. Any vacancy in the committee shall be filled by the City Commission for the unexpired term of the predeces sor in the office.

Section 2. TERMS OF OFFICE.

1. The members of the Sign Review Committee shall hold office for two years. In order to provide an over-lapping term, three members of the committee shall be appointed for a term of three years for the first term, and after the first three year term, the length of term for all members shall be for two years.

Section 3. ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON.

1. The committee at its first meeting each calendar year shall elect a chairperson and vice chairperson who shall be voting members and who shall hold office for that year.

Section 4. QUORUM AND MEETING SCHEDULE.

1. A majority of the members of the committee shall constitute a quorum.

2. The committee shall meet when needed and scheduled by the City staff. Said meeting shall be conducted according to Roberts Rules of Order, Revised.

Section 5. POWERS AND DUTIES OF THE COMMITTEE

1. The Sign Review Committee shall discharge those responsibilities authorized by the Bend Sign Ordinance.

2. The Sign Review Committee shall also review the sign code periodically and make recommendations to the City Commission regarding modifications and enforcement.

ORDINANCE NS-1374
APPENDIX B

CITY OF BEND CENTRAL BUSINESS DISTRICT
SIGNING GUIDELINES

PURPOSES OF PRIVATE SIGNING GUIDELINES:

The City of Bend Central Business District Signing Guidelines have been developed to encourage shop owners and merchants in the Bend Central Business District to improve the quality of privately owned signs and graphics and to offer guidelines for new business people who have questions regarding signs or graphics.

A. To Clearly Inform

The first purpose for the Guideline is to create signs and graphics that simply and briefly inform the public about a business. Information overload created by too many words, symbols, abbreviations, or odd shapes should be avoided. The result will be the improved effectiveness of a sign identifying a business. Simply stated, signs that demand public attention should be discouraged in favor of signs that invite public attention.

B. To Identify

The second purpose is to help a shop owner or merchant to build their overall business identity. Signs should say something about the nature of the character of the shop or the product sold. This happens in the way the sign is designed, in the typeface the color (or lack of color), the logo, etc. The entire character or identity of a business can be conveyed in just the typeface if properly chosen.

C. To Create Visual Harmony

A third purpose of the Signing Guidelines is to encourage and support visual harmony. A sign should comfortably coexist with the architecture and color of its building and with those buildings surrounding it. The scale of the Central Business District does not require large, dominating signs that are out of scale and do not fit with all other visual elements in downtown Bend. Furthermore, a sign that contributes to the neat, clean, orderly and attractive appearance of the City will be more effective and inviting to the public.

If this Guideline is uniformly applied and accepted, an individual shopkeeper will no longer feel that in order to attract more business he/she must erect signs that are larger than those of the neighbors and competitors. Not only will this result in a great reduction in the cost of signs (because they generally will be simpler and smaller), it will also show shop owners that they can maintain their individual identity within the framework of cooperation and uniform controls. In addition, as this unified quality grows, the shops and businesses will become identified with the downtown as a whole.

D. To Supplement the Bend Sign Code

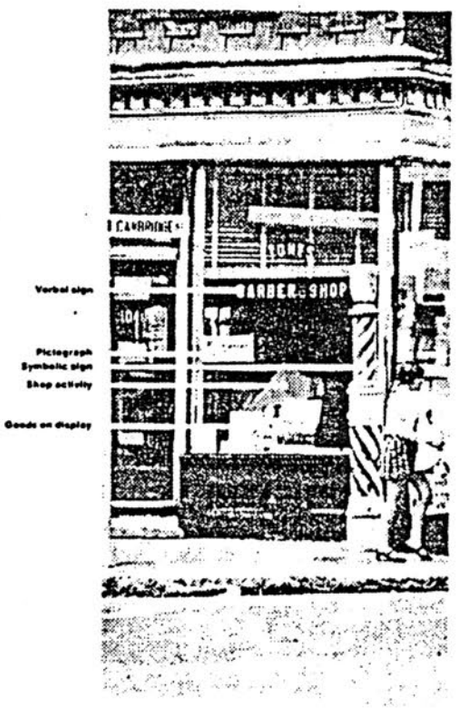
The City of Bend Sign Code is a legal regulatory document that controls amounts of sign square footage and outlines approval procedures. This Guideline is intended to supplement that document by establishing positive criteria for well-designed, thoughtful signing. Unfortunately, it is still possible to design and build an inappropriate, ugly sign that is by all standards legal.

These Guidelines will strengthen the intent of the existing sign code by providing examples of what should be done and by supplementing the sign code's definition of what cannot legally be built and installed.

ORDINANCE NS-1374
Appendix B

TYPES OF SIGNS

A sign is not necessarily composed of letters. There are many ways to communicate the nature of business being conducted within a given building. Listed below are the various types of signs commonly seen in the Bend Central Business District.



A. Verbal Signs

The most common of all types of signs. This is usually a panel with letter applied or free standing letters applied to a building's surface directly and is most appropriate when shop activity or displayed goods are not visible.

B. Pictographic Signs

Usually a photographic illustration of goods or services offered within.

C. Symbolic Signs

A sign that makes use of a drawn or three-dimensional symbol to communicate clearly and quickly what the business conducted within is, such as a logo or a barbershop pole.

D. Shop Activity As "Signs"

This form of communication works as a sign and in fact greatly reduces the need for signing, because the functions or goods are clearly visible and self-explanatory.

E. Displayed Goods As "Signs"

Displayed goods are self-defining and again reduce the need for elaborate or excessive signing as supplementary information.

SIGN PLACEMENT

A. Placement Criteria

The placement of signs influences their appearance, legibility, appropriateness and effectiveness. When attempting to determine the location of a proposed sign or graphic, the following considerations should be taken into account:

Will the sign be viewed by a pedestrian, a motorist or both?

If a sign is to be placed in the Bend Central Business District, it will be oriented to either the pedestrian or motorist. A decision must be made by the shop owner as to what type of orientation is the most appropriate at his/her location. If the sign is to be oriented to the pedestrian, then this sign will be most effective if placed above eye level, over the heads of other pedestrians. The Bend Sign Code limits the extent to which a sign mounted perpendicular to a building front may project and what size it may be.

What does the sign identify?

If the sign is meant to identify an entire building, its placement must not inadvertantly relate to an adjacent entrance or individual storefront on the building. It should be placed above the individual shopfronts on a portion of the building above eye level in which the architecture reads as a whole, so that the sign identifies the whole building. If the sign is intended to act as a directory, it should be placed in a common area that relates well to all referenced businesses and should include a diagram showing sign's placement relative to the various business entrances.

Given a particular location, how does the sign influence the overall appearance of the building?

The placement of a sign can readily alter the appearance of a building front. A sign's placement is influenced not only by its function but also by its design. This will be explained in the following section of these Guidelines.

Summary Points:

Signage should be considered within its setting and designed according to the scale, texture and proportions in which it will be ultimately viewed. Signs that are oriented to the automobile should be located as close to eye level as possible but should maintain a relationship to the shop it identifies. Businesses located in basement space or second floor space should work to have signs placed at street level, indicating the location of their entrance. If signing must be placed on the second story level, window signs using gold leaf or other traditional materials and designed with restraint are most appropriate. Signs that are placed at the second story level must also be carefully designed not to overpower or obliterate the architecture of the building front, but rather to work within the architectural framework of the facade. Signing for basement businesses should be placed adjacent to the point of entry to the business. This should be a small-scale, well-crafted sign supplemented by additional signing on the basement storefront itself.

B. Relating Signs to Their Buildings

Signs are most offensive and inappropriate when they dominate the architecture of the buildings they are intended to identify. Ideally, to maximize the effectiveness of signs and building architecture, every sign should be an integral, yet noticeable, part of its building, and each building should be a good neighbor within its block of buildings. As a result, the building and its sign become part of an overall image, each supporting the other and helping to draw customers. This leads to a simple but vital point: a sign on a building should always be thought of as part of the building and not as an unrelated object attached to it.

ORDINANCE NS-1374
Appendix B

The following examples demonstrate how signs can work to enhance existing architecture and the overall character of downtown Bend.

Figure A

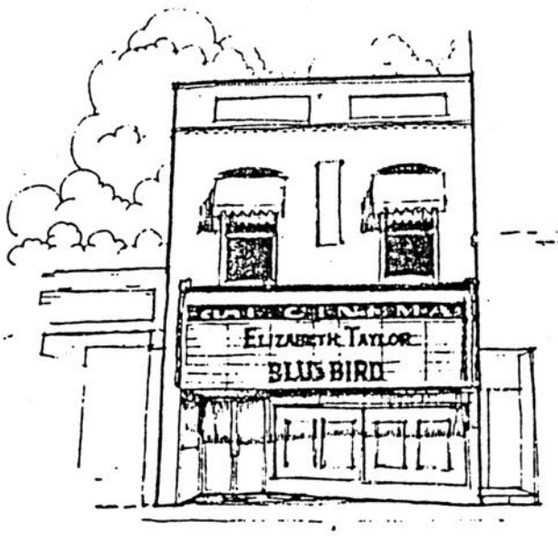


Figure B

In figure A, the sign above a theater has been placed as high as it would be allowed in this particular instance -- just below the sills of second story windows. It is also as wide as is allowed -- the full width of the building's sign frontage. The result is a jarring relationship between the sign and the building's facade. Nothing on the sign seems to line up with anything that is part of the building itself; the window sills appear to rest on top of the sign; the lintel (the horizontal beam over the shopfront) is partly covered. The total effect is one of everything being slightly off-balance, out of scale and auto-oriented.

Figure B, on the other hand, shows how the same sign idea can be made to relate successfully to the rest of the building, with appropriate scale and alignment. The reduced scale now speaks on a more appropriate tone to the pedestrian.

In Figure B, the sign becomes part of the architecture of the building by being lowered and reduced slightly in depth so it appears as a facing to the lintel, which was half-covered in Figure A. This is a good solution, if there is enough depth to the lintel to permit the use of legible-size letters.

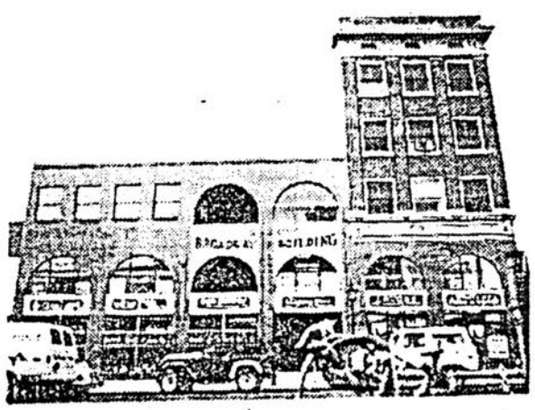


Figure C shows a building whose total number of signs creates a visual blur because they compete with their architecture. Shown in Figure D is a simple solution to reduce the conflicting visual elements and approach harmony solely through through signing.

A row of shops and their signs is most effective when the architecture of the Central Business District is preserved and even emphasized by the design of all the signs. A harmonious and uncluttered row of shops with legible, well-designed signs is much more attractive to shoppers than a hodge-podge of signs that confuse the shopper rather than draw him to the individual shops.

Fig. D

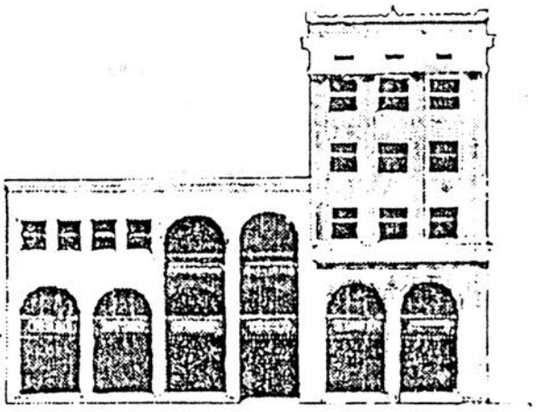


Fig. F

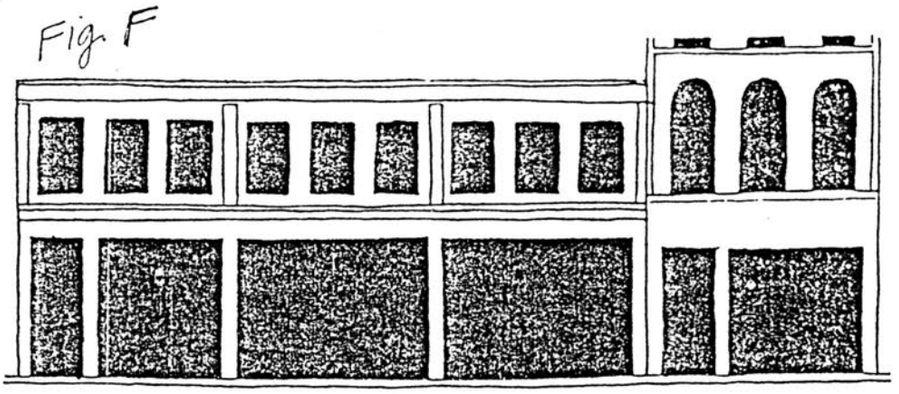


Fig E

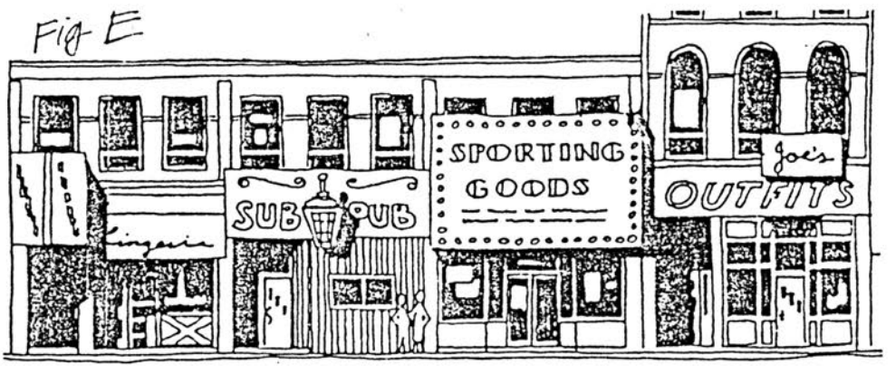


Fig G

One of the most common causes of this confusion is the tendency of shopfronts to burst out of their frames in an upward and outward direction until nothing of the original frontage is visible. Figure E illustrates the effect of this on a stretch of streetfront. The even rhythm of these basic elements (the shopfront "holes" and the windows in the lower floors of the buildings) can be almost completely obliterated by the jumble of shop signs of widely varying shapes, sizes, and heights.

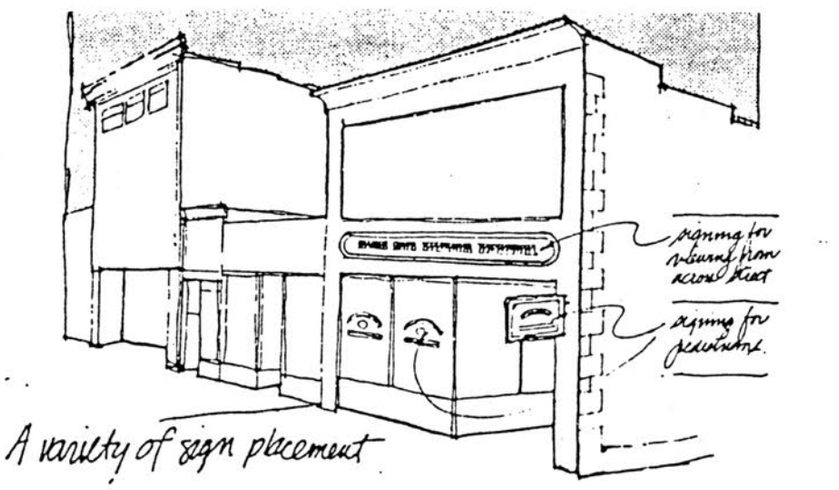
Figure F shows the basic framework or pattern of the buildings that form the streetfront as they were originally conceived. Despite the fact that the window and door holes of the different buildings do not line up exactly (this provides variety and adds to the interest of the street), there is quite a strong feeling of continuity and unity in the row of structures.

In Figure G, the basic pattern of the streetfront has been retained by the simple fact that the shopfronts and their signs have stayed within the frames provided by the buildings. Shopfronts, quite different in the character of their signs and entrances, can now be seen to form the ground floor of the same building. Special thought should be given to maintaining this continuity of the streetfront, in addition to carefully relating the size and position of the sign to the building. This can be done by trying to relate the sign to its neighbors, but if the adjoining signs are oversized or badly positioned, the only solution is to do what is best for your building and wait for the neighbors to follow your lead.

DESIGN CRITERIA/WHAT MAKES A SIGN WORK?

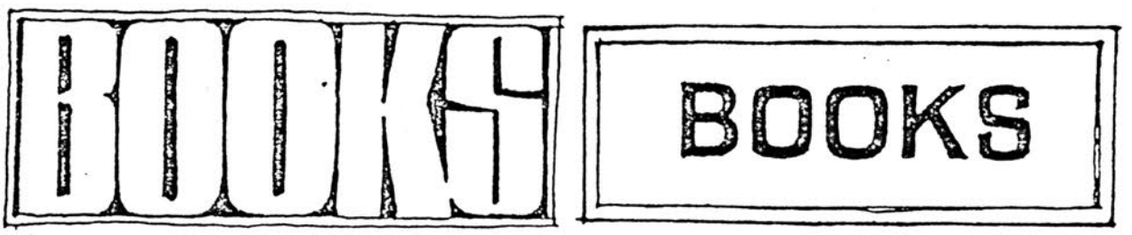
There are many elements that determine whether or not a sign will be effective, attractive and harmonious. These elements are not delineated in the Bend Sign Code, but may be appropriately addressed in these Guidelines. An understanding and awareness of these elements will enable a business to obtain good looking and functional signing.

A. Legibility results from all elements comprising a sign adding up to a message that is self-evident, clear and immediately understandable. If any of these elements are out of balance, the sign's ability to communicate will be constricted.

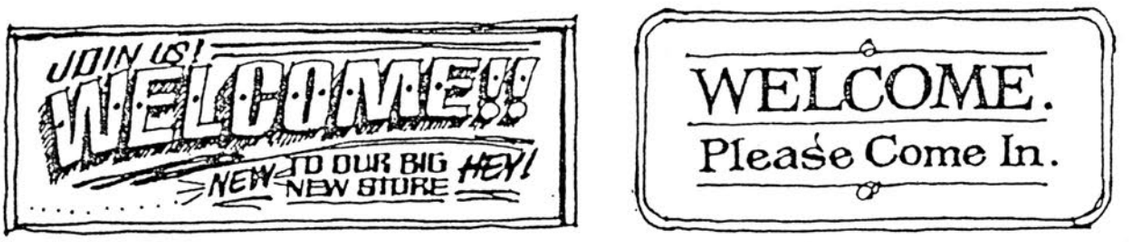


B. Placement should be determined primarily by criteria established by the building's architecture, the relative size of the sign and its message. The size of the sign will naturally eliminate some placement options if it is large. Its placement is then primarily constrained by the building's architecture, since it is a large new element that must be integrated into the building front. If the sign is smaller, there are more opportunities for location. Smaller pedestrian-scale signs should be placed in the cone of vision of the pedestrian, without looking uncomplementary to the architecture of the building.

C. Proportion and Balance provide letters enough surrounding space to read quickly. Consuming 95% of a sign panel with letters results in severe legibility problems. As a general rule, the letter forms should appear to occupy no more than a maximum of 75% of the total sign panel area.



Given a specific sign panel dimension, large letterforms are not necessarily more legible than the same size panel with smaller, more generously spaced letterforms.



Letterforms should look comfortable within the sign's perimeter. If they appear to burst out or visually push against their host panel's edges, they are probably too large.

Avoid unnecessarily narrow sign panels.

Signs that are odd-shaped or excessively narrow can constraint or force distortion of the proportionally acceptable ratio or letterform to sign panel.

Maintain a sensible proportional relationship between sign size and storefront/ business.

There are few marketing techniques that fail as badly as a small business attempting to make up for its size with a gigantic sign. Stick with a sign that relates to the size of the building and the use.

Avoid overscale, massive sign supports for small scale sign boards or panels.

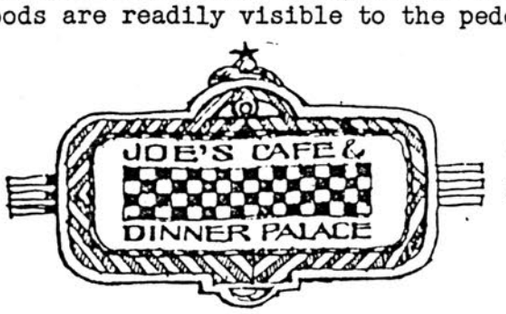
Maintain well-balanced visual relationships between the support and the object being supported. Well thought-out and unobtrusive hangers (painted a dark color) enhance the panel as the information portion of the sign.

D. Number of Words

If a sign's message is brief, it will communicate more quickly. Generally, the fewer the words, the more effective the sign. This results in a simpler design which usually looks "cleaner" and more attractive.

There are ways to communicate a shop's activities other than words. Symbolism (one picture is worth one thousand words) is a very valuable communication option in signing.

Fewer signs with fewer words are possible and desirable when the shop's activities or goods are readily visible to the pedestrian.

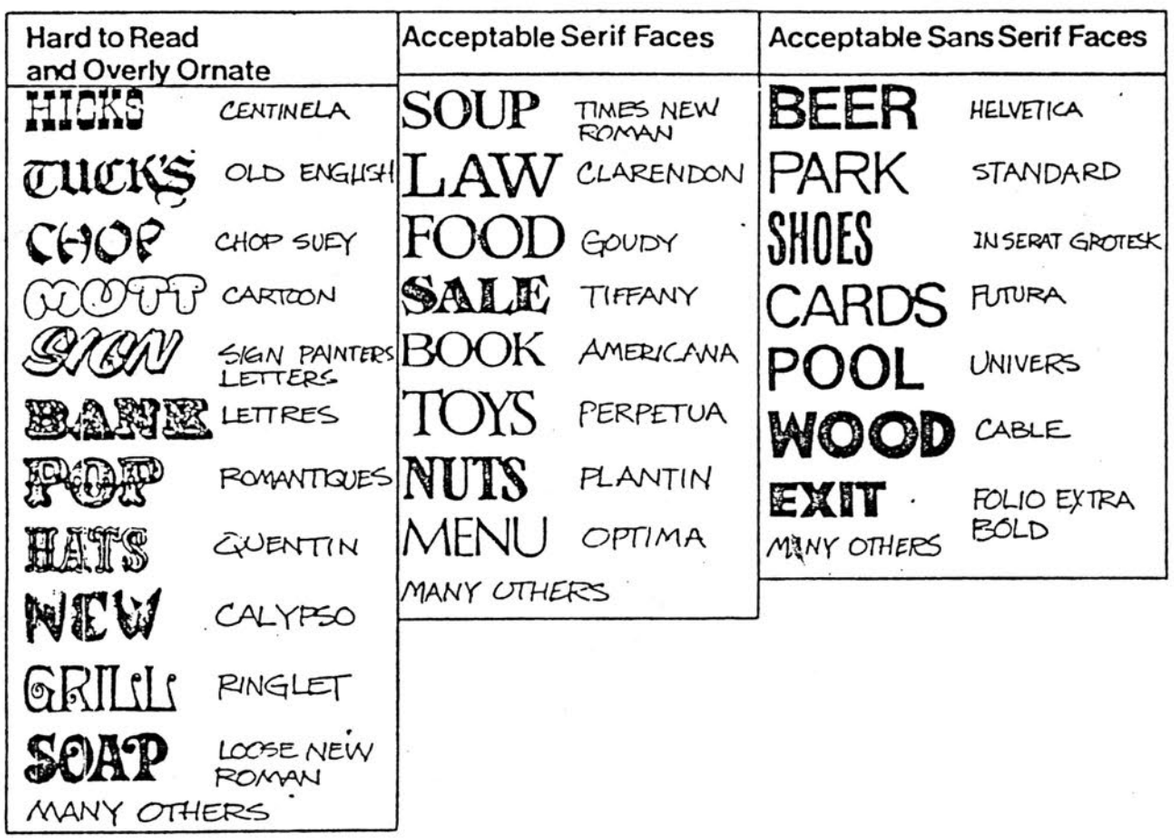


Impaired communication through over design & too many words.

Evaluate each word or image that would appear on the sign. If it does not contribute directly to the most important aspects of the sign's intended communications, it is detracting from it.

E. Type Styles

Words provide information. Type styles, more than any other single aspect of a sign, create mood and establish character. There are traditions for specific businesses to make use of certain typefaces. This is acceptable providing the use does not constitute a stereotype or cliche as in the case of "Pagoda" style lettering on restaurants, or "cartoon" style typefaces of any kind.



When in doubt about a type style, look for a legible, well-proportioned serif typeface that is in keeping with the character of the Central Business District.

Avoid hard to read, overly intricate letterforms. Remember that a sign's primary function is to communicate.

Avoid faddish or bizarre type styles. Central Business District signing should project the quality of permanence, quality and vitality.

F. Color

Color influences a sign's legibility, character and architectural impact. Color should be selected to harmonize with the overall building's color scheme. Basic building colors are usually simple or muted. A sign is an excellent opportunity to introduce a bit of bright color to set off the building's basic colors.

Care must be exercised not to introduce too many colors into a sign. Too many colors can overwhelm the sign's communication function, make it more difficult to maintain and create a distracting visual element.

Earth colors used as basic "field" colors, with white characters set off with black or small amounts of deep brilliant colors, will usually yield a handsome sign panel or graphic.

Light, pastel colors imply freshness, openness, calm and delicacy. Dark colors represent dignity, quietude, elegance, stability and formality.

Signs directed toward the pedestrian can make use of more subtle color relationships with shading, outlining, striping, and borders because of the relatively long exposure the pedestrian has to the sign. These additional ornamental elements should enhance the legibility of the sign, rather than detract. Excessive color and ornament cannot be appreciated if the pedestrian is trying to determine what the sign is saying.

G. Lighting

The lighting of signs in the Central Business District is less important than in any other area because in the evening, the lit interiors of businesses actually become the signs. Activity within the space, when lit, is the very best kind of sign. It communicates immediately the quality, content and level of activity far more rapidly than reading a sign could ever do.

Given this factor, many internally lit signs or brightly spot lit signs are not only inappropriate, they are unnecessary. Lighting of signs is controlled by the Bend Sign Code, but the criteria set forth in the Code must apply to a variety of situations within the community.

If lighting is applied to the sign, the fixture itself should be placed in such a way that the light globe is not visible to the pedestrian. The fixture should be a well-designed, durable and appropriate fixture that is consistent with traditions for sign panel lighting on buildings of the type presently in the Central Business District.

Porcelain, "scoop" style shades work well and are inexpensive. Bare flood lights without reflectors provide an intense glaring light that is not acceptable for illuminating signs in the Central Business District.

Mounting hardware and electrical ducting for lighting must be integrated in the design.

H. Appropriateness to Business

Does the sign characterize, by its typeface, size, color and placement the nature of the business it is supposed to communicate? Does the sign project the personality of the business being transacted within? If the business is dignified, is the sign dignified? If festive, does the sign convey it? If the business is modern, so the sign should be. Personality does not necessarily require eccentric shapes and/or colors.

I. Supergraphics

Supergraphics can be defined as any large scale, decorative application of color and/or texture to an interior or exterior building surface. Any proposed supergraphics must conform with regulations put forth in the Bend Sign Code.

The use of supergraphics in the Central Business District should be limited to special cases where a building facade possesses no intrinsic architectural character, and other kinds of renovation cannot be afforded.

Proposed supergraphic designs should be evaluated by the City Sign Review Committee in terms of appropriateness, location, color and image content (if any).

MATERIALS, FINISHES AND TECHNIQUES

When purchasing a sign, insist on high quality, durable materials that will continue to look good as years pass. Many times a sign executed on poorly prepared or inferior materials looks good when delivered, but very quickly deteriorates, causing the buyer to incur once again the most expensive part of his/her sign costs, namely, labor to repair or replace the sign, because the materials failed. A 15% increase in the cost of materials can increase the life of the sign by as much as 50% or more. Good economics and on-going good looks are the result of quality sign materials.

High quality materials must be properly prepared to withstand the temperature extremes that characterize Bend's climate.

ORDINANCE NS-1374
Appendix B

A. Acceptable Signing Materials and Techniques

Custom cut and applied wood letters.

Applied wood letters are a handsome traditional method of signing a building or business. The style should, however, tend toward elegant, well-proportioned type styles avoiding complicated or contrived hard-to-read letterforms. "Rustic" or primitive cut letters are discouraged unless they represent the type of business advertised. Gold leaf is a recommended finish for custom cut and applied letters.

Precast, epoxy letters.

Certain varieties of three-dimensional letters cast in a special resin material are extremely durable and take all finishes beautifully.

Medium density overlay plywood (Duraply).

As the name implies, this is an extremely durable marine grade plywood that, when correctly prepared and finished, gives high performance and good looks over long periods of time.

"Paint-Lok" or other brand galvanized sheet metal made for painting.

Available in twenty-four or twenty-six gauge. Excellent for high finish sign panels.

Slate or marble, incised or gilded.

A classic, long-lived sign material, perfect for smaller, pedestrian-oriented signing.

Gold leaf.

One of the oldest sign materials in the world. Extreme brilliance, durability and beauty combine to make this material a continuing favorite of designers and architects. Applicable to panel signs, three-dimensional letters, stone and glass.

Carved wood sign panels.

Solid lumber, carved wood signs are another traditional sign material. Many local woodcarvers are capable of executing these types of signs. Often they are fine examples of the woodcarving craft, but totally inadequate as signs. If a carved wood sign is required, it should be designed and supervised by a design professional. "Rustic" signs, which are today's fad, will quickly become tomorrow's out-dated cliche. If well executed and carefully designed, a carved wood sign panel can be a beautiful, timeless example of sign art.

Glass.

Gilded, painted or sandblasted glass makes elegant, architecturally harmonious signing. Graphics applied to glass should not obscure overall visibility through the window.

Clear plexiglass or acrylic sheet.

This can be used as a substitute for glass for protection against breakage.

Neon.

Neon, a material that received a bad reputation from bad design and much overuse, is enjoying a comeback because it is inherently a beautiful and durable sign material. It must be used in reasonably small quantities that coordinate with building architecture. Deeper intense colors are more acceptable than light, bright colors.

Stained glass.

An acceptable material if extreme care is used to insure that the technique does not interfere with functionality and legibility. If lit, the sign should project a warm glow, no more intense than the storefront lighting of the shop or store it announces.

B. Less Desirable Materials

Internally lit, thermo-formed, plastic letters or signs and most vinyl trimmed, cut plastic letters.

Shop lighting and street lighting provide appropriate and warm illumination for the Central Business District, and the colored light produced by brightly lit, thermoplastic signing enhances neither the color of natural planting materials nor the complexions of pedestrians.

Simulated stained glass using thermoplastic and epoxy glue joints.
Rustic style wood signs or letters.

Materials that are artificially aged or "antiqued" are inappropriate in the Central Business District.

Imitation wood grain plastic laminates.

Formica, micarta and texolite plastic laminates that simulate wood grain cannot withstand exterior use.

Fluorescent color, whether plastic or paint.
Any fad-oriented material or process.

They imply temporary, transitory businesses rather than stable, reputable commerce and service.

C. Application of Lettering and Type to Sign Panels

There are two common methods for applying lettering to flat surfaces. One is hand painting and the other is silkscreening. Silkscreening is a stencil like printing process that uses thick inks to deposit an image on a flat or slightly curved surface. Hand painting, although initially less expensive than silkscreening, usually cannot exactly reproduce artwork that is to be applied to the sign. The skill of the sign painter determines the extent to which a particular typestyle will be rendered or logo reproduced. Hand painting also produces an uneven film of paint within the letters that fades at different rates. After a period of time this results in a blotchy, uneven appearance on the sign panel.

Silkscreening, though more expensive, reproduces artwork and type exactly because it is a photomechanical process not dependant upon an individual's artistic skill. Silkscreening also lays down a perfectly uniform film of color so fading occurs evenly and never results in the blotchy sign panel that characterizes a partially faded hand painted sign. This gives the sign an effective increase of visually acceptable life. It simply will look better longer than a hand painted sign.

APPROACHES TO SIGN SOLUTIONS

A. How to Get a Better Sign

By following these steps, a building owner or tenant has a much better chance of getting the most for money spent on signs, and the community benefits from better communications, a visually cleaner Central Business District, and a sense of visible harmony and character.

Step 1: Read and understand the spirit of the Signing Guidelines.

A thorough reading of this Guideline will provide an overview of the Central Business District and how each component adds or detracts from the concept.

Step 2: Get a grip on the problem.

Write down a critical evaluation of the perceived signing and identification needs. Try to conceive an optimum solution for signs, rather than the largest square footage possible. How can one receive a maximum impact from a minimal signing solution?

Step 3: Determine type of sign needed (verbal, pictographic, etc.).

Step 4: Determine optimum position necessary to communicate with user to indicate entrances and to keep signs as simple as possible.

Step 5: Determine the message.

Remember, the shorter the message, the more effective the sign; the simpler the design, the faster the communication. Edit, edit, edit.

Step 6: Take this list of criteria to a sign designer or to someone whose work you have seen and liked.

Discuss your criteria and be sure that your designer is aware of the Signing Guidelines and understands them.

Step 7: Ask questions to be sure that the solution you receive complies with the spirit of the Guideline.

Step 8. Insist on an accurate color drawing of the proposed sign solution, showing it in its proper position on or about the building.

Step 9: Ask for the best materials you can afford. Good materials and craftsmanship pay off over the years.

APPENDIX C

BILLBOARD INVENTORY

December 1982

1. NW Bond Street between NW Minnesota & NW Oregon
2. NW Bond Street between NW Oregon & NW Greenwood
3. NW Wall Street between NW Newport & NW Oregon
4. NW Wall Street between NW Newport & NW Oregon
5. SE Third Street at SE Cleveland
6. SE Third Street at Third Street Underpass
7. NE Third Street at NE Underwood
8. NE Third Street at NE Xerxes/Division
9. NE Third Street at NE Zenith
10. NE Third Street at NE Addison
11. NE Third Street at NE Division
12. NE Division Street at NE Webster
13. NE Division Street at NE Revere
14. NE Greenwood at Greenwood Avenue Underpass
15. NW Greenwood at NW Harriman
16. NE Franklin at Franklin Street Underpass
17. NW Franklin at NW Hill
18. NE Division at NE Lafayette
19. NE Division at NE Park
20. NE Division at Sullivan Glove
21. NW Colorado at NW Harriman
22. SW 14th Street South of Simpson
23. SE Wilson Avenue at SE Ninth

ORDINANCE NO. NS-1375

AN ORDINANCE ADOPTING A NEW BUSINESS CHAPTER FOR THE CITY OF BEND CODE; AND REPEALING ORDINANCES NO. NS-223, 607, 704, 752, 828, 947, 1052, 1122, 1126, AND 1132 AS AMENDED.

THE CITY OF BEND does ordain as follows:

Section One: Adoption of Business Chapter. The City of Bend hereby adopts Chapter Seven (Business Code) which is attached hereto and incorporated by reference.

Section Two: Repealer. Ordinances NS-223, 607, 704, 752, 828, 947, 1052, 1122, 1126, and 1132 as they are amended are hereby repealed.

Section Three: This ordinance shall not affect:

1. Any offense or act committed or done, any penalty or forfeiture incurred.

2. Any prosecution, suit or proceeding pending at the time this ordinance is enacted.

3. Any judgement rendered prior to the time this ordinance is enacted.

Section Four: Severability. If any section, subsection, paragraph, sentence, clause or phrase of this code, 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 code 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 phrases be declared unconstitutional or otherwise invalid.

Read for the first time the 19th day of January, 1983.

Read for the second time the 6th day of April, 1983.

Placed upon its passage the 6th day of April, 1983.

Vote: YES - 5 NO - 1

Samuel G. Langmas
Mayor

ATTEST:

James W. Kerfoot
Recorder-Treasurer

AERIAL ACTIVITIES

7.400	License Required
7.402	Application
7.404	License Fee
7.406	License Denial
7.408 - 7.448	Reserved for Expansion

AMBULANCES

7.626	Definitions
7.628	License Required
7.630	Application for Licenses
7.632	Investigation
7.634	Standards for Operators
7.636	Fees
7.640	Endorsement
7.644	Applications for Drivers and Emergency Technicians' Licenses
7.648	Operating Standards
7.650	Rates and Charges to be Posted
7.652	Fumigation and Disinfection
7.654	Responsibility of Operator
7.656	Replacement or Addition of Vehicles
7.658	Exceptions
7.660	Regulations

ANTIQUE, SECONDHAND AND JUNK DEALERS

7.810	Definition
7.812	Exemption
7.814	Records Required
7.818	Regulation of Premises
7.820	Purchase from Minors
7.822	Retention of Articles
7.824 - 7.898	Reserved for Expansion

AUCTIONEERS

7.598	Auctioneers

BINGO OPERATED BY A CHARITABLE, FRATERNAL OR RELIGIOUS ORGANIZATION

7.450	Definitions
7.452	License Required
7.454	Applications
7.456	License Fee
7.458	Keeping Business Records
7.460	Inspection of Business Records
7.462 - 7.490	Reserved for Expansion

BLASTING

7.596	Blasting

BURGLARY ALARM SYSTEMS

7.900	Definitions
7.902	Automatic Protection Devices - Restrictions on Keying
7.904	Duties of Owner or Lessee
7.906	Licensing of Alarm Equipment Supplier
7.908	Alarm Equipment Supplier - Licensing Procedure
7.910	Alarm Equipment Supplier - Operational Standards
7.912	Licensing of Alarm Monitoring Services
7.914	Alarm Monitoring Service - Licensing Procedure
7.916	Alarm Monitoring Service - Operational Standards
7.918	Regulation of Receivers
7.920	Non-liability of City
7.922	Fees
7.924	Violations

BUSES

7.700	Definitions
7.702	Franchise Required
7.704	Granting of Franchises
7.706	Franchise Fee
7.710	Routes and Schedules
7.712	Obligation of Franchise Holder
7.714	Termination of Franchise
7.716 - 7.740	Reserved for Expansion

CIRCUSES AND TENT SHOWS

7.270	Purpose
7.272	License Required
7.274	License Fee
7.276	Exemptions
7.278	Exhibition of Prices

DOOR TO DOOR SOLICITATIONS

7.550	Uninvited Peddling Prohibited
7.552	Solicitations by Political, Charitable, Religious, Patriotic or Philanthropic Groups
7.554	Authority of Police Officers

DRUG PARAPHERNALIA

7.584	License Required
7.586	Application and Fee
7.588	Minors
7.590	Records

GARAGE SALES

7.592	Garage Sales

GENERAL

7.200	Applicability and Definitions
7.202	Purpose
7.204	Licenses Required
7.206	License Duration
7.208	License Renewal and Late Penalty
7.210	Review of Renewal
7.214	Application Review
7.216	Information from Applicant
7.218	Criteria for Grant or Denial
7.220	Issuance or Denial by the Manager
7.222	Issuance or Denial by the City Commission
7.224	Revocation of License
7.226	Suspension of License
7.228	Appeal
7.230	Posting of License
7.232	Applicability to Persons Exempt by State or Federal Law
7.234	Transfer or Assignment of License
7.236	Prorating of License Fee
7.238	Penalty
7.240	Enforcement
7.242 - 7.268	Reserved for Expansion

ITINERANT MERCHANTS

7.560	Definition
7.568	Permit Required
7.570	Application for Permit
7.572	Criteria for Denial
7.574	Conditions of Permit
7.576	Grounds for Revocation
7.578	Stop Order and Notice of Revocation
7.580	Hearing and Revocation

MASSAGE TECHNICIANS

7.750	License Required
7.752	Exceptions
7.754	Applications for License
7.756	License Fee
7.758 - 7.798	Reserved for Expansion

MERCHANT PATROL/PRIVATE DETECTIVE

7.600	Title
7.602	Definitions
7.604	License Required
7.606	Applications for License; Fingerprints and Photograph
7.608	Insurance Required
7.610	Criteria for Issuance of License
7.612	Criteria Applicable to Employes
7.614	License Fee
7.616	Promulgation of Regulations
7.618	Information and False Reports
7.620	Notice of Employe's Status Change
7.622	Uniforms
7.624 - 7.648	Reserved for Expansion

OCCULT ARTS

7.530	License Required
7.532	Definition
7.534	License Fee

PAWNBROKERS

7.800	Definition
7.802	License Required; Fee
7.804	State License Required
7.806	Records of Articles Received
7.808	Purchases from Minors

PRIVATE DETECTIVE see MERCHANT PATROL

SPECIAL EVENTS

7.350	Definitions
7.352	Assembly Prohibited
7.354	Exclusions
7.356	Permit Required; Fee
7.358	Application Procedure
7.360	Sanitary Facilities
7.362	Fire Protection Standards
7.364	Medical Services
7.368	Parking Facilities
7.370	Inspection of Required Facilities
7.374	Insurance
7.378	Permit Approval
7.380	Permit Denial
7.382	Appeal
7.384	Permit Information
7.386	Inspection
7.388	Crowd Limitation
7.390	Duty of Preserve Order Placed on Operator
7.392	Rules and Regulations
7.394	Revocation of Permit
7.396 - 7.498	Reserved for Expansion

STREET VENDORS

7.500	Definition
7.502	Sale of Goods on Public Property
7.504	Insurance
7.506	Inspection
7.508	State and County License Required
7.510	Use of Sidewalk
7.512	Separate License for Each Cart
7.514	Sanitary Standards
7.516	Cart Size
7.518	Investigation of Complaints
7.520	Prohibited Solicitation
7.522	Exceptions

TAXICABS

7.670	Title
7.672	Definition
7.674	License Required
7.676	Application
7.678	Fees
7.680	Liability Insurance
7.682	Marking Vehicles
7.684	Rates and Meters
7.686	Drivers' Permits
7.688	Application
7.690	Identification Card
7.692	Applicants for Drivers' Permits to Furnish Fingerprints
7.694	Temporary Suspension

TRANSIENT ROOM TAX

7.005	Title
7.010	Definitions
7.012	Tax Imposed
7.014	Collection of Tax by Operator; Rules for Collection
7.016	Operator's Duties
7.018	Exemptions
7.020	Registration of Operator; Form and Contents; Execution; Certification of Authority
7.022	Due Date: Returns and Payments
7.024	Penalties and Interest
7.026	Deficiency Determinations; Fraud, Evasion, Operator Delay
7.028	Redeterminations
7.030	Security for Collection of Tax
7.032	Lien
7.034	Refunds
7.036	Administration
7.038	Appeals to City Commission
7.040	Severability
7.042	Violations
7.044	Penalty
7.046 - 7.148	Reserved for Expansion

TREE TOPPING/BLASTING

7.594	Tree Topping and Removal
7.596	Blasting

CHAPTER VII: BUSINESS

REVENUE

TRANSIENT ROOM TAX

7.005 Title. Section 7.010 to 7.042 shall be known as the Transient Room Tax Code of the City of Bend.

7.010 Definitions. Except where the context otherwise requires, the definitions given in this section govern the construction of this Code.

(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, Oregon.

(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 employe, the managing agent shall also be deemed an operator for the purposes of this code and shall have the same duties and liabilities as his principal. Compliance with the provisions of this code 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 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 code 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 (30) days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy.

7.012 Tax Imposed. For the privilege of occupancy in any hotel, on and after the effective date of this code, each transient shall pay a tax in the amount of six percent (6%) 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. 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.

7.014 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 code, 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 code and shall have the power to adopt rules and reulations not inconsistent with this code 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 nine cents (9¢) through twenty four cents (24¢), inclusive; and the second one cent (1¢) of tax on twenty five cents (25¢) through fourty one cents (41¢); the third one cent (1¢) of tax on fourty two cents (42¢) through fifty eight cents (58¢); the fourth one cent of tax on fifty nine cents (59¢) through seventy four cents (74¢); the fifth one cent of tax on seventy five cents (75¢) through ninety one cents (91¢); and the sixth one cent (1¢) of tax on ninety two cents (92¢) through the next one dollar and eight cents ($1.08) of rent.

7.016 Operator's Duties. Each operator shall collect the tax imposed by this code 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 code.

7.018 Exemptions. No tax imposed under this code 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 or home for aged people.

(5) Any occupant whose rent is paid by a Deschutes United Way agency as a charitable assistance to the occupant.

7.020 Registration of Operator; Form and Contents; Execution; Certification of Authority. Every person engaging or about to engage in business 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 code is adopted must register not later than thirty (30) calendar days after passage of this code. Operators starting business after this code 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 duplicant 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 Code 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."

7.022 Due Date: Returns and Payments.

(1) The tax imposed by this code 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 but 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 code.

(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.

7.024 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 code, 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 code 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 code shall pay interest at the rate of one percent (1%) per month or fraction thereof without pro-ration for portions of a month, on the amount of the tax owed, 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.

7.026 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 or deficiencies shall be applied as set forth in section 7.024.

(a) In making a determination the Tax Administrator may offset over-payments if any, which may have been previously made for a period or periods, against any under payment 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 7.024.

(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 code 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 code 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 code any report and remittance of said tax or any portion thereof required by this code, or makes a fraudulent return or otherwise wilfully attempts to evade this code, 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 code 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 code. 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 Administrat

7.028 Redeterminations.

(1) Any person against whom a determination is made under section 7.026 or any person directly interested may petition for a redetermination and redemption and refund within the time required in section 2.026 hereof. If a petition for redetermination and refund is not filed within the time required in section 7.026, 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.

7.030 Security for Collection of Tax.

(1) The Tax Administrator, whenever he deems it necessary to insure compliance with this code, 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.

7.032 Lien. The tax imposed by this code 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 code 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.

7.034 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 code, 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 code has been collected by the operator, and deposit 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.

7.036 Administration.

(1) Tourist Promotion Fund. A special fund called a Tourist Promotion Fund shall be established for the purpose of promoting tourism within the City of Bend. 25% of the monies collected pursuant to the tax imposed by this code shall be paid directly into this fund. No monies from the city's general fund shall be used in the tourist promotion fund. The tourist promotion fund 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. Unless required by the public records law or by the written permission of the operator, it shall be unlawful 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 code; 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.

7.038 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.

7.042 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 code.

7.044 Penalty. A violation of sections 7.010 to 7.042 is a Class A Civil Infraction.

(7.046 to 7.148 Reserved For Expansion)

REGULATORY LICENSES

GENERAL

7.200 Applicability and Definitions.

(1) The provisions of section 7.200 to 7.924 shall apply to sections 7.270 to 7.924 when not in conflict with specific provisions contained in those sections.

(2) As used in sections 7.202 to 7.924 the term "Manager" shall include his/her designee.

(3) As used in sections 7.202 to 7.924 the term "License" shall also mean "permit."

7.202 Purpose.

(1) The regulatory license provisions of section 7.200 to 7.240 are intended to serve the purpose of regulation of the activities and not the purpose of taxation or revenue raising.

(2) Obtaining a regulatory license shall not exempt the licensee from other Code or ordinance requirements, including business license tax and parking district tax requirements.

7.204 Licenses Required. No person shall engage in an activity or operate a device regulated under sections 7.270 to 7.924 without first obtaining a license from the city as provided in those sections or without complying with conditions imposed by a license obtained under those sections.

7.206 License Duration. Unless a shorter term is specified, new licenses shall be valid from the date of issuance to the next following December 31 and shall be renewable annually for a term of one year, beginning on January 1.

7.208 License Renewal and Late Penalty.

(1) The application for renewal of a license shall be made to the city prior to the license expiration date. A penalty of $2.50 or 25 percent of the annual fee, whichever is greater, shall be added to the license fee accompanying a later renewal application. The effective date of a renewed license shall be January 1 if the application for renewal is made prior to the current license expiration date. Renewal license applied for after January 1 shall be effective on the date of issuance.

(2) If a licensee fails to apply for and pay the required fee, including any accrued penalties, within 30 days from the expiration date of the license, and continue to operate without a valid license, a new application fee, in addition to the license renewal fee and any accrued penalties, must be paid prior to issuance of the license.

7.210 Review of Renewal. If the city has received complaints about the licensed activity or device, the application for renewal of the license may be reviewed under section 7.214.

7.212 Application Requirements. Application for all licenses required by sections 7.270 to 7.924 shall be made to the city on forms prescribed by the Manager. Application shall be made at least 30 days prior to the date the license is requested to be effective. The application forms shall provide for information necessary to determine the identity and address of the applicant and of the owner of any business, activity or device to be licensed and shall provide for other information as required by specific license provisions of this code or as necessary for review. The application shall be signed by the applicant and shall constitute the applicant's consent to conduct an investigation of the applicant's qualifications by the city. All fees shall be paid at the time of application. Fees shall be refunded if an application is denied less $10.00 for the investigative fee.

7.214 Application Review. Each application shall be referred to the person, department or agency designated by this code or the Manager to review the application.

7.216 Information from Applicant. A person, agency or department designated to review a license application may require the applicant to supply information necessary to determine under section 7.214 the applicant's qualifications for the license. If the applicant fails to supply information so required or submits false or misleading information, the license shall be suspended or denied.

7.218 Criteria for Grant or Denial.

(1) Approval or denial of the application shall be based on consideration of all available evidence indicating whether the applicant meets the requirements of this code for the license that the applicant seeks.

(2) The license shall not be granted if:

(a) The activity or device to be licensed would not comply with this Code, city ordinances or state or federal law.

(b) The information supplied for the review does not indicate that the applicant has the special knowledge or skill required to perform the licensed activity.

(c) The licensed activity or device would endanger property or the public health or safety; or

(d) The applicant's past or present violation of law or ordinance, including a violation that does not lead to a conviction, presents a reasonable doubt about his/her ability to perform the licensed activity without danger to property or public health or safety.

7.220 Issuance or Denial by the Manager. For regulatory license applications required to be made to the Manager, the following provisions shall apply:

(1) After receipt of reports from all persons, departments and agencies designated to review an application, the Manager shall determine whether the applicant qualifies for issuance or renewal of a license pursuant to section 7.216.

(2) If the applicant is qualified, the Manager shall issue or renew the license.

(3) If, on the basis of the application review under section 7.214 the Manager determines that the applicant does not qualify for issuance or renewal of the license applied for, the Manager shall notify the applicant in writing that the application has been denied. The notice shall state the reason for appeal in section 7.228.

7.222 Issuance or Denial by the City Commission. For regulatory license applications required to be made to the Commission, the following provisions shall apply:

(1) After receipt of review reports from all persons, departments and agencies, the Manager shall prepare a background and recommendation report and present it to the Commission at its next regularly scheduled meeting. The applicant shall be advised by mail of the time and place of the Commission meeting.

(2) Based upon the report of the Manager, plus any additional evidence that may be presented to the Commission during the course of the meeting, the Commission shall determine whether the applicant qualifies for issuance or renewal of the license pursuant to section 7.216.

(3) If the applicant is qualified, the Commission shall issue or renew the license.

(4) If the Commission determines that the applicant does not qualify, the application shall be denied and the applicant shall be notified in writing. The notice shall state the reasons for the denial.

(5) The decision of the Commission shall be final.

7.224 Revocation of License. The Manager, upon determining that a licensed activity, establishment or device is violating this Code, city ordinances, or state or federal law, shall notify the licensee in writing that the license is to be revoked. Said violations need not lead to a conviction but must establish a reasonable doubt about the licensee's ability to perform the licensed activity without danger to property or public health or safety. The notice shall be given at least 30 days before the revocation. If the violation ends within 30 days, the Manager may discontinue the revocation proceedings. A notice of revocation shall state the reason for the revocation and inform the licensee of the provisions of section 7.228.

7.226 Suspension of License. Upon determining that a licensed activity or device presents a substantial danger to person or property, the Manager may suspend the license for the activity or device at once. The suspension shall take effect immediately on notice being received by the licensee, or being delivered to the licensee's business address as stated on the licensee's application for the license that is being suspended. The notice shall be mailed to the licensee and state the reason for the suspension and inform the licensee of the provisions for appeal under section 7.228. The Manager may continue suspension so long as the reason for the suspension exists or until a determination on appeal regarding the suspension is made under section 7.228.

7.228 Appeal.

(1) An applicant whose application to the Manager for a license has been denied, or a licensee whose license has been denied renewal, has been suspended, or is to be revoked, may within 30 days after the notice of denial, suspension or revocation is mailed, appeal in writing to the Commission. The appeal shall be filed with the City Recorder and shall state:

(a) The name and address of the appellant.

(b) The nature of the determination being appealed.

(c) The reason the determination is incorrect.

(d) What the correct determination of the appeal should be.

(2) An appellant who fails to file such a statement within the time permitted waives his/her objections, and the appeal shall be dismissed. If a notice of revocation is appealed, the revocation does not take effect until final determination of the appeal. The Commission shall hear and determine the appeal on the basis of the written statement and such additional evidence as it considers appropriate. The appeallant shall be provided at least 14 days written notice of a hearing on the appeal.

(3) At the hearing, the appellant may present testimony and oral argument, personally or by counsel, and any additional evidence. The rules of evidence as used by courts of law do not apply, and the decision of the Commission after the hearing is final.

7.230 Posting of License.

(1) Except as provided in Subsection (2), the license or permit shall be posted in a conspicuous place upon the business premises, available for inspection by the public, employes and prospective employes of the business.

(2) If the licensee has no office, business premises or other established place of business within the city, the license shall be at all times in the possession of the representative of the business present within the city while business is being transacted by any employe or representative within the city.

7.232 Applicability to Persons Exempt by State or Federal Law. Nothing in sections 7.270 to 7.924 shall be construed to apply to any conduct which is exempt from the license or permit requirements or regulations imposed by those sections by virtue of the Constitution or laws of the United States or the constitution or laws of the state.

7.234 Transfer or Assignment of License. Except as otherwise provided by sections 7.270 to 7.924 no person shall transfer or assign a license or a permit issued under this chapter.

7.236 Prorating of License Fee. The license fee imposed by sections 7.270 to 7.924 shall not be subject to proration.

7.238 Penalty. A violation of sections 7.270 to 7.924 is a Class A civil infraction.

7.240 Enforcement. In addition to the civil infraction procedure, the city may file a civil action to recover taxes unpaid or, after mailing notice via certified mail to the person responsible for said business, the city may place a lien against the real property where the business is located for the amount of the tax plus interest. Said lien shall be filed with the city recorder and noted in the lien docket.

(7.242 to 7.268 reserved for expansion)

CIRCUSES AND TENT SHOWS

7.270 Purpose. The license fees provided for in section 7.274 are for the purpose of enabling the city to provide additional police protection and traffic control which the city, through past experience, has found to be necessary for the activities licensed.

7.272 License Required. No person shall operate any circus, menageria, carnival or theatrical show shown in tents or other temporary structures without first obtaining a license from the Commission.

7.274 License Fee.

(1) The proprietor, manager or agent of each circus, menageria or carnival show for which an admission fee is charged, shall pay a license fee of $150.00 for each day that the circus, menageria or carnival wishes to conduct performances in the city. No circus, menageri or carnival shall exhibit in the city for a period longer than six days at any one time.

(2) The proprietor, manager or agent of each theatrical show for which an admission fee is charged using a tent or other temporary structure shall pay a license fee of $20.00 for each day the show is given. No license shall be issued for a period longer than eight days in any three month period.

7.276 Exemptions.

(1) No license fee shall be required for tent shows or theatrical shows given by local talent for public charity.

(2) The Commission may grant a permit to any non-profit organization operating or promoting a celebration for the general benefit of the community and the non-profit organization and sponsoring or operating a carnival, circus or theatrical show for a period of not more than seven days without payment of the license fee or fees provided for in section 7.274.

7.278 Exhibition of Prices. The prices to be charged for goods, wares, merchandise or material vended at any circus, mengeria or carnival, or other facility used in connection with any circus, menageria or carnival shall be plainly marked at each concession or booth. The prices of admission to the main show or entertainment, together with that for each ring or compartment for which a separate charge is made, shall be plainly posted over the entrance to each show, ring or concession where separate charges are made.

SPECIAL EVENTS

7.350 Definitions. As used in sections 7.352 to 7.396, the following shall mean:

Assembly. Except as provided in section 7.354, the term assembly includes all gatherings of a group or groups of the public of more than 100 persons, in a public park or on public property or of gatherings of 50 to 100 persons where the city finds there is reason to believe the assembly may present a danger to the public safety and welfare.

Chief of Police. The Chief of Police of the city and his/her duly authorized officers and representatives.

Public property. Property owned by or under the control of the City of Bend, the Bend Metro Park and Recreation District or private property and premises open to the public as defined in ORS 487.535.

7.352 Assembly Prohibited. No person shall allow, promote, conduct or cause to be advertised an assembly of persons in a public park or on public property when the person believes or has reason to believe that 100 or more persons will attend, unless a valid city permit has been obtained for the use of the park or other property for the assembly. If the Chief of Police reasonably finds an assembly of 50 to 100 persons presents a danger to the public safety or welfare, he shall notify the operator or organizers of said assembly that a permit will be required. Once notified, the organizer or operator must apply to the City Recorder for a permit. The City shall process said application as soon as is practicable. One permit shall be required for each assembly. Liability for failure to comply with the provisions of sections 7.352 to 7.396 shall attach to persons who are responsible for obtaining permits under those provisions.

7.354 Exclusions. Sections 7.350 to 7.394 shall not apply to any regularly organized and supervised school district activity or program of the city or to athletic contests organized by the Bend Metro Parks and Recreation District which do not utilize public streets and rights-of-way.

7.356 Permit Required; Fee.

(1) No assembly shall be held unless the person sponsoring the assembly obtains a permit. The fee for the permit is to cover the cost of inspecting facilities and issuing and administering the permit prior to the event. Costs incurred and required by the city shall be in addition to the following:

(a) Up to 300 persons reasonably anticipated to attend - $20.00.

(b) 300 to 1,000 persons reasonably anticipated to attend - $30.00.

(c) 1,000 to 2,500 persons reasonably anticipated to attend - $50.00.

(d) 2,500 or more persons reasonably anticipated to attend - $100.00.

(2) Unless the time limit is waived by the City Manager, written application for each assembly permit shall be made to the city 30 or more days prior to the first day on which the assembly is to be held by filing the application with the Recorder. It shall be on forms furnished by the city and shall be signed by the person or persons organizing and sponsoring the assembly. Each application shall state the location to be used for the assembly, the number of persons reasonably anticipated to attend, and that the applicant will abide by all rules and regulations of sections 7.352 to 7.396 and other regulations and laws for the protection of the health, morals, peace and safety of the persons employed at the location, the patrons or participants, and the public. No permit shall be transferable or assignable without the consent of the issuing body.

7.358 Application Procedure. Within 10 days after the application for the permit is made, the applicant must obtain written approval and assurance from each of the appropriate city officials or departments that satisfactory arrangements have been made by the applicant to comply with all of the conditions specified in sections 7.360 to 7.370. The City Recorder shall identify the appropriate officials to be contacted for completion of the permit. The officials or departments may approve the permit, subject to conditions necessary to assure compliance with the appropriate criteria enumerated in those sections. When any type of physical facility is required or subject to approval, preliminary approval may be granted based upon specific plans proposed and submitted by the applicant. The approval shall be on forms provided and shall be filed with the Recorder.

7.360 Sanitary Facilities. Proof that sanitary facilities are in accordance with state regulations and the necessary permits have been procured shall be provided by the applicant.

7.362 Fire Protection Standards. If required, applicant shall show that the Fire Chief has approved the type, size, number and location of fire protection devices and equipment available at, in or near any location, including outdoor sites, buildings, tents, stadiums or enclosures, where more than 10 persons may be expected to congregate at any time during the course of the assembly.

7.364 Medical Services. If required, each assembly of more than 1,000 persons shall have at least a first-aid station approved by the Fire Chief and staffed by a person trained for emergency medical care. If the assembly exceeds 2,500 persons, at least one ambulance or rescue vehicle shall be in attendance at all times.

7.366 Public Safety.

(1) The applicant shall submit plans for public safety at the assembly to the Chief of Police for approval.

(2) Adequate traffic control and crowd protection policing shall be contracted for or otherwise provided by the applicant. The Chief of Police may require at least one traffic control person for each 200 persons expected or reasonably expected to be in attendance at any time during the event. The Chief may also require at least one crowd control person for each 500 persons expected or reasonably expected to be in attendance at any time during the event. The number of adequate fire control personnel, if needed, shall be determined by the Fire Chief.

(3) The applicant shall submit the names and necessary background information, on forms provided by the Chief of Police, for all traffic control and crowd control personnel to be used during the assembly for investigation by the Chief of Police as to fitness. All the personnel must meet the following minimum standards in order to be approved as suitable by the Chief of Police:

(a) Be 21 years of age or older.

(b) Be in good physical health.

(c) Never have been convicted of a felony or misdemeanor involving moral turpitude.

(d) Have received reasonable minimum training in law enforcement or have on-the-job experience in law enforcement.

(4) The policing personnel must wear appropriate identification or a uniform approved by the Chief of Police and must be on duty during the entire assembly unless a relief schedule has been planned and approved. A relief schedule will be approved by the Chief of Police only when sufficient policing strength on duty has been maintained to meet the above-described minimum strength standards.

(5) It shall be the duty of the policing personnel to report any violations of law to the Chief of Police and to take whatever action is necessary to enforce the terms of the permit.

7.368 Parking Facilities. The applicant shall provide the Chief of Police with a reasonable representation showing that adequate parking facilities have been made available within or adjacent to the location for which the permit is requested. Adequate access shall be provided for the parking area to facilitate the movement of vehicles at any time to or from the parking area. If buses are used to transport the public to the event, it shall be shown that public parking or parking as described above is available at a site from which buses are scheduled to pick up persons to transport them to the event.

7.370 Inspection of Required Facilities. All facilities shall be in place a sufficient time but not less than two hours before the event for which an application is submitted and shall be subject to inspection by the city. If the actual facility or construction fails to meet the standards approved in the proposed plans, preliminary approval shall be withdrawn and all permits granted subject to such approval shall be withdrawn.

7.374 Insurance. The permit applicants shall be required to furnish evidence of liability insurance providing primary coverage consistent with the limits of the City's tort liability and naming the City as an additional insured. The liability insurance shall apply to, and provide coverage for, any and all claims for bodily injury and property damage arising from or caused by the assembly for which the permit is granted and shall be the primary coverage.

7.378 Permit Approval.

(1) The City Manager shall grant and issue the assembly permit if, after consideration, he finds:

(a) All city officials and departments have issued their approval pursuant to sections 7.358 to 7.368.

(b) The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.

(c) The facilities desired have not been reserved for other use at the day and hour required in the application.

(d) The conduct of the activity will not substantially interrupt the safe and orderly movement of traffic.

(e) The conduct of the activity will not require the diversion of so great a number of city personnel of the city to properly police the activity and the contiguous areas as to prevent normal police protection to the city.

(f) The conduct of the activity is not reasonably likely to cause injury to persons or property so as to incite violence, crime or disorderly conduct.

(g) The appropriate provisions of sections 7.372 and 7.374 have been complied with.

(h) The proposed activity or use of a park or park facility will not unreasonably interfere with or detract from the general public enjoyment of the park.

(2) In order to assure compliance with the criteria of this section, the City Manager may impose conditions on the grant of a permit reasonably designed to assure compliance.

7.380 Permit Denial. The City Manager shall deny the assembly permit if he finds that the criteria of section 7.378 have not been or cannot be complied with. If the permit is denied, the applicant shall be notified of the denial and the reason for denial.

7.382 Appeal. If the permit is denied the applicant may appeal the denial to the City Commission in accordance with the provisions of section 7.228.

7.384 Permit Information. A permit issued pursuant to sections 7.356 to 7.378 shall contain the following information:

(1) Date of the activity.

(2) Location of the activity, including, if applicable, restrictions to certain areas of a park.

(3) Hour when the activity will start and terminate.

(4) Special conditions imposed on the activity.

7.386 Inspection. The City Manager or Chief of Police or designee or its authorized representatives shall have the right to go on the premises or facilities for which the permit has been granted for the purpose of inspection and enforcement of this Code and state law.

7.388 Crowd Limitation. If at any time during the assembly the size of the crowd exceeds the number of persons reasonably anticipated to be in attendance, the Chief of Police may require the permittee or sponsor to limit further admissions until sanitation, parking, fire, health, medical, traffic and crowd control requirements have been brought into conformity with the standards under which the permit was issued.

7.390 Duty to Preserve Order Placed on Operator. It is the purpose of sections 7.350 to 7.396 to put the burden of preserving order upon the operator of the assembly. If the assembly is not operated in accordance with the rules and regulations prescribed by those sections, the permit shall be subject to revocation.

7.392 Rules and Regulations. The rules and regulations for parks set forth in this Code shall govern and control the permitted use of all city parks and public property during an assembly unless otherwise specifically provided in the permit.

7.394 Revocation of Permit.

(1) If an assembly is not being operated according to the rules and regulations of sections 7.352 to 7.392, the Manager shall have the right to revoke the permit and the applicant or other responsible individual shall be subject to applicable penalties under this Code, city ordinances and state law. Failure to comply with the terms and conditions of sections 7.350 to 7.392 shall constitute a public nuisance and shall be subject to all criminal and civil remedies.

(2) The revocation decision of the Manager shall be subject to the appeal procedures of section 7.224.

7.396 Waiver. The City Manager or City Commission may waive any of the requirements set forth in sections 7.356 to 7.374 if it is found that the proposed event is of general benefit to the entire community and meets the criteria set forth in section 7.378 excepting subsection (g).

AERIAL ACTIVITIES

7.400 License Required. No person shall organize, promote or participate in an aerial event unless that event is licensed by the City of Bend. For the purposes of sections 7.402 to 7.406, the term "aerial event" shall include parachuting, hang gliding or operating a hot air balloon within the city limits of Bend.

7.402 Application. At least 10 days before an aerial event, an application for a license shall be filed in accordance with the provisions of section 7.212. The applicant shall file the application with the Chief of Police and shall include the following information:

(1) The time and location where the activity will occur.

(2) The number of people who will be participating in the event.

(3) Plans for public safety at the event if said information is requested by the Chief of Police.

7.404 License Fee. The fee for an aerial event is $50.00 per day.

7.406 License Denial. A license for an aerial event may be denied in accordance with the provisions of section 7.218 or if the City Manager reasonably finds that said event would present a danger to the safety of the general public. A denial may be appealed in accordance with section 7.228.

(7.408 to 7.448 reserved for expansion)

BINGO OPERATED BY A CHARITABLE, FRATERNAL OR RELIGIOUS ORGANIZATION

7.450 Definitions. For the purpose of sections 7.452 to 7.460, the following mean:

(1) "Bingo" means a game, played with cards bearing lines of numbers in which a player covers or uncovers a number selected for a container, and which is won by a player who is present during the game and who first covers or uncovers the selected numbers in a designated combination, sequence or pattern.

(2) "Charitable, fraternal or religious organization" means any person organized and existing for charitable, benevolent, eleemosynary, humane, patriotic, religious, philanthropic, recreational, social, educational, civic, fraternal or religious purposes. The fact that contributions to an organization profiting from bingo do not qualify for charitable deduction for tax purposes or that the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended, constitutes prima facie evidence that the organization is not a bona fide charitable, fraternal or religious organization.

7.452 License Required. Any charitable, fraternal or religious organization which operates a bingo game shall first obtain a license from the City of Bend. Provided, however, said organization must show it has existed and operated with its principal place of business with the City of Bend for one (1) year prior to the date of the application.

7.454 Applications. The applicant shall file the following information:

(1) A copy of the organization's articles of incorporation and bylaws, or, if not a corporation, a copy of any bylaws and other documents which set out the organizational structure and purposes of the organization.

(2) Charitable or religious organizations which do not have their principal place of business, or which do not maintain a facility or support an activity which benefits from the solicitation activities within the City of Bend shall attach to their application a copy of the organization's application for exemption as filed with the United States Internal Revenue Service and a copy of the organization's information return filed with the Internal Revenue Service for the organization's fiscal period immediately preceding the time for which the solicitation permit is sought. If such an application has not been submitted to the Internal Revenue Service then the applicant shall submit the equivalent information to the City Recorder.

(3) A complete summary of all employment or business activity in which each person who will supervise other persons in the management or operation of a bingo game for which the license is sought has engaged during the preceding five years.

(4) A list of all criminal offenses which the persons named in subsection (3) has ever been convicted, together with the dates and places of such convictions.

(5) A schedule of the dates and hours during which bingo will be played.

7.456 License Fee. The annual fee for a bingo license is $25.00.

7.458 Keeping Business Records. If there is a reasonable doubt a bingo game is not being conducted in accordance with state law, the city may require a license to keep a daily record on a form prescribed or approved by the Chief of Police, which shall include the following information, in addition to such other information as may be required by the Chief of Police:

(1) The gross amount paid out in each bingo game. Where a prize is awarded other than cash, the amount for such prize shall be its actual cost to the licensee. The licensee shall described fully in the daily record each prize awarded other than cash.

(2) The daily net receipts from bingo accruing to the organization, supported by:

(a) Verified copies of bank receipts evidencing the deposit of such net receipts.

(b) The licensee's copies of receipts issued to players in exchange for money paid for the opportunity to play any form of bingo and specifying the amount of money so paid.

(3) The cash on hand at the beginning of the day and the cash on hand at the end of the day.

(4) The licensee's copies of receipts, signed by winning players issued for prizes each day.

(5) The signature of the person or persons preparing the daily record and the signature of the manager of the licensed activity for each day.

(6) Name and address of volunteers who assisted in the operation of a bingo game.

A reasonable doubt includes if an organization has no other regular business in the Bend urban area other than operating a bingo game.

7.460 Inspection of Business Records. The licensee shall have all business records required to be kept by 7.458 open to the inspection of any police officer during all business hours of the place where said records are physically stored or maintained. The licensee, upon request, shall deliver to a police officer calling for the same the duplicate records required to be kept by 7.458.

(Sections 7.462 to 7.490 reserved for expansion).

MERCHANTS AND BUSINESSES

STREET VENDORS

7.500 Definition. "Street Vendor" means any person upon a public sidewalk or other public way or place carrying, conveying, or transporting, food, beverages, flowers and balloons, offering and exposing same for sale from a mobile type device.

7.502 Sale of Goods on Public Property. Except as provided for in sections 7.504 to 7.522, no person shall sell or offer to sell food, beverages, wares or goods from a public sidewalk, street or other public property.

7.504 License. Applications for a Street Vendor License shall be filed with the City Recorder on a form provided by the city. Proof that the provisions of this Code have been met shall be filed before issuance of said license.

7.505 Insurance. Before a street vendor's license is issued to any person, the applicant therefor shall first obtain and file with the City Recorder a certificate showing a public liability protecting the licensee and city from all claims for damage to property or bodily injury, including death, which may arise from operations under the license or in connection therewith. Such insurance shall provide coverage consistent with the limits of tort liability for the city. Such insurance shall be primary and shall name as additional insureds the City of Bend, its officers and employes, and shall further provide that the policy shall not terminate or be cancelled prior to the completion of the contract without 30 days written notice to the City Recorder of the City of Bend.

7.506 Inspection. Prior to issuance of a street vendor's license, the building official and the fire marshal shall inspect each mobile device to be used. The building official shall certify that the device is structurally and mechanically sound, the design will not create a nuisance or hazard to the public, and the size of the cart meets the requirements of section 7.564. Each cart shall be constructed with wheels and brakes of good working order. The fire marshal shall certify that any cooking or heating apparatus is in conformance with the provisions of the City Fire Code.

7.508 State and County License Required. No person shall be issued a street vendor's license unless he submits with his application documentation that he has obtained all health and sanitary licenses from the state and county.

7.510 Use of Sidewalks.

(1) No street vendor licensed under this section shall have an exclusive right to any specific location on any public sidewalk, nor shall be permitted a stationary

location, nor shall he be allowed to occupy any area within ten feet from the inside crosswalk mark at the corner of each block, ten feet from the entrance to an alleyway, eight feet from the entrance to any building doorway, or within seventy-five feet of a competing business (e.g. resturant, flower shop) that fronts on the same sidewalk. The cart must occupy space adjacent and abutting the curb.

(2) Street vendors shall provide a trash receptacle and pick up any paper, cardboard, wood, or plastic containers, wrappers, or any litter in any form which is deposited by any person on the sidewalk or street within 25 feet of the mobile device at any time it is in a stationary position and the street vendor is conducting business. Street vendors shall be responsible for the disposal of all said trash.

(3) No street vendor shall make any loud or unreasonable noise of any kind by vocalizing or otherwise for the purpose of advertising or attracting attention to his wares.

(4) No permitted mobile device shall be left unattended on a sidewalk between 10:00 p.m. and 6:00 a.m.

7.512 Separate License For Each Cart.

(1) A separate vendor's license and fee shall be required and secured by the vendor for each mobile device used by the vendor to carry on his business.

(2) The annual license fee for each cart shall be $100.00. The fee may be waived by either the City Manager or Commission if the applicant is a non-profit organization.

(3) Before issuing a license, the City Manager must find that the cart will not detract from the appearance of downtown Bend and that it will be harmonious with the area.

7.514 Sanitary Standards. All utensils and equipment used by a licensed street vendor shall be maintained in a clean and sanitary condition and shall conform to all standards prescribed by state and county law and regulations promulgated pursuant thereto.

7.516 Cart Size. If located on a sidewalk, the size of a street vendor's cart shall not be greater than three feet six inches in width and six feet in length.

7.518 Temporary Suspension. In addition to the provisions of section 7.224, the City Manager may suspend a street vendor's license when there is reasonable grounds to believe that the street vendor is violating any of the provisions of 7.500 to 7.522 or failing to maintain the cart's appearance or general working condition. A street vendor so suspended may appeal the suspension pursuant to section 7.228

7.520 Prohibited Solicitation.

(1) It is unlawful for any person to solicit or demand any pecuniary benefit from any street vendor in return for the street vendor locating a mobile device on the sidewalk in front of any particular business.

(2) "Pecuniary benefit" means money, property, or commercial interest.

7.522 Exceptions. The street vendor provisions shall not apply to newspaper stands, sidewalk sales authorized by city permits or sales conducted by a public agency. Permits for sidewalk sales by businesses adjoining the sidewalk may be approved by the City Manager subject to the provisions of section 7.228.

OCCULT ARTS

7.530 License Required. No person shall practice the occult arts without first obtaining a city license.

7.532 Definition. "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.

7.534 License Fee. The fee shall be $25.00 per day.

DOOR TO DOOR SOLICITATION

7.550 Uninvited Peddling Prohibited. Except as provided for herein and in section 7.552, the practice of persons going in and upon private residential property in the city by solicitors, peddlers, hawkers, itinerant merchants, transient vendors of merchandise or transient photography solicitors, not having been requested or invited to do so by the owner or occupant of the private residence, for the purpose of soliciting orders for the sale of goods, wares, merchandise or service, or for the purpose of peddling or hawking the same, or soliciting orders for photographs, is prohibited and declared to be a nuisance. This section shall not prohibit the practice of offering seasonal services such as lawn cutting and snow removal by individuals. This section shall also not prohibit individuals or an organization from disseminating information regarding free municipal or utility services to residents or persons painting house numbers on curbs as authorized and approved by the Public Works Director.

7.552 Solicitations by Political, Charitable, Religious, Patriotic or Philanthropic Groups.

(1) A political, charitable, religious, patriotic or philanthropic organization, society, association or corporation, desiring to solicit or have solicited in its name, money, donations of money or property or financial assistance of any kind, or desiring to sell or distribute any item of literature or merchandise for which a fee is charged or solicited from persons other than members of such organizations, on the streets, in office buildings, by house-to-house canvass, or in public places for a charitable, political, religious, patriotic or philanthropic purpose shall first apply for and obtain a permit from the City Manager as prescribed in subsections (2) and (3) of this section.

(2) The application required by subsection (1) of this section shall be completed and certified on a form provided by the City Manager. The following information shall be given on the form:

(a) Name and purpose of the cause for which the permit is sought; and names and addresses of the solicitors.

(b) Names and addresses of the officers and directors of the organizations.

(c) Whether or not any commission, fees, wages or

emoluments are to be expended in connection with such solicitation and amount thereof.

(d) Period during which solicitation is to be carried on.

(3) All charitable or religious organizations which do not have their principal place of business, or which do not maintain a facility or support an activity which benefits from the solicitation activities within the City of Bend shall attach to their application a copy of the organization's application for exemption as filed with the United States Internal Revenue Service and a copy of the organization's information return filed with the Internal Revenue Service for the organization's fiscal period immediately preceding the time for which the solicitation permit is sought. If such an application has not been submitted to the Internal Revenue Service then the applicant shall submit the equivalent information to the City Recorder.

(4) Upon satisfactory proof that the organization, society, association or corporation desiring to solicit or have solicitations made in its name is a charitable, religious, patriotic or philanthropic organization, society, association or corporation and that it wishes to solicit for charitable, political, religious, patriotic or philanthropic purposes, the City Manager shall issue a permit without charge to such organizations, society, association or corporation.

(5) Any other information as may be reasonably necessary to determine the nature of the proposed solicitation and the character of the organization.

7.554 Authority of Police Officers. The police officers of the city are authorized to suppress and abate any nuisance described in section 7.550.

ITINERANT MERCHANTS

7.560 Definition. An itinerant merchant is a person who sells goods, wares or merchandise, offering the same for retail sale or offers goods, wares or merchandise from a vehicle, trailer or cart of a temporary apparatus without making said business permanent and continuous in the city. It does not include:

(1) A grower or employe of a grower of agricultural or farm products. Agricultural products includes Christmas trees for sale, fish and other sea products.

(2) A person selling or offering for sale nursery products.

(3) A resident merchant who may sell some items from a trailer, truck or cart as an integral part of his business.

(4) Street vendors.

7.568 Permit Required. No person shall engage in business as an itinerant merchant without first obtaining a permit from the City Manager. The permit fee shall be $ 30.00 per day.

7.570 Application for Permit. An applicant for a permit shall submit the application to the City Manager pursuant to section 7.210. The application shall include the following information:

(1) The applicant's true name, permanent address, and an address the city may use for purposes of notifying the applicant.

(2) The true name and address of a person for whom the applicant is acting as an agent. If the applicant is acting as the agent of a corporation:

(a) The address of the registered office of the corporation in Oregon.

(b) The name and address of the registered agent of the corporation in Oregon.

(3) A description of the nature of the business operation the applicant will conduct.

(4) A description of the goods, wares, merchandise or services the applicant will offer for sale.

(5) The location from which the applicant will operate.

(6) The length of time the applicant will conduct the business and the hours of operation.

(7) The past business experience of the applicant.

(8) Past criminal convictions involving unlawful trade practices as defined by ORS 646.608, fraud, or crimes involving moral turpitude.

(9) Known consumer complaints made to local or state consumer agencies.

(10) Proof of compliance with all relevant federal and state bonding and licensing requirements.

7.572 Criteria for Denial. In addition to conforming to the requirements of section 7.350, the permit shall not be granted if any of the following exist:

(1) Any false or misleading information is supplied in the application or any information requested is omitted from the application.

(2) The applicant has been convicted of a crime involving unlawful trade practices as defined by ORS 646.608, fraud or moral turpitude within the last five years.

(3) The applicant has been the subject of an unreasonable number of consumer complaints in the last five years.

(4) The applicant has been the subject of an unlawful trade practices suit or investigation under ORS Chapter 646 which resulted in civil penalties assessed against him/her.

(5) The applicant's proposed actual business operation presents a danger to the public health, safety, morals or general welfare which cannot be alleviated through the imposition of a condition of operation.

(6) The applicant is unable to provide proof of insurance as required.

(7) The applicant is unable to provide proof of compliance with all relevant federal and state bonding and licensing requirements.

(8) The applicant has failed to comply with any other applicable provision of this code relating to the proposed conduct of the business.

7.574 Conditions of Permit. Conditions of operation that are necessary to protect the public health, safety, morals and general welfare may be imposed on a permit. A permit also shall be subject to the following conditions:

(1) The permit shall be valid for the period indicated.

(2) The permit is not transferable.

(3) Conduct of the permittee's business operations shall conform with statements made in the application and with any special conditions of operation imposed on the permit.

(4) The permittee shall carry and on request display the permit during all hours of business operation.

(5) The permittee shall abide by all applicable city, state and federal laws, rules and regulations.

7.576 Grounds for Revocation.

(1) nothwithstanding sections 7.220 to 7.222, the permit may be revoked if the permittee has:

(a) Violated any of the provisions of this Act.

(b) Made any material misstatements on the application.

(c) Omitted any material matter from the application.

(d) Been found guilty of fraud or unlawful trade practices in any criminal action.

(e) Been assessed damages in any civil action involving unlawful trade practices or fraud.

(2) Revocation of license shall not be the exclusive remedy for the commission of the acts enumerated in this section.

7.578 Stop Order and Notice of Revocation.

(1) If the Manager determines that there are probable grounds for revocation of a permit, he/she may take one of the following actions:

(a) By written order, direct that the business operations be discontinued pending a determination by the Commission. The order shall specify the alleged violation on which it is based and the date on which the Commission will act on the matter. No person shall continue to operate as a peddler or itinerant merchant after receiving a stop order from the Manager.

(b) Notify the permittee of the alleged violation and the date on which the matter will be considered by the Council. The notice shall be given at least 10 days prior to the Commission meeting.

(2) If a stop order is issued, the Manager shall submit the matter to the Commission for consideration at its next regular meeting. If a stop order is not issued, the Manager shall submit the matter to the Commission for consideration at its next available meeting.

7.580 Hearing and Revocation. The Commission shall give the permittee an opportunity to be heard and shall then hear and consider all facts relating to the revocation. The Commission may revoke the permit of any person violating sections 7.592 to 7.576, and no new permit shall be issued for three years to that person, to any partnership or association in which he/she is a member, or to any corporation of which he/she is an officer. A certified copy of the Commission's decision, together with findings of fact, shall be delivered to the permittee.

DRUG PARAPHERNALIA

7.584 License Required. It shall be unlawful for any person or persons as principal, clerk, agent or servant to sell any items, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs, as defined by ORS. 163.575 and ORS. Chapter 475, without obtaining a license therefor. Provided, however, the definitions in ORS 163.575 shall not include, for the purposes of this section, pipes commonly used for smoking tobacco, cigarette rolling papers or cigarette machines. Such licenses shall be in addition to any or all other licenses held by applicant.

71586 Application and Fee. Application to sell any item, effect, paraphernalia, or drugs shall, in addition to all the license requirements established in this code be accompanied by affidavits by the applicant and each and every employee authorized to sell such items that such person has never been convicted of a drug-related offense. The annual license fee is $75.00.

7.588 Minors. It shall be unlawful to sell or give or display items as described herein in any form to any person under eighteen years of age.

7.590 Records. Every licensee must keep a record of every item, effect, paraphernalia, accessory or thing which is designed or marketed for use with illegal cannabis or drugs which is sold and this record shall be open to the inspection of any police officer at any time during the hours of business. Such record shall contain the name and address of the purchaser, the name and quantity of the product, the date and time of the sale, and the licensee or agent of the licensee's signature, such records shall be retained for not less than two (2) years.

GARAGE SALES

7.592 Garage Sales.

(1) "Garage sale" shall mean the public sale of new or used goods within the city from any private property, including but not limited to garages, porches carports, yards, when said activity is not otherwise licensed or regulated by applicable ordinances. The offering for sale of one item by public display with a sign indicating the item is for sale and the price thereof attached to or upon such item, and the sale of more than one individual item not offered by public display and where no signs are posted concerning a sale or place of sale are transactions exempt from the provisions of this section.

(2) A person desiring to conduct a garage sale shall make a written application to the City Recorder setting forth the true name and address of the owner of the goods to be sold; the true name and address of the person conducting its sale; a description of the place from which such sale is to be held and the dates and period of time at which the sale is to be conducted.

(3) The City Recorder shall issue a permit for a period of seven consecutive days, provided, however, that no individual or group of individuals shall be granted more than two seven day permits in any twelve month period, nor shall a permit be granted for any one location more than twice in any twelve month period without specific City Commission approval.

(4) There shall be allowed only one sign posted on the premises from which the garage sale is to be held and one sign at the closest street intersection. All signs must be promptly removed when the sale is over. No other signs shall be posted on the premises or at any other public or private place advertising the sale.

TREE TOPPING/BLASTING

7.594 Tree Topping and Removal.

(1) 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. This section shall not apply to the Bend Metro Park and Recreation District or to utility companies triming foilage within their easement area.

(2) 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 consistent with the tort liability limits of the City and shall provide a copy of such insurance policy to be filed with the City Recorder.

(3) The license fee for such business is $25.00 per calendar year.

7.596 Blasting.

(1) 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.

(2) 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 consistent with the tort liability limits of the city, and shall provide a copy of such insurance policy to be filed with the City Recorder.

(3) The license fee for such business is $25.00 per calendar year.

AUCTIONEERS

7.598 Auctioneers.

(1) 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.

(2) This section shall not apply to:

(a) Any sale under any valid order, decree, or judgement of any court.

(b) To residents of the City of Bend when selling their own house or property.

(c) To educational, religious, charitable, fraternal, service or other organizations of a noncommercial nature, and of whose objects of holding said auction sale are religious, charitable, fraternal, or intended to benefit the community.

(3) Before a license is issued, the applicant must comply with all licensing provisions of the State Board of Auctioneers for a general Auctioneers License.

(4) 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.

(5) The license fee for auctioneers is $25.00 per day or $50.00 per calendar year.

MERCHANT PATROL/PRIVATE DETECTIVE

7.600 Title. Sections 7.600 to 7.622 shall be referred to and may be cited as the Merchant Patrol Act.

7.602 Definitions. For the purposes of this Act, the following shall mean:

Armored car service. A person engaged in the business of transporting cash or other valuables by means of armored cars. The term shall not include an armored car service while engaged in interstate commerce.

Merchant Patrol. A person engaged in the business of watching, guarding or protecting premises, property or persons. The term shall not include an 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 a common carrier engaged in interstate commerce, or an individual employed by the carrier to watch, guard or protect premises, property or persons for the carrier.

Private Detective. A private detective within the meaning of this chapter is a person other than an insurance adjuster who, for any consideration whatsoever engaged in business or accepts employment to furnish, or agrees to make, or makes, any investigation for the purpose of obtaining information with reference to: Crime or wrongs done or threatened against the United States of America or any state or territory of the United States of America; the identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person; the location, disposition, or recovery of lost or stolen property; the cause or responsibility for fires, libels, losses, accidents, or damage or injury to persons or to property; or securing evidence to be used before any court, board, officer, or investigating committee.

7.604 License Required. No person shall operate as a merchant patrol officer, armored car service or private detective without first obtaining a license from the Manager.

7.606 Applications for License; Fingerprints and Photograph. Application for a license shall be made pursuant to section 7.212 and shall include:

(1) The full name, date of birth, residence, present and previous occupations of the applicant.

(2) A specific description of the location of the principal place of business of the applicant.

(3) The number of years of experience the applicant has had in the field for which the application is made.

(4) The length of time the applicant has been a resident of the state immediately preceding the filing of the application.

(5) References from five citizens of the county.

(6) A full set of fingerprints and a recent photograph.

(7) Other information the Chief of Police may find necessary to effectuate the general purpose of this section and to make a fair determination of whether the terms of this Code have been complied with.

7.607 Surety. No private detective, armored car service or merchant patrol license shall be issued until the applicant files with the City Recorder a 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 or armored car business, conditioned for the faithful and honest conduct of the business of a private detective, detective agency, merchant patrol or armored car service.

7.608 Insurance Required.

(1) The applicant for a Merchant Patrol license shall submit proof of operations and personal injury liability insurance coverage with limits consistent with the tort liability limits of the city. The proof of insurance coverage required by this section may be satisfied by evidence that the applicant is an additional insured on an existing policy providing the coverage is in the required amounts.

(2) The manager shall suspend any license when the insurance required has lapsed or for any reason is no longer in full force and effect.

7.610 Criteria for Issuance of License. In addition to conforming to the requirements of section 7.214, a license shall not be issued if the applicant has been convicted of a felony or a misdeameanor involving moral turpitude.

7.612 Criteria Applicable to Employes. The employes of a person having or applying for a license shall be subject to the criteria in section 7.366 and to all regulations of this code.

7.614 License Fee. A license shall be issued to a qualified applicant upon payment of a license fee of $25.00.

7.616 Promulgation of Regulations. The Chief of Police may enact and enforce reasonable rules and regulations for the operation of merchant patrol in the interest of the public safety, morals, and welfare, and to effectuate the general purpose of this Code.

7.618 Information and False Reports. No merchant patrol or armored car service holding a license granted under the provisions of this Code shall divulge to anyone other than his/her employer or as required by law, any information obtained in the employer's service. No merchant patrolman or armored car service holding a license granted under the provisions of this Act shall make a false report or account to his/her employer.

7.620 Notice of Employe's Status Change. Within three days of the termination of employment of an employe of a licensee, notice of the termination shall be given by the licensee in writing to the Manager. Failure to comply with this section shall result in revocation of a license issued under this Act.

7.622 Uniforms. A licensee regulated by this Act, who is not a member of the Police or Fire Department, shall not wear a uniform, cap, badge or buttons in use by the members of the city, county, or state police or fire departments. A person providing a service regulated by this Act shall use no distinctive uniform, cap, badge, or buttons to be worn by the person or his/her employe until the form, design, and color have been submitted to and approved by the Manager.

(7.624 to 7.648 reserved for expansion)

AMBULANCES

7.626 Definitions. As used in sections 7.628 to 7.660, words have their ordinary common use meaning, except as more fully defined in this section.

(1) "Advanced Life Support Ambulance" means an ambulance certified by the State of Oregon for the emergency or non-emergency transportation of persons suffering from illness, injury or disability.

(2) "Basic Life Support Ambulance" means an ambulance certified by the State of Oregon for the non-emergency transportation of persons suffering from illness, injury, or disability.

(3) "Convalescent coach" means any privately or publicly owned motor vehicle regularly used for prone transportation of sick, injured or disabled persons without the need of immediate medical care.

(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) "Non-emergency transportation" means the transportation of a sick, injured or disabled person who has been stablized at a medical facility and requires secondary transportation from one health care facility to another. These are persons who have been judged to not need emergency medical care during conveyance from one point to another.

(6) "Operate" or "operation" means the receiving, picking up or embarking to, within or from the City of Bend of sick, injured or disabled person for transportation or conveyance for hire.

(7) "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.

7.628 License Required. No person shall conduct a business engaged in the transportation of sick, injured or disabled persons to, within or from 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: advanced life support ambulance (emergency or non-emergency), basic life support ambulance (non-emergency only), convalescent coach only, wheelchair coach only, or any combination of the four shall be issued on a yearly basis commencing January 1 and expiring December 31 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 code and the laws of the State of Oregon.

7.630 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 code. 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) The type of license endorsement required. If the applicant desires an endorsement for an ambulance providing emergency transportation, he/she shall also submit proof that the ambulance has been certified by the state as an Advanced Life Support ambulance.

(3) 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 code 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.

(4) The address and description of the premises at and from which it is proposed to maintain and operate such business.

(5) The application shall furnish any and all additional information required by the City Recorder.

7.632 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.

(2) It shall also be the duty of the Fire 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.

7.634 Standards for Operators.

(1) Operators regularly providing service in the Bend area shall have an office and dispatch center in the Bend area.

(2) All vehicles owned by the operator for use in the Bend area shall be certified prior to issuance of a license.

(3) All vehicles shall be clearly marked as to which type of service is provided. Said markings shall be approved by the Fire Chief.

(4) Only vehicles with an emergency advanced life support endorsement may use the word "ambulance" in any markings on the vehicles, and only vehicles with this endorsement will be authorized to show any red warning lights to the front.

(5) Any operator with an advanced life support endorsement shall provide that service 24 hours a day.

7.636 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 Fifty Dollars ($50), per annum for each vehicle, payable in advance. 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 7.632, 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.

7.638 Endorsement. Every license issued shall clearly indicate the type of endorsement that is approved.

7.640 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 the limits of tort liability for the City.

(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 of 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.

7.642 Vehicle Insurance. The operator shall also carry insurance on all vehicles licensed under these provisions.

7.644 Applications for Drivers and Emergency Technicians' Licenses. Applications for driver's and emergency medical 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. The applicant shall also attach a copy of his/her current state EMT certification card.

(4) Affidavits of good character from two 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 code.

(7) A license fee of $15.00.

(8) The City Recorder shall upon receipt of an application for a driver's or EMT license, forward the application to the Chief of Police for investigation.

7.646 Standards for Drivers and Emergency Medical Technicians.

(1) Drivers and emergency medical technicians shall not be addicted to the use of intoxicating liquors, or narcotic or dangerous drugs, and shall be morally fit for the position.

(2) Be able to speak, read and write the English language.

(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.

(4) Be currently state certified to provide emergency medical care for ambulance service. For all other services, be currently certified as an Emergency Medical Technician I.

(5) Drivers shall be currently licensed as a chauffeur from the State of Oregon.

7.648 Operating Standards.

(1) Operators providing advanced life support shall provide the service level of their endorsement 24 hours per day. These operators must also have a 24 hour dispatch office.

(2) In any licensed ambulance, the number of personnel shall meet all state requirements for basic or advanced life support vehicles. When a convalescent coach is in operation, at least one emergency medical technician shall accompany the driver.

(3) All ambulances shall be state certified. Any ambulance providing emergency service shall be certified for advanced life support.

(4) No operator shall advertise, in any way, ambulance or emergency services unless duly licensed and certified to offer said service.

7.650 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.

7.652 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.

7.654 Responsibility of Operator. It is hereby made the duty of the operator to supervise his employes, drivers, emergency medical technicians and vehicles, to assure that at all times such vehicles are in condition to meet the requirements of this code, 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 the provisions of this chapter the operator may be held responsible and his license may be revoked for such violations.

7.656 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 code.

7.658 Exceptions. The provisions of this code shall not apply:

(1) To the city's municipal ambulance service except that all vehicles, drivers and technicians shall be duly certified.

(2) To taxicabs or the city bus service for occasional use by ambulatory patients.

(3) To the senior service bus operated by the City and COCOA.

7.660 Regulations. The City Commission may, by resolution, adopt regulations concerning the standards by which vehicles licensed under section 7.626 to 7.658 are operated.

TAXICABS

7.670 Title. Sections 7.670 to 7.696 shall be referred to and may be cited as the Taxicab Act.

7.672 Definition. For the purposes of sections 7.670 to 7.696, "taxicab" means a motor vehicle including limousines, except motorbuses, used for transporting passengers for hire. Taxicabs used for hire shall be governed by and comply with the provisions of this Act.

7.674 License Required. No person shall engage in the business of operating taxicabs without a license issued by the City Manager.

7.676 Application.

(1) A person desiring a license for the business of operating taxicabs shall make a written application to the city pursuant to section 7.210. With the application, the applicant shall present the certificate of title or the registration for the motor vehicle or vehicles. The applicant shall show by affidavit that he/she is the registered or legal owner of the motor vehicle or vehicles, and that, in the event of a change of ownership, possession or control of the motor vehicles or business, or in the event that the applicant rents, sublets, leases or otherwise changes the management operation or control of the motor vehicles or business, the applicant shall immediately notify the Manager in writing.

(2) The application also shall include the following:

(a) The factory numbers of all vehicles.

(b) The state license numbers of all vehicles.

(c) The trade names of all vehicles.

(d) A description of the streets where and the hours of the day during which the owner desires to stand the taxicabs.

(e) The name of the owner, officers of the company or other person of authority having the supervision and control of the business and vehicles for which application is made.

7.678 Fees. A person engaged in the business of operating taxicabs shall pay an annual fee of $15.00 for each taxicab and $25.00 for each taxicab stand.

7.680 Liability Insurance.

(1) The applicant for a license to operate taxicabs shall file with the application an insurance policy issued by an insurance company authorized to transact business in the state in the amount consistent with the tort liability limits of the city.

(2) The insurance shall be issued and applied to each taxicab for which application is being made. A license to operate the taxicabs shall terminate on the cancellation of the insurance, and no permit shall be granted or be effective unless the automobile for which the license is required has been fully covered with insurance as specified in this section.

7.682 Marking Vehicles. Each taxicab shall be marked with letters stating the business or trade name in letters of not less than two and on-half inches in height and not less than one-half inch in width.

7.684 Rates and Meters.

(1) Except as provided for in subsection (2), all taxicabs shall have meters and/or uniform rates throughout the city on or before September 1, 1983. A copy of the rates shall be forwarded to the City Manager's office.

(2) Businesses providing limousine service will not be required to have meters but shall file with the City Manager a copy of their rates.

7.686 Drivers' Permits.

(1) No person shall drive or operate a taxicab without a permit issued by the Manager as provided in sections 7.688 to 7.692.

7.688 Application.

(1) A taxicab driver shall, before beginning his/her duties, apply to the Chief of Police for a permit and shall furnish all information that may be required.

(2) A permit may be denied if the applicant has been convicted of a felony or a misdeameanor involving moral turpitude.

(3) A permit may be denied if the applicant's driving record clearly demonstrates he/she is not qualified to transport the public with sufficient safety.

7.690 Identification Card.

(1) Upon approval of a taxicab driver's permit and payment of $10.00, the Manager shall furnish the taxicab driver with an identification card.

(2) The identification card shall have:

(a) A front view picture of the applicant.

(b) The name, weight, height, age, color of hair, color of eyes of the applicant.

(c) The name of the employer.

(d) The signature of the applicant in his/her own handwriting.

(3) The identification card shall not be transferable and shall remain posted in a conspicuous place in the taxicab operated by the driver.

7.692 Applicants for Drivers' Permits to Furnish Fingerprints. A person applying for a taxicab driver's permit under this Act shall furnish to the Police Department a complete set of fingerprints on each hand.

7.694 Temporary Suspension. In addition to the provisions of section 7.222, the Chief of Police may suspend a permit issued to a taxicab driver when there is reasonable grounds to believe that the driver is incompetent or an improper person to operate a taxicab. A driver having his/her permit suspended by the Chief of Police may appeal the suspension within five days from the date of suspension to the Commission pursuant to section 7.224.

BUSSES

7.700 Definitions. "Bus" and "bus service" means the operation of a vehicle transporting the public for hire over regular routes and on regular schedules in intracity transportation with the City of Bend, Oregon; and does not include vehicles which are licensed by the City of Bend as taxicabs.

"Person" includes any person, firm, partnership, or corporation.

7.702 Franchise Required. No person shall operate a bus service as defined in section 7.700 within the City of Bend without first having applied for and obtained a franchise.

7.704 Granting of Franchises. Bus service franchises shall be for a term not to exceed five years. Franchises shall be granted by the City Commission to the person or persons whom it determines will best serve the City of Bend. Franchise holders shall perform their franchise according to their terms and conditions and according to the terms and conditions of this Code. Franchises may not be sold, assigned, or otherwise transferred without the express consent and approval of the City Commission.

7.706 Franchise Fee. The City Commission may but is not required to charge a fee to each franchise holder.

7.708 Rates. Franchise holders may charge reasonable rates for their services. Prior to the granting of a franchise, the applicant shall submit to the City Recorder-Treasurer a schedule of rates which must be approved by the City Commission before the operation of any bus service by the franchise holder. The schedule of rates filed may not be changed without prior express written consent of the City Commission.

7.710 Routes and Schedules. Bus service by franchise holders shall be on established and reasonable routes and schedules. Franchise holders may establish and change routes and schedules without prior consent of the City Commission but all routes and schedules shall be subject to the approval of the City Commission. Franchise holders shall file all routes and schedules with the City Recorder-Treasurer. Franchise holders shall not vary or depart from the routes and schedules as filed with the City Recorder-Treasurer except that franchise holders may service special events of community-wide interest where a substantial segment of the community may desire bus transportation.

7.712 Obligations of Franchise Holder.

(1) Franchise holders shall operate their franchises in strict compliance with all applicable laws, rules, and regulations of the United States of America, the State of Oregon, their agencies and political subdivisions, including ordinances of the City of Bend.

(2) Insurance. Franchise holders shall indemnify and hold the City of Bend harmless from any liability arising from any activity in connection with the operation of their franchises. Each franchise holder shall furnish the City of Bend with a certificate of insurance certifying the franchise holder as the named insured under an automobile liability policy of insurance with a reputable insurer, with minimum policy limits of $100,000.00/$300,000.00 bodily injury and $25,000.00 property damage.

(3) Books. Franchise holders shall keep usual books of account and the City of Bend may examine said books of account and any income statements and balance sheets at any reasonable time.

(4) Equipment. Franchise holders shall at all times maintain and operate equipment in a safe condition. All driver personnel shall be capable of safe operation of equipment.

7.714 Termination of Franchise. If the franchise holder at any time fails, refuses or neglects to comply with the terms and conditions of this Code or the terms and conditions of his franchise after 15 days notice in writing by the City reciting the noncompliance, then the City Commission may terminate the franchise and all rights and privileges accruing to the franchise holder.

(Sections 7.716 to 7.740 reserved for expansion)

MASSAGE TECHNICIANS

7.750 License Required. No person shall engage in or purport to be in the practice of massage without a city license.

7.752 Exceptions. Section 7.750 does not apply to:

(1) Persons licensed under any other law of this state to do any acts included in the definition of massage in ORS 687.011 or persons working under the direction of any such person.

(2) Trainers of any amateur, semiprofessional or professional athlete or athletic team provided, however, their practice of massage is limited to and incidental to such training.

(3) Massage practiced at the athletic department of any institution maintained by public funds of the state or of any of its political subdivisions.

(4) Massage practiced at the athletic department of any school or college.

7.754 Applications for License. The applicant for a massage technician license must demonstrate he/she is a duly licensed technician by the State Board of Massage Technicians. The application must also include the name, age and residence of the applicant.

7.756 License Fee. The annual fee for a massage technician is $25.00.

(Sections 7.758 to 7.798 reserved for expansion)

PAWNBROKERS

7.800 Definition. For the purposes of sections 7.800 to 7.806, "pawnbroker" shall be defined as provided by ORS 726.010.

7.802 License Required; Fee. No person shall engage in business as a pawnbroker without obtaining a pawnbroker's license from the Manager. The annual fee for a pawnbroker's license shall be $150.

7.804 State License Required. No person shall be issued a pawnbroker's license unless satisfactory proof of a valid state pawnbroker's license, issued pursuant to ORS Chapter 726, accompanies the application. Failure to maintain a valid state license shall be grounds for revocation of the city license pursuant to section 7.220.

7.806 Records of Articles Received.

(1) A pawnbroker shall keep a record, legibly handwritten in ink or typewritten, which shall contain:

(a) An accurate and detailed description of all goods, articles or things purchased, pawned, pledged, or received.

(b) The amount of money pledged, advanced or paid.

(c) The day of pawning, pledging or receiving goods, articles, or things.

(d) The name and residence, with the street and number, if any, date of birth and type of identification of the person pawning, pledging, selling or delivering the goods, articles, or things.

(2) An entry made in the record book shall not be obliterated, erased or defaced. The record, as well as the articles pledged, pawned, sold or received shall be open at all reasonable times to inspection by the City Police, the State Police, the Sheriff's Office and the various other law enforcement officers of the county.

(3) In addition to the record book and any other records required, a pawnbroker shall, at the time of taking, receiving or purchasing any article, describe the article on a form approved by the Police Department as the Chief of Police may direct. An accurate and sufficiently detailed description of an article shall be required by the form. The pawnbroker shall fill in the blank spaces on the form with all data requested by the form.

(4) A pawnbroker shall mail or deliver the forms to the Chief of Police every business day.

(5) The City police officers may go upon and inspect the premises at all reasonable times. If any stolen property is found, the police may remove the property and return it to its rightful owner.

7.808 Purchase from Minors. No pawnbroker may take, receive or purchase any articles without the written consent of a minor's parent or legal guardian.

ANTIQUE, SECONDHAND AND JUNK DEALERS

7.810 Definition. For the purposes of sections 7.810 to 7.822, the terms antique, secondhand and junk dealers shall mean persons who are primarily engaged in the business of selling antique or secondhand goods for private gain or who have in their possession any junk such as old machinery, machinery or appliance parts, metal, glass, lumber or wood and discarded material acquired for the purpose of resale.

7.812 Exemption. The provisions of sections 7.810 to 7.822 shall not apply to any bona fide secondhand automobile establishment used or conducted solely and exclusively for the sale of used automobiles or to any bona fide recycling centers.

7.814 Records Required. Every antique dealer, junk dealer or secondhand dealer conducting an establishment, an itinerant antique dealer, an itinerant junk dealer or an itinerant secondhand dealer, shall keep a daily ledger, written in ink or typewritten, in the English language, of all junk or articles purchased, including an accurate and sufficiently detailed description thereof, name and address of the person from whom purchased or acquired, day and hour of purchase and price paid. Such record shall be open for inspection by any police officer at all reasonable times. No entry in such records may be changed, erased, obliterated or defaced. A copy of such record shall be mailed or delivered to the Chief of Police weekly.

7.818 Regulation of Premises.

(1) The premises and structures of a junk dealer or secondhand dealer shall be kept in a sanitary manner.

(2) The city police officers may go upon and inspect the premises at all reasonable times. If any stolen property is found, the police may remove the property and return it to its rightful owner.

(3) If there is any outside storage or dispaly of any material, the premises upon which the business of a junk dealer or secondhand dealer is carried on shall be enclosed by a proper fence or other structure not less than six feet high above the street level, constructed so that no dust or other material may pass through, and kept properly painted and in good repair.

(4) No material or article shall be piled so as to protrude above the fence.

(5) No street, sidewalk or portion thereof may be used at any time to store, pile or maintain any junk material or secondhand material, except as necessary in the actual moving of such material.

7.820 Purchases from Minors. No junk dealer or secondhand dealer may purchase or acquire from any person under 18 years of age any junk, secondhand merchandise or other article, except old rags or paper, without the written consent of the parents or guardian of such person.

7.822 Retention of Articles.

(1) All junk, secondhand goods or other articles purchased or received shall be retained for five days before disposal, except old rags and paper.

(2) Whenever any junk dealer or secondhand dealer is notified by a police officer to retain any article purchased by such dealer so that the police can ascertain whether the article is stolen, the dealer, upon receipt of the notice, shall retain in his place of business such articles for 15 days after receipt of the notice.

(7.824 to 7.898 reserved for expansion)

BURGLARY ALARM SYSTEMS

7.900 Definitions. As used in sections 7.902 to 7.924:

(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 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.

7.902 Automatic Protection Devices - Restriction on Keying.

(1) By September 1, 1983, all automatic protection devices keyed to send pre-recorded or other messages directly over business or emergency telephone lines shall be to a non-Police or Fire Department telephone number.

(2) No person except a duly licensed alarm equipment supplier shall key an automatic protection device to a licensed alarm monitoring service.

7.904 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 code.

(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.

7.906 Licensing of Alarm Equipement 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.

7.908 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 7.910, with other requirements for issuance of licenses imposed by this code, and with other reasonable rules and regulations that may be issued by the City Recorder.

(5) In accordance with the provisions of section 7.218, the City Recorder may deny the application. Any such denial may be appealed to the City Commission in accordance with section 7.228.

(6) Applicant must possess a valid electrician's license as required by the Oregon Electrical Safety Law.

7.910 Alarm Equipment Supplier - Operational Standards. In addition to other requirements for issuance of a license imposed by this code, 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 code 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 or 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.

(d) The type of alarm, characterized as Police or Fire, its particulars (internal or perimeter 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) of 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 15 minutes. The audible signal shall produce a sound that is distinctively dissimilar from those produced by emergency vehicle sirens. In the event an audible alarm is not automatically silenced after 15 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 minutes' notice shall be given to the Police Department and Fire Department. Installation, testing and repair of such devices shall be done only during the regular office hours of the Police and Fire Departments.

7.912 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.

7.914 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 code, with other requirements for issuance of licenses imposed by this code and with other reasonable rules and regulations that may be issued by the City Recorder.

(4) In accordance with the provisions of section 7.218, the City Recorder may deny the application required. Any such denial may be appealed to the City Commission in accordance with section 7.228.

7.916 Alarm Monitoring Service - Operational Standards. In addition to other requirements for issuance of a license imposed by this Code, 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 Code.

7.918 Regulation of Receivers. The Chief of Police and Fire Chief shall prescribe the type and number of alarm receivers to be installed in their respective departments.

7.920 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 Code.

7.922 Fees. The City Commission may, by resolution, establish reasonable monthly charges for keying automatic protection devices to the unlested telephone lines installed in the Fire or Police Departments.

7.924 Violation. The failure to abort an automatic protection device within ten (10) days of a police order to do so is a violation. Further, each false alarm after the third false alarm in one calendar year is also a violation. Either violation is a Class A civil infraction.

NS-1376 repealed by NS-1496, passed 7-19-89

ORDINANCE NO. 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 ALL WASTEWATER EXCEPT INDUSTRIAL WASTEWATER INTO THE PUBLIC SEWER SYSTEM, PROVIDING PENALTIES AND REPEALING ORDINANCE NS-1012 AND ALL AMENDMENTS THERETO.

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) "Biochemical Oxygen Demand" (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter (mg/1).

(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" means the City of Bend or the City Commission of Bend.

(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 Discharge" means the discharge or the introduction of nondomestic pollutants from any source. This includes partial domestic and partial nondomestic wastewater, regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the City's collection and treatment system (including holding tank waste discharged into the system).

(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 (base 10) of the reciprocal of the concentration of hydrogen ions expressed 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 inches (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, and institutions together with such ground, surface and storm waters 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 any wastewater which, inconcentration 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 the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is 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) All property used for human occupancy or employment which is within 100 feet of a public sanitary sewer shall be hooked up to the sewer provided the property can be served by the sewer from a public street, alley or right of way or a sewer easement. The property shall be hooked up to the public sanitary sewer within 90 days after the date official notice is given to hook up (unless extended pursant to City policy). The hook-up shall be accomplished in compliance with all applicable Federal, State and City laws, regulations and policies.

(5) City water service may be terminated to any property which has not hooked up to the sewer system in compliance with the provisions of this ordinance or any other applicable law, rule or regulation.

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 and the County Health Department.

(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.

(2) 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.

(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, 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 before installation.

(9) The applicant for the building sewer permit shall notify the City 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.

(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 storm water, surface water, ground water, roof runoff, subsurface drainage, unreasonably large amounts of uncontaminated cooling water or unpolluted 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. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City and the State of Oregon, D.E.Q., 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, naphtha, 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 0.5 mg/1 as CN in the wastes as discharged to the public sewer.

(c) Any water or wastes having a pH lower than 5.0, 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 of 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 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 review of the acceptability of these wastes, the City 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 149° F. (65° C.).

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (½") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble, dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding, or polishing wastes.

(c) 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 for such materials.

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

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

(f) Any waters or wastes having a pH in excess of 11.0.

(g) Materials which exert or cause:

(1) Unusual concentrations or intert 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 devined herein.

(h) 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 plant 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 judgement of the City, 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 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 of 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 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 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 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 the capacity sized to the approval of the City.

(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) 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.

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 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.

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

(3) The City 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. Penalty: Costs

(1) Penalties

An infraction of an order of the City Commission or willfull or negligent failure to comply with any provision of this ordinance, and the orders, rules, regulations and permits issued hereunder, is subject to a Class A misdemeanor. Each day on which a violation shall occur or continue shall be deemed a separate and distinct violation.

In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate civil suit at law against the person found to have violated this ordinance or the orders, rules, and regulations, and permits issued hereunder.

(2) Falsifying Information

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this ordinance, or Industrial Discharge Permit, or who falsifies, tampers with, or knowingly render inaccurate any monitoring device or method required under this ordinance, shall, upon conviction, be punished as a Class A misdemeanor.

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 16th day of March, 1983.

Read for the second time the 6th day of April, 1983.

Placed upon its passage the 6th day of April, 1983.

YES: 6 NO: 0

Samuel L. Longmeier
Mayor

ATTEST:

James W. Kryfoot
Recorder-Treasurer

ORDINANCE NO. NS-1377

AN ORDINANCE AMENDING ORDINANCE NO. NS-1359, THE CITY OF BEND LAND USE PROCEDURE ORDINANCE

THE CITY COMMISSION DOES ORDAIN AS FOLLOWS:

Section 1. Subsection 2 of Section 22, Appeal, is amended to read as follows:

2. A person to whom notice was to be mailed in accordance with Section 7 of this Ordinance, and to whom no notice was mailed. A person who, after such notices were mailed, purchases the property to be burdened by a solar access permit, shall be considered a person to whom notice was to have been mailed.

Section 2. The effective date of this ordinance is September 1, 1983.

Read for the first time the 18th day of May, 1983

Read for the second time the 1st day of June, 1983

Placed upon its passage the 1st day of June, 1983.

YES: 6 NO: 0

Samuel G. Langmas
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1378

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178, THE CITY OF BEND ZONING ORDINANCE, PROVIDING FOR SOLAR SETBACKS AND SOLAR ACCESS PERMITS

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2, Purpose, is hereby amended by the addition of the following new subsections:

3. To regulate placement, height and bulk of buildings, and the placement and growth of vegetation within the City to ensure access to solar energy by reasonably regulating interests in property within the City, as authorized under ORS 215.044 and ORS 105.880 through 105.890, to promote and maximize the conservation of energy by preserving the option to utilize solar energy and to implement the Bend Area General Plan policies relating to solar energy.

   To encourage the design of new buildings, structures, and developments which use solar energy and protect future options to use solar energy by protecting solar access.

4. To further Oregon Land Use Goal Number 13 by promoting and maximizing energy efficiency through encouraging the use of solar energy collectors through preserving the option to utilize solar energy to implement Bend Area General Plan policy relating to solar energy.

5. To promote the local health, safety, welfare, and economy by protecting to the extent authorized by law, access of property holders to solar radiation and thereby encouraging the construction and installation of solar energy collectors on local property.

6. To reduce reliance on energy sources that:

   a. Pollute the air

   b. Are subject to foreign control

   c. Drain the local economy and provide no benefit in return

   d. Are relatively more dangerous than solar energy

Section 2. Section 4, Definitions, is hereby amended to add the following new definitions:

Exempt Vegetation. A tree ot other plant that is shown by the sun chart accompanying a solar access permit application to cast existing shade on a protected area.

Existing. Existing at the time of application.

Highest Shade Producing Point. The highest shade producing point of a structure two hours before the solar zenith on December 21.

Northern Lot Line. The northerly edge of the lot on which an applicant's structure is located, unless directly north of the lot is an unbuildable area, in which case northern lot line means the northerly edge of the unbuildable area.

Potential Structure. A structure or building that could be built as a permitted use in a particular location under existing development standards under the existing Bend Area General Plan.

Productive Solar Collector. A solar collector that provides no less than (a) 10 percent of a building's annual total energy requirements; or (b) 50 percent of a building's annual water heating requirements.

Protected Area. The specific area which is provided solar access for a specific time period under this Ordinance.

Shade. A shadow, except a shadow caused by a narrow object, including but not limited to a utility pole, an antenna, a wire, or a flagpole.

Solar Access. Protection from shade for a specific area during specific hours and dates, but not including protection from shade cast by exempt vegetation.

Solar Access Permit. The instrument issued by the City which limits the size of non-exempt vegetation on certain lots in the vicinity of a recorded solar collector.

Solar Collector. Any object that uses solar radiation for a useful purpose, including but not limited to windows, walls, roofs, collectors.

Solar Heating Hours. The hours and dates during which solar access is provided.

Solar Height Restriction. The allowable height of buildings, structures, and non-exempt vegetation on a property burdened by the solar access of another property.

Substantially Shaded. Less than 80 percent of the available solar insolation is available during winter solar heating hours to either the south roof and/or wall of an existing or potential structure.

Unbuildable Area. An area in which a structure could not be built as a permitted use under existing development standards for the area under the existing Bend Area General Plan.

Sun Chart. A photograph or photographs, taken in accordance with the guidelines of the Planning Director, which plots the position of the sun during each hour of the day and each month of the year relative to a protected area. The sun chart shall contain at a minimum:

(a) Solar altitude in 10 degree increments;

(b) Solar azimuth measured from true south in 15 degree increments;

(c) If the solar collector is more than 20 feet wide, the southern skyline as seen from the two end points and from the center point of the lower edge of the protected area; or

If the solar collector is 20 feet wide or less from the center point of the lower edge of the protected area;

(d) A clear delineation of the existing objects which cast shadows on the protected area, including hills, structures, and deciduous and evergreen vegetation.

Winter Solar Heating Hours. The time period extending two hours before and after the solar zenith on December 21.

Section 3. The following new Section 26A is hereby added:

Section 26A. Solar Setbacks.

(1) Purpose. The purpose of this section is to provide as much solar access as feasible during the winter solar heating hours to existing or potential buildings by requiring all new structures to be constructed as far south on their lots as is feasible and necessary.

(2) Standards. Every new structure or addition to an existing structure shall meet the following standards except as provided in (c) below:

(a) South Wall Protection Standard. The south wall protection standard is established in Appendix A, and all new structures or additions shall meet this standard if feasible. If it is not feasible to meet this standard due to physical constraints of the lot, including but not limited to rock outcroppings, septic systems, existing legal restrictions, or lot dimensions, as determined by the Planning Director, then the structure or addition must be located as far to the south on the lot as feasible and must meet the standard set forth in (b) below.

(b) South Roof Protection Standard. All new structures or additions to existing structures shall meet the standard for south roof protection set forth in Appendix B.

(c) Exceptions. The south roof protection shall not apply only if the applicant establishes:

1. That the structure cannot be located on the lot without violating the requirements contained in Appendix B; and

2. That the structure is built with a highest shade producing point as far south as practical; and

(i) that the structure is a single family residence with a highest point less than or equal to 16 feet high; or, if not a single family residence;
(ii) that it is a permitted or conditional use for the lot.

(3) Exemptions

(a) The governing body may exempt from the provisions of this Section any area which it determines to be already substantially shaded due to heavy vegetation, steep north facing slopes, and any area or zone in which taller buildings are planned. The following areas are hereby exempted from the standards of this Section:

1. CB - Central Business Zone

(b) The Planning Director shall exempt a structure from the provisions of this Section if the structure will shade only a protected area in which solar uses are not feasible because the protected area is already substantially shaded at the time a request for exemption is made and approved by the Planning Director.

(c) Property subject to a solar height restriction.

Section 4. A new Section 26B, Solar Access Permit, is hereby added as follows:

Section 26B. Solar Access Permit.

(1) Purpose. The purpose of this Section is to provide solar access to productive solar collectors by establishing limitations, on a case by case basis, for the growth of vegetation on certain lots in the vicinity of a productive solar collector.

(2) Application for Solar Access Permit.

(a) Any owner may submit an application for a solar access permit to provide solar access for a productive solar collector located on the owner's real property.

(b) The application for a solar access permit shall be on forms prescribed by the City and shall contain at a minimum:

1. A legal description of the applicant's lot; including a statement that the applicant is the owner of the lot, and a description of the nature of the applicant's interest in the lot;

2. Documentation to show that the solar collector is or will be a productive solar collector within one year of the date of the application.

3. Descriptive drawings of the solar collector showing its dimensions and precise locations;

4. A sun chart and a statement of the solar heating hours for which solar access is sought;

5. A statement that there is no reasonable alternative location for the solar collector that would result in a lesser burden on a neighborhing lot;

6. A statement that trimming the vegetation on the applicant's lot will not permit an alternative location that would lessen the burden on a neighboring lot;

7. A list of the lots that are within 150 feet to the south, southeast, and southwest of the solar collector, including for each such lot the legal description; the owner of record and his address; the exempt vegetation located on the lot; and any existing non-exempt vegetation likely to encroach on the protected area.

8. A statement that none of the lots impacted are located on a north facing slope with a grade that exceeds, on average, 15 percent.

9. A plot plan showing the location of and delineating all exempt and non-exempt vegetation as shown on the sunchart photograph as well as any non-exempt vegetation not shown on the sunchart which may encroach on the protected area in the future. The plot plan shall also include:

(i) The exact site of the solar collector, its height and its orientation.

(ii) Scale.

(iii) An indication of true north.

(iv) A survey of the lot.

(c) The solar access permit application shall be approved if:

1. The solar collector is or will be a productive solar collector;

2. The protected area to be created by the solar access permit is reasonably located. A solar access permit shall be denied under this paragraph if the applicant could trim his own vegetation to permit an alternative location that would be less burdensome upon a burdened neighboring lot. A solar access permit shall also be denied under this paragraph if there is an alternate location that would impose the least burden on neighboring lot or lots.

3. The applicant requests solar heating hours no greater than two hours before and after the solar zenith from September 22 to March 21, and three hours before and after the solar zenith from March 22 to September 21.

4. The solar access provided by the permit would not burden any lot: with a north facing slope with a grade that exceeds, on average, 15 percent; or which is more than 150 feet from the solar collector; and

5. The application is accurate and complete.

(3) Solar Access Permit Issuance and Recordation.

(a) Upon the approval of an application, the City shall issue and acknowledge a solar access permit creating the solar access requested in the application.

(b) The applicant shall cause the County Clerk to record the solar access permit in the chain of title of the applicant's lot and of each neighboring lot identified in the permit.

(c) The form of the solar access permit shall be as prescribed by the City and shall contain at a minimum:

1. A legal description of the applicant's lot and each neighboring lot to be burdened by the solar access created by the solar access permit; and

2. A complete description of the solar access restrictions applicable to each neighboring lot, including the solar heating hours during which solar access is provided, and a sun chart showing the platted skyline, including vegetation and structures, and a scaled drawing showing the size and location of the protected area and its orientation with respect to true south; and

3. A reference to where the approved application may be obtained.

(4) Obligation Created by Solar Access Permit. The owner of any lot burdened by a solar access permit shall trim any vegetation not exempted on the burdened lot that shades the protected area created by the solar access permit, provided that there is no vegetation on the lot benefited by the solar access permit that also shades the protected area. The cost of such trimming shall be borne by the owner of the benefited lot if the vegetation existed at the time of permit application as shown on the plot plan; and for all other vegetation, equally by the owner of the burdened lot and the owner of the benefited lot, unless such owners agree otherwise. Before any trimming is required the collector owner must certify that the collector is still productive.

(5) Termination of Solar Access Permit.

(a) The Planning Director shall terminate the solar access permit with respect to all or part of the neighboring lots burdened by the solar access permit if a petition for termination is submitted by the applicant or the applicant's successor in interest, or the solar collector is shown to be not productive for a period of at least one year.

(b) The applicant shall record the termination of the solar access permit with the County Clerk and file proof of said recordation with the Planning Department.

Section 5. The following new subsection is added to Sections 10(5), 11(5), 12(5), 13(5), 14(5), 15(5), 16(5), 17(5), 19(5), 20(5), and 21(5):

Solar Setback: The solar setback as prescribed in Section 26A.

Section 6. Section 27, Subsection (3) is amended to read as follows:

(3) Exception to Height Regulations. Height limitations set forth elsewhere in this Ordinance shall not apply to barns, silos, water towers and tanks or other farm buildings and structures, provided they are not less than 50 feet from every lot line; chimneys, church spires, belfries, cupolas, domes, smokestacks, flagpoles, grain elevators, cooling towers, fire hose towers, masts, aerials, elevator shafts and other similar projection; and outdoor theater screens, provided said screens contain no advertising matter other than the name of the theater. This exception does not apply to the solar access provisions of Sections 26A and 26B.

Section 7. Section 30, Subsection (8) is amended by adding the following new paragraph:

(i) A statement relative to the solar access to be provided by the planned unit development.

Section 8. The effective date of this ordinance is September 1, 1983.

Read for the first time the 18th day of May, 1983.

Read for the second time the 1st day of June, 1983.

Placed upon its passage the 1st day of June, 1983.

YES: 6 NO: 0

Samuell, Langmas
Mayor

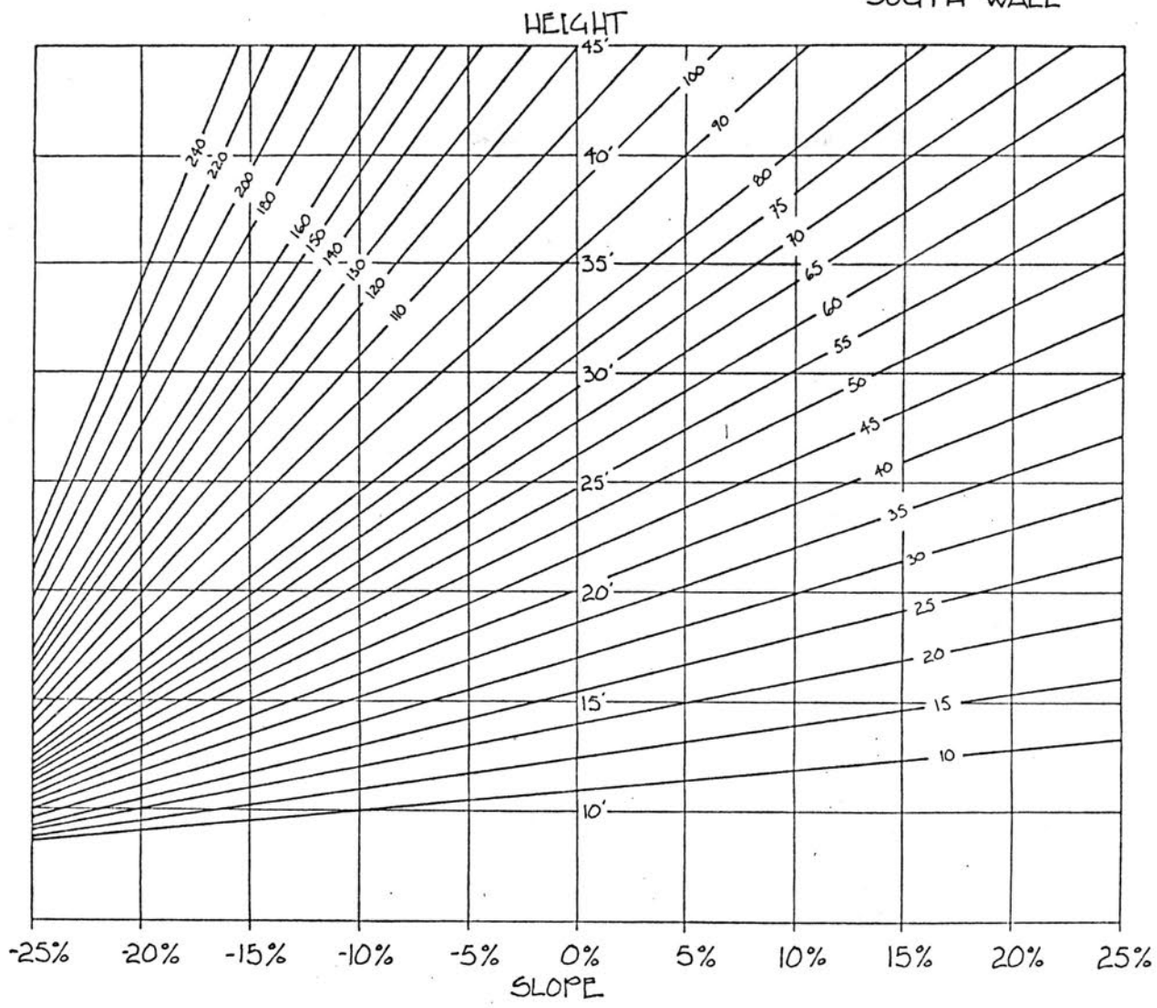
ATTEST:

James W. Kufoot
Recorder-Treasurer

APPENDIX A

SOLAR SETBACK CALCULATOR

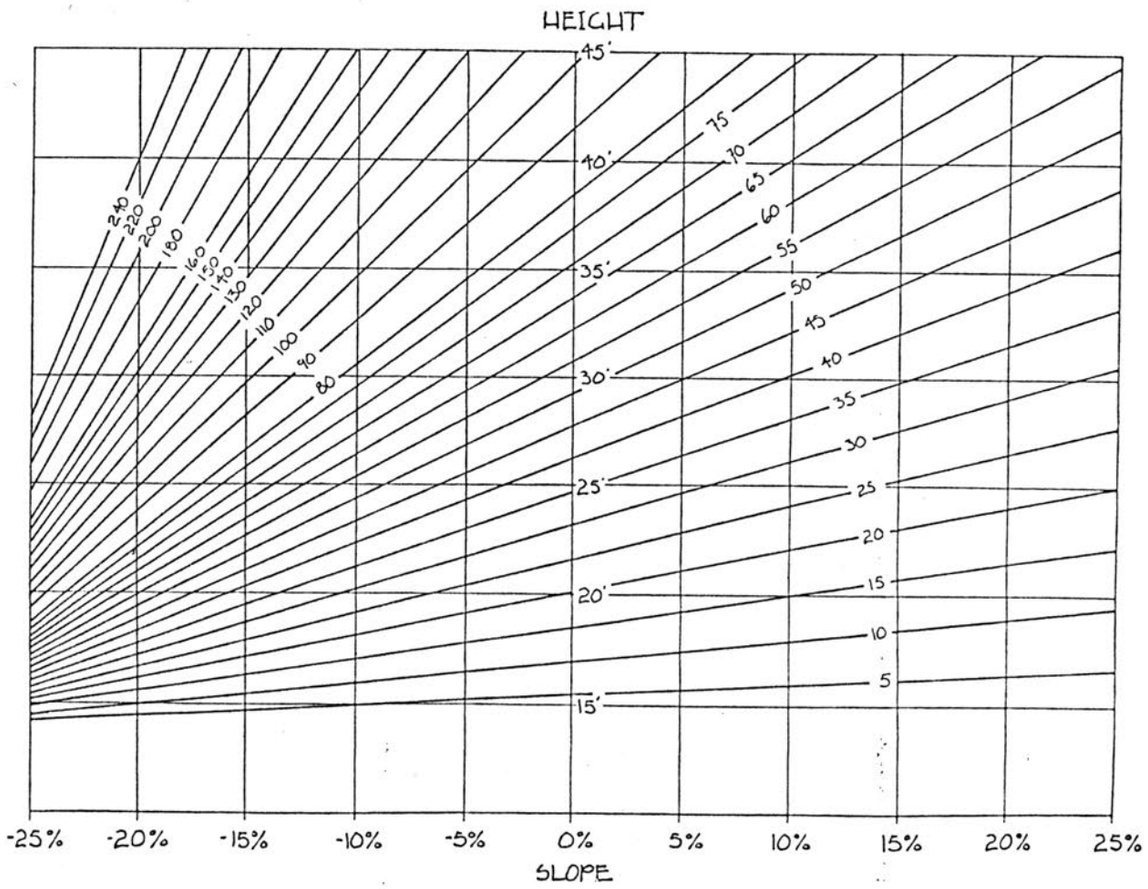
SOUTH WALL



APPENDIX B

SOLAR SETBACK CALCULATOR

SOUTH ROOF



ORDINANCE NO. NS-1379

AN ORDINANCE AMENDING CITY OF BEND SUBDIVISION ORDINANCE NO. NS-1349 PROVIDING SOLAR ACCESS PERFORMANCE STANDARDS FOR NEW DEVELOPMENT AND PROTECTION OF SOLAR ACCESS THROUGH SOLAR HEIGHT RESTRICTIONS

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1.010, PURPOSE, is amended by the addition of the following:

7. To regulate the orientation of streets, lots, and parcels; the placement, height and bulk of buildings; and the placement and growth of vegetation within the City to ensure access to solar energy by reasonably regulating interests in property within the City as authorized under O.R.S. 92.044, 227.190 and O.R.S. 105.880 through 105.890, to promote and maximize the conservation of energy by preserving the option to utilize solar energy and to implement the Bend Area General Plan policies relating to solar energy.

8. To encourage the design of new buildings, structures, and developments which use solar energy and protect future options to use solar energy by protecting solar access.

Section 2. Section 1.040, DEFINITIONS, is amended by the addition of the following:

Solar Access. Protection from shade for a specific area during specific hours and dates.

Solar Height Restrictions. The allowable height of buildings, structures and non-exempt vegetation on a property burdened by the solar access of another property.

Section 3. Subsection 1(C) of Section 3.025, INFORMATIONAL REQUIREMENTS, is amended as follows:

C. Date of preparation, true and magnetic north and south, scale, and gross area of the proposed subdivision.

Section 4. Subsection 2 of Section 3.025, INFORMATIONAL REQUIREMENTS, is amended by the addition of the following:

J. The structures, trees, rock outcroppings, or other shade producing objects, if the object will cast shade from or onto the subdivision.

Section 5. Subsection 3 of Section 3.025, INFORMATIONAL REQUIREMENTS, is amended by the addition of the following:

N. Solar Access.
(1) Provide a statement relative to the solar access to be provided by the subdivision plan.
(2) Determine the location and type of street trees, if proposed.

Section 6. Section 4.030, INFORMATION ON PLAT, is amended by the addition of the following:

16. Building Line and Solar Height Restriction:

A. Southern Building Line. The southern building line shall be shown on each lot which is benefited by solar height restrictions on burdened lots within the subdivision.

B. Solar Height Restriction. The solar height restriction shall be shown on the plat for each lot burdened by the solar access of another lot.

C. Every solar lot shall be denoted on the plat.

Section 7. Subsection 5 of Section 6.030, LOTS, GENERAL REQUIREMENTS, is amended as follows:

5. Solar Access Performance Standard. As much solar access as feasible shall be provided each lot in every new subdivision, considering topography, development pattern, and existing vegetation. The lot lines of lots, as far as feasible, shall be oriented to provide solar access at ground level at the southern building line two hours before and after the solar zenith from September 22 to March 21. If it is not feasible to provide solar access to the southern building line, then solar access, if feasible, shall be provided at 10 feet above ground level at the southern building line two hours before and after the solar zenith from September 22 to March 21, and three hours before and after the solar zenith from March 22 to September 21.

   This solar access shall be protected by solar height restrictions on burdened properties for the benefit of lots receiving the solar access.

   For each lot for which it is not feasible to provide solar access, either at the building line or at 10 feet above the southern building line as specified above, sufficient information must be provided to support the designation of the lot as a non-solar access lot.

Section 8. The effective date of this ordinance is September 1, 1983.

Read for the first time the 18th day of May, 1983.

Read for the second time the 1st day of June, 1983

Placed upon its passage the 1st day of June, 1983.

YES: 6 NO: 0

ATTEST:

Mayor

Recorder-Treasurer

 AMENDED BY ORD. # 1381 - NS-1387

ORDINANCE NO. NS-1380

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 ADDING DEFINITIONS; PROVIDING FOR TIMESHARE UNITS AS A CONDITIONAL USE; AND ADDING SPECIAL USE CRITERIA.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 4, Definitions, is hereby amended to add the following new definitions:,

"Timeshare Unit.

(a) A dwelling unit, mobile home, lot or parcel divided into periods of time under any arrangement, plan, scheme, or device, whether by membership, agreement, share, tenancy in common, sale, lease, deed, rental agreement, license, right to use agreement, or otherwise, where a purchaser, in exchange for consideration, receives a right to use the dwelling unit, lot, or parcel for a period of time less than a full year during any given year, but not necessarily for consecutive years; or

(b) A dwelling unit, mobile home, lot, or parcel created into interests sold under an agreement to be subsequently divided or created into interests for the purpose of sale or lease or other similar arrangement as set out in subparagraph (a) above, whether immediate or future, into eleven (11) or more undivided interests or eleven (11) or more other interests, or any other similar arrangement of interests in the dwelling unit, lot, or parcel."

Section 2. The following new paragraph is added to Sections 9A(3), Urban Area Reserve; 10(3), Urban Standard Density; 11(3), Urban Medium Density Residential; 12(3), Urban High Density Residential; 14(3), Convenience Commercial; 15(3), Limited Commercial; 16(3), Highway Commercial; and 17(3), General Commercial:

"Timeshare unit or the creation thereof, subject to the provisions of Section 25."

Section 3. Section 25, Provisions Applying to Special Uses, is hereby amended by adding the following subsections:

"(23) Timeshare Unit, Development or Facility. The purpose of this section is to establish standards for timeshare units through the applicable zone in this ordinance.

(a) Any timeshare unit project shall have its primary access on a collector street that does not pass through an existing, developed residential area, or on an arterial.

(b) A timeshare unit in any residential zone and the UAR-10 zone shall meet the following provisions:

(i) New Timeshare units may be developed in vacant areas zoned RS or RM provided that such development complies with (a) above and the following:

a. That such development has a minimum site area of 20 acres.

b. That the density of the development shall not exceed that of the existing predominant density pattern within 500 feet of the site.

c. That such development is appropriately buffered by the use of yards, landscaping, etc., from adjoining properties as determined during site plan review considering the need for privacy and the effects of noise.

(ii) Development of timeshare units in the RH zone may be allowed provided they comply with23(a)above and are buffered from adjacent RS or RM zoned neighborhoods by yards, landscaping, berms, or other similar features.

(iii) The Hearings Body may require bonds to assure installation and maintenance of landscaping, parking, and facilities that are part of the buffering scheme. It may also require that an adequate mechanism will exist, such as an owners association, that will assure maintenance of such required facilities.

(c) Each timeshare development/facility shall be landscaped and buffered. The landscaping and buffering plan shall be determined during site plan review giving consideration to the need for privacy and the effects of noise.

(d) No structure shall be utilized as a timeshare development/facility unless all the units are used for this purpose."

Read for the first time the 1st day of June, 1983.

Read for the second time the 15th day of June, 1983.

Placed upon its passage the 15th day of June, 1983.

YES: 6 NO: 0

Samuel G. Langmas
Mayor

ATTEST:

James W. Kingsbury
Recorder-Treasurer

ORDINANCE NO. NS-1381

Repealed by NS-1387

AN ORDINANCE AMENDING ORDINANCE NO. NS-1380 (An ordinance regulating timeshare developments) EXEMPTING THE CONDITIONAL USE PERMIT PREVIOUSLY ISSUED TO SKYRIDGE RESORTS, INCORPORATED.

WHEREAS, Skyridge Resorts, Incorportated has previously applied for and been granted a Conditional Use Permit by the City of Bend, for the construction of a timesharing facility;

THE CITY COMMISSION DOES ORDAIN AS FOLLOWS:

That Skyridge Resorts, Incorporated, is hereby exempt from the provisions of Ordinance No. NS-1380 to the extent that the ordinance is inconsistant with the previously granted Conditional Use Permit. The Conditional Use Permit shall be valid for one year from November 22, 1982.

Read for the first time this 1st day of June, 1983.

Read for the second time this 15th day of June, 1983.

Placed upon its passage the 15th day of June, 1983.

YES: 4 NO: 2

Submitted to and approved by the Mayor this 15th day of June, 1983.

Samuel A. Langmas
Mayor

ATTEST:

James W. Kingsbury
Recorder-treasurer

NS-1382 repealed by NS-1498, passed 7-19-89

ORDINANCE NE. NS-1382

AN ORDINANCE AMENDING ORDINANCE NO. NS-948 AND AMENDMENTS THERETO AND ADOPTING THE 1982 EDITION OF THE UNIFORM FIRE CODE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS: [additions are underlined]

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 1982 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 provisions thereof shall be controlling within the limits of the City of Bend."

Section 2. Section 4(1) of Ordinance No. NS-948 is amended to read:

"(1) The limits referred to in Section 79.501 of the Uniform Fire Code in which storage of class I flammable liquids in outside above ground tanks is prohibited, are hereby established as follows: The corporate limits of the City of Bend."

Section 3. Portions of Section 7 of Ordinance No. NS-948 are amended to read:

"(1) Section 10.309 of the 1982 Edition of the Uniform Fire Code is amended to read as follows:"

(1)(b)(1) "(b) Any existing basement shall be provided with automatic sprinklers upon change of occupancy or change of storage to a higher hazard."

(1)(b)(4) "EXCEPTIONS:

1. In hospitals of Types I, II Fire-resistive and II One hour construction, the automatic sprinkler system may be omitted from operating, delivery, cardiac, X-ray and intensive care rooms, not exceeding 450 square feet in area when each such room is provided with smoke detectors connected to a continuously attended station or location within the building. Increases for area and height specified in Sections 506(c) and 507 shall not apply when this exception is used." [patient sleeping rooms were deleted from this paragraph]

(1)(b)(6)(a) delete the following:

"EXCEPTION: Office buildings, municipal police and fire stations.

Read for the first time the 15th day of June, 1983.

Read for the second time the 6 th day of July, 1983.

Placed upon its passage the 6 th day of July, 1983.

YES: 7 NO: 0

ATTEST:

Samuel A. Langmas
Mayor

James O. Knoop
Recorder-Treasurer

ORDINANCE NO. NS. 1383

AN ORDINANCE AMENDING ORDINANCE NS - 1374, ADDING AN EXCEPTION TO THE PROHIBITED SIGNS OF SECTION 3.030 FOR SIGNS PERMITTED PURSUANT TO A VALID GARAGE SALE PERMIT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 3.030(8) is amended to read: [addition is underlined]

"(8) Any small sign generally of a temporary nature, and generally known as a "snipe sign" tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences or buildings or other structures, where the information appearing thereon is not applicable to the present use of the premises upon which sign is located. This section shall not apply to signs allowed by a valid garage sale permit authorized by Ordinance NS-1375."

Read for the first time the 15th day of June, 1983.

Read for the second time the 6th day of July, 1983

Placed upon its passage the 6th day of July, 1983.

YES: 7 NO: 0

Samuel R. Langmas
Mayor

ATTEST:

James W. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1384

AN ORDINANCE AMENDING NS-1361, THE CITY OF BEND CRIMINAL CODE, AND DECLARING AN EMERGENCY.

Section 1. Section 5.310 shall be amended as follows:

"(4) No person shall engage in any commercial activity upon the Deschutes River within the City limits of Bend without permission from the Bend City Commission or a valid special event permit specifically authorizing such activity. Commercial activity includes, but is not limited to the following definitions:

(a) The providing of boat or raft rides for consideration, or

(b) the rental of property such as boats or other flotation devices for use exclusively upon the river within the City limits.

(5) Violation of this section is a Class B civil infraction."

Section 2. The Commission hereby finds that:

(a) This is the time of year when persons are most likely to engage in commercial activity upon the Deschutes River; and,

(b) commercial activity upon the Deschutes River, if not regulated, is detrimental to the public peace, health and safety; and,

(c) no means currently exists to regulate all commercial activity upon the Deschutes River in Bend; and,

(d) This ordinance is necessary for the immediate preservation of the public peace, health and safety.

WHEREFOR: An emergency is declared to exist and this ordinance takes effect on its passage.

Read for the 1st time the 6th day of July, 1983.

Read for the 2nd time the 20th day of July, 1983.

Placed upon its passage this 20th day of July, 1983.

Vote: Yes 6 No 0

Submitted to and approved by the Mayor this 20th day of July, 1983.

Samuel A. Langsner
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1385

Springer Property

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178 BY CHANGING THE ZONING OF A PARCEL OF LAND FROM IL LIGHT INDUSTRIAL TO CL LIMITED COMMERCIAL

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7(1) of Ordinance No. NS-1178 and the Zoning Map of the City of Bend are changed as follows:

Beginning at the northeast corner of the southeast 1/4 northeast 1/4 Section 5, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon. Thence south 89° 35' 57" West, 60.00 feet along the north line of said southeast 1/4 northeast 1/4 to the true point of beginning of this description. Thence continuing south 89° 35' 57" west, 457.32 feet; thence south 696.65 feet; thence east, 463.03 feet to the westerly right of way of Southeast Second Street; thence along a curve to the left having a central angle of 12° 18' 00", a radius of 208.50 feet, an arc distance of 44.76 feet; thence north 24° 49' 36" west, 22.81 feet; thence along a curve to the right having a central angle of 24° 49' 36", a radius of 269.00 feet; an arch distance of 117.20 feet; thence north 100.00 feet; thence along a curve to the right having a central angle of 24° 00' 00", a radius of 269.00 feet, an arc distance of 113.14 feet; thence north 24° 00' east, 13.47 feet, along a curve to the left having a central angle of 24° 49' 36", a radius of 208.50 feet, an arc distance of 90.26 feet; thence north 0° 49' 36" west, 215.55 feet to the true point of beginning; containing 7.0 acres more or less; this property is changed from IL Light Industrial to CL Limited Commercial.

Read for the first time the 20th day of July, 1983.

Read for the second time the 7th day of September, 1983.

Placed upon its passage the 7th day of September, 1983.

Yes: 7 No: 0

Approved by the Mayor the 7th day of September, 1983.

ATTEST:

Samuel G. Langmas
Mayor

James N. Kinfoot
Recorder-Treasurer

ORDINANCE NO. NS-1386

AN ORDINANCE AMENDING ORDINANCE NO. NS-1361, THE CITY OF BEND CRIMINAL CODE.

Section 5.060 Trespass to a Vehicle

(1) Definitions as used in this section:

(a) "Tamper" means to manipulate or attempt to manipulate a part of the vehicle whether or not an instrument is used and whether or not actual damage is done.

(b) "Vehicle" means every vehicle including, but not limited to, automobiles, motor boats and boat trailers, motorcycles, mopeds, trucks, truck trailers, busses, motor homes, travel trailers, bicycles, and cargo carrying devices attached to such vehicles.

(2) A person commits the crime of trespass to a vehicle if, without having a right to do so or reasonable ground to believe he has such right he:

(a) knowingly or intentionally climbs upon or enters the vehicle either bodily or with an instrument capable of damaging or removing property from the vehicle; or,

(b) knowingly or intentionally tampers with the locks, latch mechanisms, hood release, engine, body, trim, undercarriage, running gear, fuel tank or fuel intake, antenna, electric or electronic equipment, wheels, steering mechanism, brakes, or any part of any such equipment.

(3) It is an affirmative defense to a prosecution under this section that the actor engaged in the conduct described in order to prevent imminent damage to the vehicle, persons, animals or other property.

(4) A violation of the provisions of this section is punishable as a Class A misdemeanor.

Read for the first time the 17th day of August, 1983.

Read for the second time the 7th day of September, 1983.

Placed upon its passage the 7th day of September, 1983.

YES: 7 NO: 0

Samuel A. Longmas
Mayor

ATTEST:

James W. Kristoof
Recorder-Treasurer

ORDINANCE NO. NS- 1387

AN ORDINANCE AMENDING ORDINANCE NO. NS-1380 EXEMPTING THE CONDITIONAL USE PERMIT PREVIOUSLY ISSUED TO SKYRIDGE RESORTS, INCORPORATED AND REPEALING ORDINANCE NO. NS-1381.

WHEREAS, Skyridge Resorts, Incorporated has previously been granted a conditional use permit for the construction of a timesharing facility; and Skyridge having been unable to commence development due to legal proceedings at the appellate level which terminated August 9, 1983;

THE CITY COMMISSION DOES ORDAIN AS FOLLOWS:

That Skyridge Resorts, Incorporated, is hereby exempt from the provisions of Ordinance No. NS-1380 to the extent that the ordinance is inconsistant with the previously granted Conditional Use Permit. The Conditional Use Permit shall be valid until August 22, 1984.

Ordinance No. NS-1381 is hereby repealed.

Read for the first time the 7th day of September, 1983.

Read for the second time the 21st day of September, 1983.

Placed upon its passage the 21st day of September, 1983.

YES: 5 NO: 0

Submitted to and approved by the Mayor this 21st day of September, 1983.

ATTEST:

Samuel G. Singmas
Mayor

James W Kerr
Recorder-Treasurer

ORDINANCE NO. NS-1388

AN ORDINANCE AMENDING ORDINANCE NO. NS-1374 BY CHANGING RESIDENCE REQUIREMENTS FOR MEMBERS OF THE CITY OF BEND SIGN REVIEW COMMITTEE BY REQUIRING THREE MEMBERS OF THE COMMITTEE TO RESIDE WITHIN THE CORPORATE CITY LIMITS OF BEND.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Appendix A, Section 1, Subsection 2 is amended to read as follows:

> "One member of the committee shall be employed in either the sign painting or sign graphics profession or shall be employed in the architectural or designing profession. Two members shall be appointed from the downtown business community. All other members of the committee shall be at-large members. Not less than three of the five members must reside within the corporate limits of the City of Bend."

Read for the first time the 5th day of October, 1983.

Read for the second time the 19th day of October, 1983

Placed upon its passage the 19th day of October, 1983.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 19th day of October, 1983.

Samuel G. Longmas
Mayor

ATTEST:

James O Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS- 1389

NS-1389 repealed by NS-1562, passed 5-20-92

AN ORDINANCE AMENDING ORDINANCE NO. NS-1272, THE SOLID WASTE MANAGEMENT ORDINANCE.

WHEREAS: This ordinance does not currently state clearly which information should be provided by a Franchisee in support of a rate adjustment request,

WHEREFORE: THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 11, subsection 2 is amended to read:

(2) By April 15 of each year the Franchisee shall file with the City a true copy of the profit/loss statement that Franchisee actually filed with the United States Internal Revenue Service for that tax year together with a financial report on the form attached hereto as Exhibit "C".

Section 2. Section 11, subsection 3 is amended to read:

(3) The Franchisee may, not later than April 15 of any one year, apply for an adjustment in rate. In addition to the information provided by the Franchisee under subsection 2 of this section, the Franchisee shall provide the City Commission or any committee thereof with all information deemed necessary by the Commission or committee thereof with respect to the operations of the Franchise in order to make a reasonable and rational decision on the application on behalf of the ratepayers. Failure to furnish adequate information is grounds to deny the application.

The Commission may approve, disapprove or modify an application for rate adjustment. Rates shall be changed by resolution of the Commission.

Read for the first time the 5th day of October, 1983.

Read for the second time the 19th day of October, 1983.

Placed upon its passage the 19th day of October, 1983.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 19th day of October, 1983.

ATTEST:

Samuel G. Langmas
Mayor

James C. Kerfoot
Recorder-Treasurer

EXHIBIT "B"

RESOLUTION NO. 1708

A RESOLUTION ESTABLISHING REVISED RATES FOR SOLID WASTE COLLECTION SERVICE PROVIDED BY FRANCHISE OPERATORS WITHIN THE CITY LIMITS.

WHEREAS, Ordinance No. NS-1272 provides that the City may revise rates charged for collection service by resolution, and

WHEREAS, the franchise operators of the collection services have petitioned the City to adjust rates to reflect the added cost of operation, and

WHEREAS, the request has been reviewed and studies by the Franchise Committee and following deliberations a recommendation has been forwarded to the City Commission, now therefore

THE CITY COMMISSION DOES RESOLVE AS FOLLOWS:

Section 1. That the maximum rates that may be charged by the grantee for franchise services are set forth below. In addition to these rates, Franchise Operators may charge an additional fee as set forth below, for costs incurred by the operators for disposal of material at the Deschutes County Landfill. Any charge to the customer made as a result of landfill fees shall be shown on the customer billing as a separate item from the normal service rate and identified as a charge resulting from disposal fees.

For collection in containers holding 32 gallons or less:

a. One pickup of one can each week

	Service Rates	Disposal Fees
*curb or roadside	$4.65 per month	$1.00 per month
**backyard or other	5.40 per month	1.00 per month

b. One pickup of additional can each week

*curb or roadside	2.75 per month	1.00 per month
**backyard or other	3.70 per month	1.00 per month

c. Special Pickup 3.50 per pickup 1.00 per month

* Curbside means "at the curb"; "foot of the driveway", "at the alley" means where the truck or scooter can drive to the pickup area

** Any location other than "curb pickup".

For collections in containers holding 30 gallons or less for persons age 65 or older, if such persons apply to the refuse collector for this reduced rate, shall be as follows:

$3.35 curb rate	$3.80 backyard rate
$1.00 disposal fee	$1.00 disposal fee

The container rates set forth below include maximum rates that may be charged for service, container rent, container maintenance and disposal fees.

No. of pickups per week	1	2	3	4	5	6
1 yard cont.	$27.80	$47.10	$66.40	$85.70	$105.00	$124.30
Disp. Fee	5.05	10.09	15.14	20.19	25.23	30.28
TOTAL	$32.85	$57.19	$81.54	$105.89	$130.23	$154.58
1-1/2 yd. cont.	$36.00	$62.80	$89.60	$116.40	$143.20	$170.00
Disp. Fee	7.57	15.14	22.71	30.28	37.85	45.42
TOTAL	$43.57	$77.94	$112.31	$146.68	$181.05	$215.42
2 yd. cont.	$45.80	$80.80	$115.80	$150.80	$185.80	$220.80
Disp. Fee	10.09	20.19	30.28	40.37	50.47	60.56
TOTAL	$55.89	$100.99	$146.08	$191.17	$236.27	$281.36

(continued)

No. of pickups per week	1	2	3	4	5	6
3 yd. cont.	$60.00	$104.00	$148.00	$192.00	$236.00	$280.00
Disp. Fee	15.14	30.28	45.42	60.56	75.70	90.84
TOTAL	$75.14	$134.28	$193.42	$252.56	$311.70	$370.84
4 yd cont.	$72.00	$125.00	$178,00	$231.00	$284.00	$337.00
Disp. Fee	20.19	40.37	60.56	80.75	100.93	121.12
TOTAL	$92.19	$165.37	$238.56	$311.75	$384.93	$458.12
5 yd. cont.	$84.00	$144.00	$204.00	$264.00	$324.00	$384.00
Disp. Fee	25.23	51.63	75.70	100.93	126.17	151.40
TOTAL	$109.23	$195.63	279.70	364.93	$450.17	$535.40
6 yd. cont.	$ 95.00	$162.00	$229.00	$296.00	$363.00	$430.00
Disp. Fee	30.28	60.56	90.84	121.12	151.40	181.68
TOTAL	$125.28	$222.56	$319.84	$417.12	$514.40	$611.68
8 yd. cont.	$108.00	$182.00	$256.00	$330.00	$404.00	$478.00
Disp. Fee	40.37	80.75	121.12	161.49	201.86	242.24
TOTAL	$148.37	$262.75	$377.12	$491.49	$605.86	$720.24

Compactor Rates:

a. 1 - 3 yard container — Double loose rate*

b. 4 - 6 yard container — Triple loose rate*

* Loose rate disposal fee is $1.75 per yard

Collection of bulk refuse:

$4.35 for each yard per pickup plus disposal fee of $25.00 for each hour of work requiring one truck and one man. $37.00 for each hour of work requiring one truck and two men.

The rate increases for extra distance to container or bulk refuse from pickup point:

Up to 50 feet	Regular Rate
50 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%

Section 2. The rates contained in this resolution shall be effective July 1, 1983.

Section 3. This resolution supercedes Resolution No. 1702.

Passed by the City Commission and approved by the Mayor this 21st day of September, 1983.

YES: 5 NO: 0

ATTEST:

_____
Mayor

_____
Recorder-Treasurer

Ordinance No. NS-1389
EXHIBIT "C"

CITY OF BEND

SOLID WASTE FRANCHISEE ANNUAL REPORT

Name of Franchisee:_____ Date_____

	Previous Year 19____	Actual Current Year 19____	Projected Year 19____
REVENUE:			
Refuse Hauling	$	$	$
Lease Income			
Other Income - (Explain on separate page)			
GROSS REVENUE	$	$	$
EXPENSES:			
Salaries - Owners	$	$	$
- Executive			
- Stockholders			
- Supervisory			
- Laborers			
Fuel & Oil			
Payroll Taxes			
Legal Fees			
Other Professional Fees			
Bookkeeping			
Insurance			
Employee Benefits			
Lease Expense - Attach Itemized Schedule)			
Property Taxes			
Depreciation - (Attach an Itemized Schedule)			
Building Rental			
Equipment Expense			
Taxes & Licenses			
Dues & Subscriptions			
Utilities & Telephone			
Office Expenses			
Interest			
Disposal Fees			
Corporate Taxes			
Other Expenses - (Explain on separate page)			
TOTAL EXPENSE	$	$	$
TOTAL TAXABLE INCOME	$	$	$
Non deductible expenditures; Corporate Dividend	$	$	$
NET INCOME BEFORE TAXES	$	$	$

Prepared By:_____

Signature of Owner or President:_____

ORDINANCE NO. NS - 1390

AN ORDINANCE VACATING A PORTION OF TOWER ROCK ROAD IN THE AWBREY BUTTE SUBDIVISION, CITY OF BEND, DESCHUTES COUNTY, OREGON.

The Bend City Commission on the 7th day of September, 1983 on its own motion did request that the following described area be vacated:

TRACT A: Beginning at a point on the westerly right-of-way line of Tower Rock Road (being 60.00 feet in width) as described in Volume 6, Page 816 of Deschutes County Records, from which a 3" Brass Cap marking the West 1/4 corner of said Section 30 bears North 70° 51' 28" West a distance of 1713.70 feet and from which a 3" Brass Cap marking the N° 1/4 corner of said Section 30 bears North 15° 34' 19" East a distance of 3260.30 feet; thence following the southwesterly and northwesterly lines of said road right-of-way as described in Volume 6, Page 816, the following 2 curves and 1 course and distance:

following the arc of a 170.00 foot radius curve left 46.65 feet (chord bears North 38° 24' 29" West 46.51 feet); North 46° 16" 10" West a distance of 77.16 feet; following the arc of a 170.00 foot radius curve left 31.32 feet (chord bears North 48° 36' 58" East 31.28 feet) to a point on the westerly right-of-way line of relocated Tower Rock Road as described in Volume 4, page 609 of Deschutes County records;

thence following the southwesterly right-of-way line of the relocated Tower Rock Road the following 2 curves:

following the arc of 120.00 foot radius curve right 78.06 feet (chord bears South 33° 10' 54" East 76.69 fee); following the arc of a 180.00 foot radius curve left 50.27 feet (chard bears South 22° 32' 43" East 50.10 feet) to the Point of Beginning, the terminus of this description.

The above described tract of land contains 0.052 acres more or less.
SUBJECT TO: All easements, restrictions, and rights-of-way of record and those common and apparent on the land.

TRACT B: Beginning at a point on the southeasterly right-of-way line of Tower Rock Road (being 60.00 feet in width) as described in Volume 6, Page 816 of Deschutes County Records from which a 3" Brass Cap marking the West 1/4 corner of said Section 30 bears North 74° 40' 54" West a distance of 1694.71 feet and from whch a 3" Brass Cap marking the North 1/4 corner of said Section 30 bears North 15° 41' 27" East a distance of 3146.13 feet; thence following the easterly and southeasterly right-of-way lines of relocated Tower Rock Road, as described in Volume 14, Page 609 of Deschutes County Records, the following 1 curve and 1 course and distance:

following the arc of a 180.00 radius curve left 37.52 feet (chord bears North 38° 59' 42" West 37.45 feet); North 37° 56' 28" East a distance of 393.77 feet to a point on the southwesterly right-of-way line of Skyline Drive (being 80.00 feet in width) as described in said Volume 6, Page 816 of Deschutes County Records;

thence following the said Skyline Drive right-of-way line South 41° 32' 44" East a distance of 1.66 feet; thence following the southeasterly line of Tower Rock Road as described in said Volume 6, Page 816 the following 1 course and distance and 2 curves;

south 35° 57' 11" West a distance of 298.04 feet; following the arc of a 165.13 foot radius curve left 55.85 feet (chord bears South 26° 15' 47" West 55.59 feet); following the arc of a 230.00 foot radius curve right 51.48 feet (chord bears South 22° 59' 08" West 51.37 feet) to the Point of Beginning, the terminus of this description.

The above described tract of land contains 0.098 acres, more or less.
SUBJECTTO: All easements, restrictions, and rights-of-way of record and those common and apparent on the land.

and stating the reason for which the property is to be vacated; and the City Commission having set a time for formal hearing upon the said vacation; and the City Recorder of the City of Bend having caused a public notice for a public hearing giving the date, time and place of the public hearing on the proposed vacation 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 vaction 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 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, and further that nothing contained herein shall cause or require the removal or abandonment of any wire, pole, conduit of any kind or any other facility, support or appurtenance used or intended to be used for any public utility service, and the right hereby is reserved to the owners thereof, and their successors, to maintain, continue, repair, reconstruct, renew, replace, rebuild and enlarge any and all such facilities. 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 October, 1983.

Read for the second time the 2nd day of November, 1983.

Placed upon its passage the 2nd day of November, 1983.

YES: 6 NO: 0

Submitted to and approved by the Mayor the 2nd day of November 1983.

Samuel R. Langsner
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1391

AN ORDINANCE AMENDING ORDINANCE NO. NS-1361 "THE CITY OF BEND CRIMINAL CODE" BY DECLARING THAT CHANGES MADE BY THE 1983 OREGON LEGISLATURE TO THE PORTIONS OF THE OREGON CRIMINAL CODE INCORPORATED IN THE BEND CODE SECTION 5.020 AND 6.015 SHALL OPERATE AS CHANGES TO THE BEND CODE AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES HEREBY ORDAIN:

Section 1. Section 5.020 of the City of Bend Criminal Code is amended by adding the following sentence:

"Amendments to the chapters of ORS incorporated herein made by the 1983 Oregon Legislature shall be amendments to this section."

Section 2. Section 6.015 of the Bend Code Chapter VI "Traffic Code" is amended by adding the following sentence:

"Amendments to the chapters of ORS incorporated herein made by the 1983 Oregon Legislature shall be amendments to this section."

Section 3. Declaration of Emergency:

THE CITY COMMISSION HEREBY FINDS:

1. That the 1983 Oregon Legislature amended portions of the Oregon Traffic and Criminal Code, and

2. The City of Bend Code incorporates several chapters of the Oregon Criminal Code by reference and it is in the best interests of public health, safety and welfare that the laws of Oregon and the Bend Code be consistant regarding law enforcement, and

3. The amendments made by the Oregon Legislature of 1983 take effect at various times and some are already in effect.

WHEREFORE:

This ordinance being necessary for the immediate preservation of the peace, health and safety of the City an emergency is declared to exist and this ordinance takes effect on its passage.

Read for the first time the 2nd day of November, 1983

Read for the second time the 16th day of November, 1983

Placed upon its passage the 16th day of November, 1983.

YES: 7 NO: 0

Samuel G. Langmas
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1392

AN ORDINANCE AMENDING ORDINANCE NO. NS-1359, THE CITY OF BEND UNIFORM LAND USE PROCEDURES ORDINANCE.

THE CITY COMMISSION DOES ORDAIN AS FOLLOWS:

Section 1. Section 5 is amended to read:

"Section 5. Filing of Staff Report for Hearing.

A. At the time a completed application requiring a hearing is filed, a hearing date shall be determined.

B. A staff report shall be completed seven (7) days prior to hearing.

C. A copy of the staff report shall be mailed to the applicant, made available to such other persons who request a copy, and shall be filed with the Hearings Body."

Section 2. Section 6(B) is amended to read:

"B. City Commission upon grant of a petition to review Hearings Officer decision."

Section 3. Section 22 is amended to read:

"Section 22. Petition for Review.

A. A person meeting the criteria set forth in subsection B of this Section may petition the City Commission for review of the Hearings Officer's decision. The petition for review shall be filed within fifteen (15) days following the mailing of the final written notice of decision.

B. The following persons may file a petition for review:

1. A party.

2. A person to whom notice was to be mailed in accordance with Section 7 of this ordinance, and to whom no notice was mailed. A person who. after such notices were mailed, purchases the property to be burdened by a solar access permit, shall be considered a person to whom notice was to have been mailed.

3. A person to whom notice is mailed is deemed notified, even if notice is not received.

4. Any two members of the Planning Commission. Once a petition for review is initiated by two members, the Planning Commission shall, at its next regular meeting, determine whether to continue the petition for review or not, and if so, what recommendation it wishes to make upon review. The recommendation shall be set forth in the same manner as the specific grounds relied upon for review provided in Section 23(B)(2) of this ordinance."

Section 4. Section 23 is amended to read as follows:

"Section 23. Petition for Review.

A. Except where review is initiated as provided for in Sections 21(A) and 22(B)(4), of this ordinance, a person seeking review of the Hearings Officer's decision shall file a petition for review with the City Recorder not more than 15 days from the date of the mailing of the decision.

B. The petition for review shall set forth the following:

1. A statement of the person's standing to petition for review as provided in Section 22(B) of this ordinance.

2. The specific grounds upon which the petitioner will rely if the petition for review is granted which shall include the alleged errors of factual finding or legal conclusion in the Hearings Officer's decision.

3. A statement setting forth why the Hearings Officer's decision adversely affects either:

(a) A substantial segment of the community, or

(b) Established land use policy.

C. Consideration of the petition:

1. The City Commission shall consider the petition for review at its earliest convenient meeting subsequent to receipt of a completed petition.

2. The Commission may hear oral argument from the petitioner(s) and opponents of the petition as it deems appropriate. Reasonable time limits may be set.

3. The petition for review shall be allowed if the same four Commissioners conclude that:

(a) The petitioner meets the criteria of Section 22(B) of this ordinance, and

(b) The decision in question adversely affects either a substantial segment of the community or established land use policy."

Section 5. Section 24 is amended to read:

"Section 24. Effect of Grant or Denial of Petition for Review.

A. If the Commission denies the petition for review, the decision of the Hearings Officer is deemed to be affirmed and any aggrieved party may appeal to the Land Use Board of Appeals (LUBA) within the period established by LUBA, which period shall run from the date the petition is denied.

B. Upon the grant of a petition for review by four concurring Commissioners, a review hearing shall be held at the earliest convenience of the Commission."

Section 6. Section 25 is amended to read:

"Section 25. Procedure on Review/Costs.

A. The petitioner for review shall bear the costs of producing the record on review and the giving of notice of the review hearing. The petitioner shall deposit the sum of $200 with the City Recorder who shall apply the deposit to the actual costs as follows:

1. The Recorder shall cause a typed transcript of the magnetic tape recording of the hearing below to be produced. The Recorder shall then compute the actual cost of transcript production.

2. The Recorder shall reproduce copies of other documents which are part of the record before the Hearings Officer. Copies of the record thus reproduced shall be distributed to each Commissioner, to the City Manager, to the City Manager's designated staff members, to the City Attorney, and to the opponent(s) of the petition for review. Petitioner shall be assessed twenty cents per page for these copies.

3. The petitioner shall be assessed the actual costs of providing notice of the review hearing, including preparation costs, postage, and advertisement rates as such notice is required by law.

B. The Recorder shall determine whether sufficient monies have been deposited by the petitioner to cover the costs of the review process. If, at any time, the sum is found to be insufficient, the Recorder shall notify the petitioner who shall deposit additional sums. Any excess deposit shall be refunded to petitioner at the conclusion of the review by the City Commission.

C. The Commission may refuse to review a decision of the Hearings Officer until petitioner has satisfied his obligations under Subsections A and B of this Section.

D. When review is initiated by members of the Planning Commission as provided for in Section 22(B)(4) or by the City Commission as provided for in Section 21(A) of this ordinance, the City shall bear the costs set forth in Subsection A of this Section.

E. When the magnetic tape record of the hearing below or a portion thereof cannot be transcribed due to loss, destruction, equipment failure, or human error, then the party interested in making that portion of the record a part of the record on review shall prepare a written narrative of that portion of the record and submit it to the Hearings Officer for certification of accuracy. The Hearings Officer shall afford any opposing party an opportunity to review the narrative and make any objections to the accuracy thereof. The Hearings Officer shall resolve any such objection and prepare a written memorandum explaining the objection and his resolution of it, which memorandum shall become part of the record.

F. A notice of the hearing shall be mailed to all parties at least ten (10) days prior to the hearing.

G. Hearing on Review.

1. The review shall be on the record as provided for in Sections 9 through 17 of this ordinance. Provided, however that the Commission may allow new evidence if a proper motion therefore is filed at the time of the petition for review and the Commission finds that:

   (a) There is new evidence that could not have been reasonably placed into the record at the hearing below: or

   (b) There is excusable neglect on the part of the parties in not fully developing the record below.

2. The City Commission on review may affirm, modify, or reverse the order of the Hearings Officer. The decision of the Commission shall be in writing and shall set forth findings of fact and conclusions of law supporting the decision. The Commission shall notify all parties of its decision by mail.

3. The standard on review shall be that of de novo review of the decision of the Hearings Officer. The City Commission may substitute its judgment of the existence of facts or its application of law for that of the Hearings Officer, but the Commission shall not consider new evidence except as provided for in Subsection G(1) of this Section.

4. The City Commission shall render its decision on the petition for review at its earliest convenience."

Read for the first time the 11th day of November, 1983.

Read for the second time the 7th day of December, 1983.

Placed upon its passage the 7th day of December, 1983.

YES: 6 NO: 0

Samuel A. Tangeras
Mayor

ATTEST:

James W. Kerfoot
Recorder-Treasurer

ORDINANCE NO. NS-1393

AN ORDINANCE AMENDING ORDINANCE NO. NS-1361, "THE CITY OF BEND CRIMINAL CODE" BY ADDING A PARKING VIOLATION FOR VEHICLE STORAGE FOR MORE THAN 48 HOURS ON THE STREET.

THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. Section 6.165 of NS-1361 is amended by adding the following subsection (5):

No operator shall park and no owner shall allow a vehicle to be parked on a street for the principal purpose of:

"(5) Storage or as junkage or dead storage for more than forty-eight (48) hours."

Read for the first time the 7th day of December, 1983.

Read for the second time the 21st day of December, 1983.

Placed upon its passage the 21st day of December, 1983.

YES: 7 NO: 0

ATTEST:

Recorder-Treasurer

Mayor

ORDINANCE NO. NS-1394

AN ORDINANCE AMENDING ORDINANCE NO. NS-1178, AS AMENDED, BY THE ADDITION OF A DESCHUTES RIVER COMBINING ZONE, PROVIDING FOR A STUDY PERIOD, PROVIDING STANDARDS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-1178 is amended by the addition of Section 22A, Deschutes River Combining Zone, as set out below:

Section 22A Deschutes River Combining Zone, or DR Zone.

In any Deschutes River Combining zone the requirements and standards of this Section shall apply in addition to those specified in this Ordinance for the underlying zone. In the event of a conflict in requirements and standards of this Section with the requirements and standards for the underlying zone, the provisions of this Section shall govern.

(1) Purpose. The purpose of the Deschutes River Combining Zone is to maintain the quality and quantity of the streamflows; fish and wildlife; and visual, environmental, and aesthetics; of the Deschutes River, its tributaries, diversion points, and adjacent areas within the area of the DR zone.

(2) Combining Zone. The Deschutes River Combining Zone, as shown on the map marked Exhibit "A", attached hereto and by this reference incorporated herein, is hereby adopted as the Deschutes River Combining Zone map designating the area subject to this section.

(3) Uses Permitted Conditionally. In a zone with which the DR Zone is combined, those uses not otherwise exempt from this Section shall be permitted conditionally. The requirements and standards of this Section shall apply in addition to the general conditional use criteria and the requirements and standards for the underlying zone.

(4) Specific Use Requirements and Standards. The following requirements and standards apply to land uses within the DR Zone:

(a) The use shall maintain existing stream flow of any affected river or stream at present quality and quantity.

(b) The use shall conserve and protect fish and wildlife habitat.

(c) The use shall maintain the scenic, visual, environmental and aesthetic qualities of the affected river or stream, and shall not diminish the economic benefits of the river through tourism to the local economy.

(d) The use shall not impair recreational opportunities of the river or stream by the public.

(e) The use shall have no significant negative impact, individually or cumulatively, on existing and potential uses of the river or stream.

(f) The use shall meet the State of Oregon Department of Environmental Quality noise standards.

(g) That any special district involved in any manner with an application for a land use permit has complied with the requirements of ORS 197.185 and the proposed activity is in conformity with the special district's intergovernmental cooperative agreement with Deschutes County.

(5) Study Period. A study shall be conducted, subject to available funding, as set out below by a joint City/County task force to be appointed by the City and County Commissions.

(a) There is hereby declared a study period for all land use activities within the area within the DR zone during which land use permits may not be issued unless the applicant affirmatively shows that the proposed use furthers or fulfills each and every requirement and standard set forth in this Section.

(b) The study period shall be for the period February 1, 1984 to July 31, 1985. Following review and public hearing, and prior to the termination date, and if deemed necessary by the City Commission, the date of termination of the study period may be extended by ordinance for a subsequent period of up to six months.

(c) The study period shall include the following:

1. Detailed mapping and instream flow studies of the Deschutes River, its tributaries, its diversion points, and its areas of special interest to allow precise review of the boundaries of the DR zone.

2. The development of a river system model at standards no less stringent than those adopted by the Northwest Power Planning Council to complete the requirements of the studies identified in Section 1204, Northwest Power Planning Council "Columbia River Basin Fish and Wildlife Program" and Chapter 10, Sections 14.2 and 14.3, Northwest Power Planning Council "Northwest Conservation and Electric Power Plan".

3. Identify uses and development that may be permitted utilizing the balancing tests set forth in Statewide Planning Goal 5, and establish detailed standards and criteria for development within the DR zone.

4. Study the individual and cumulative effects of all known and potential hydroelectric sites and sources on the Deschutes River, its tributaries, diversion points, adjacent areas, and stream flow.

5. Develop a program in recognition of the cumulative effects to balance the conflicting uses of the natural resource and the hydroelectric projects as required by Statewide Planning Goal 5.

6. To include in the study the river and stream diversion canals to the extent funding is identified for such purpose.

7. Preparation of amendments to the Bend Area General Plan to balance the conflicting uses on the Deschutes River, its tributaries and areas of special interest within the combining zone, and such amendments to the zoning ordinance as are necessary.

8. Identification of current and potential river uses, and the economic value of such uses.

(d) During the study period, the City shall participate with the Power Council in the completion of the Power Council's hydroelectric study and take affirmative action with respect to the apparent conflict between the provisions of PURPA and the Northwest Power Act in order to help facilitate resolution of the conflict.

(6) Directives. The City shall consider any application for a hydroelectric project where the applicant has sufficiently addressed those issues to be resolved during the study period and furthers the purpose of this Section.

(7) Exemptions. The following shall be exemptions to the process set forth in this Section:

(a) Continuation of nonconforming uses constructed prior to the effective date of this amendment, subject to the standards of this Ordinance.

(b) A use or structure, including a conforming or nonconforming use, or a conforming or nonconforming structure, for which a minor site plan for the construction, alteration, restoration, or replacement is necessary.

(c) Construction or reconstruction of a permitted residential use subject to the minimum setback of this Ordinance.

(d) The reconstruction or repair of an existing dam, provided such reconstruction or repair does not alter the characteristics of the water impoundment and does not otherwise affect existing stream flow.

(e) Nothing in this Section shall prohibit the employment of land within the DR zone for farm or forest practices.

(f) The desiltification of Mirror Pond by the process of dredging.

(g) Any use or accessory use permitted outright or conditionally in the underlying zone approved prior to January 1, 1984, in a Cluster Development, Planned Development, Destination Resort, Dude Ranch, Planned Community, or site plan approval, or in a Master Plan approved through the City of Bend Subdivision Ordinance.

Section 2. This Ordinance is repealed February 1, 1986, or upon completion of the study provided for in Section 22A of Ordinance No. NS-1178, City of Bend Zoning Ordinance, as amended, and the adoption of a recommended comprehensive plan and implementing ordinance amendments whichever occurs first.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this amendment 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 code or any part thereof. The City Commission 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 phrases be declared unconstitutional or otherwise invalid.

Read for the first time the 21st day of December, 1983

Read for the second time the 4th day of January, 1984

Placed upon its passage the 4th day of January, 1984

YES: 6 NO: 1

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1395

AN ORDINANCE AMENDING ORDINANCE NO. NS-1375 THE CITY OF BEND BUSINESS CODE.

It is the purpose of this ordinance to modify portions of the Business Code found in practice to be in need of revision.

Section 1.

Section 7.378 subsection (1)(g) is amended to read:

"(g) The appropriate provisions of section 7.374 have been complied with."

Section 2.

Section 7.506 is amended as follows: The reference to section 7.564 is hereby deleted and "section 7.516" is substituted in its place.

Section 3.

Section 7.500 is amended to read 'Street Vendor' means any person upon a public sidewalk or other public way or place carrying, conveying or transporting food, beverages, flowers or balloons; offering and exposing same for sale from mobile type device or as a pedestrian.

(1) Mobile type device shall include carts as provided in section 7.516, motorized vehicles which comply with all applicable motor vehicle regulations and any other device used by a pedestrian vendor or any other vendor which is capable of being immediately moved and which is otherwise permitted by applicable ordinance or statute.

Section 4.

Section 7.510 is amended as follows:

"(4) No permitted mobile device shall be left unattended on a sidewalk, street or other public place between 10 p.m. and 6 a.m., and at no time shall any mobile type device be left unattended while in the CB zone of the City.

(5) No mobile type device of a greater size than proscribed by section 7.516 shall be permitted to operate upon the sidewalks of Bend without the permission of the City Manager or his designee and nothing in this section shall permit motorized vehicles to operate on the streets, sidewalks or public places of the City where otherwise restricted by ordinance or statute. No street vendor shall operate from a motor vehicle in the CB zone of the City.

(6) No street vendor may operate in a residential area of the City between the hours of 8 p.m. and 8 a.m. Street vendors in residential zones shall be subject to section 7.550 of this code and all applicable parking, noise and vehicle regulations."

Section 5.

Section 7.512 is amended to read:

"7.512 Separate License for Each Mobile Type Device or Pedestrian Vendor

(1) A separate vendor's license and fee shall be required of the vendor for each mobile device used by the vendor to carry on his business and for each pedestrian vendor.

(2) The annual license fee for each mobile type device or pedestrian vendor shall be $100.00. The fee may be waived by either the City Manager or Commission if the applicant is a non-profit organization.

(3) Before issuing a license, the City Manager must find that the mobile type device will not detract from the appearance of the City and that it will be harmonious with the area in which it will do business."

Section 6.

Section 7.516 is amended by adding the following:

"All carts shall be self-contained and the street vendor shall not utilize any appliances, containers, ice chests or other devices that occupy space outside of the body of the cart. No street vendor shall use more than two folding chairs or stools in the operation of any cart."

Section 7.

Section 7.518 is amended in the following respect: The word "carts" is deleted and the words "mobile type devices" substituted therefor.

Section 8.

Section 7.811 is hereby added stating as follows:

"7.811 License Required: Fee. No person shall engage in business as an antique, second hand or junk dealer without obtaining a license from the City Manager. The annual license fee shall be $25.00."

Section 9.

Section 7.814 is amended by adding the following sentence:

"All records required under this section shall be on a form approved by the Chief of Police."

Read for the first time the 4th day of January, 1984

Read for the second time the 18th day of January, 1984

Placed upon its passage the 18th day of January, 1984

YES: 7 NO: 0

Submitted to and approved by the Mayor this 18th day of January, 1984

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1396

AN ORDINANCE AMENDING ORDINANCE NO. NS-1300 TO PROVIDE FOR CONTINUING APPOINTMENTS TO THE BEND URBAN AREA PLANNING COMMISSION.

The CITY COMMISSION DOES ORDAIN AS FOLLOWS:

Section 1. That Section 2, subsection (3) of Ordinance No. NS-1300 is amended to read as follows:

(3) Vacancies on the Commission shall be filled by the appropriate appointing authority for the unexpired term of the predecessor in office. Vacancies in the Commission created by the expiration of a member's term shall be filled by the appropriate appointing authority for a term of four (4) years.

Read for the first time the 21st day of March, 1984.

Read for the second time the 4th day of April, 1984.

Placed upon its passage the 4th day of April, 1984.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 4th day of April, 1984.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1397

NS-1397 repealed by NS-1498, passed 7-19-89

AN ORDINANCE AMENDING ORDINANCE NO. NS-948 (ADOPTION OF THE UNIFORM FIRE CODE) BY CORRECTING AN OVERSIGHT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1 Ordinance No. NS-948 (Uniform Fire Code), Section 7 (1) (5)(c) is amended to read:

"(c) In Group H, Division 4 Occupancies more than one story in height." (New material underlined)

Read for the first time the 2nd day of May, 1984.

Read for the second time the 16th day of May, 1984.

Placed upon its passage the 16th day of May, 1984

VOTE: Yes - 6 No - 0

Submitted to and approved by the Mayor the 16th day of May, 1984.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1398

AN ORDINANCE AMENDING THE CITY OF BEND CRIMINAL CODE BY ESTABLISHING THE OFFENSE OF "POSSESSION OF A THROWING STAR" AND PROVIDING FOR PENALTY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. 5.070 Possession of a Throwing Star

(1) Definition

"Throwing Star" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges, and designed in the shape of a polygon, trefoil, cross, star, diamond, or other geometric shape for use as a weapon for throwing.

(2) A person commits the offense of possession of a throwing star if the person knowingly manufactures, causes to be manufactured, brings into the city, keeps for sale, offers for sale, exposes for sale, gives, lends or possesses a throwing star as defined in section 1 herein.

(3) Possession of a throwing star is a Class A misdemeanor.

Read for the first time the 6th day of June, 1984.

Read for the second time the 20th day of June, 1984.

Placed upon its passage the 20th day of June, 1984.

VOTE: Yes - 6 No - 1

Submitted to and approved by the Mayor the 20th day of June, 1984.

Mayor

ATTEST:

Recorder-Treasurer

AMENDED BY ORD. # 1422, 1454, 1421, 1442, 1492, 1495 NS-1540, NS-1535, NS-1554

ORDINANCE NO. NS- 1399

AN ORDINANCE ADOPTING CHAPTER I OF THE CITY OF BEND CODE ENTITLED "GOVERNMENT AND ADMINISTRATION" AND REPEALING CERTAIN ORDINANCES.

THE CITY OF BEND ORDAINS AS FOLLOWS:

BEND CODE

CHAPTER I GOVERNMENT AND ADMINISTRATION

Section 1 The City of Bend hereby adopts Chapter I of the Bend Code attached hereto and incorporated herein by reference.

Section 2 Repealer. The following ordinances are hereby repealed:

Ordinance numbers NS-93, NS-258 (as amended by NS-696, NS-761, NS-833, NS-1030), NS-433 (as amended by NS-692, NS-1109), NS-465 (as amended by NS-1007), NS-526, NS-532 (as amended by NS-853), NS-536 (as amended by NS-1017, NS-1028, NS-1080), NS-556, NS-563 (as amended by NS-952), NS-578, NS-646, NS-694, NS-695 (as amended by NS-903), NS-816 (as amended by NS-999, NS-1334), NS-951 (as amended by NS-1264), NS-952, NS-1075, NS-1076, NS-1327.

Section 3 Savings Clause. This ordinance shall not affect:

(1) Any offense or act committed or done, or any penalty or forfeiture incurred;

(2) Any prosecution, suit or proceeding at the time this ordinance is enacted;

(3) Any judgement rendered prior to the time this ordinance is enacted.

Section 4 Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Read for the 1st time the 20th day of June, 1984.

Read for the 2nd time the 5th day of July, 1984.

Placed upon its passage the 5th day of July, 1984.

Vote: Yes - 6 No - 0

Submitted to and approved by the Mayor the 5th day of July, 1984.

Mayor

ATTEST:

Recorder-Treasurer

CHAPTER I GOVERNMENT AND ADMINISTRATION

GENERAL

CITY COMMISSION PROCEDURES

1.100	Meetings
1.102	Presiding Officer - Election and Duties
1.104	Chairperson Pro Tem
1.106	Order of Business
1.108	Call to Order - Presiding Officer
1.110	Roll Call
1.112	Quorum
1.114	Reading of Minutes
1.116	Rules of Debate
1.118	Addressing the Commission
1.120	Addressing the Commission After Motion Made
1.122	Manner of Addressing Commission
1.124	Decorum
1.126	Enforcement of Decorum
1.128	Question of Procedure
1.130	Silence Constitutes Affirmative Vote
1.132	Persons Authorized to be Within Commission Area
1.134	Ordinances, Resolutions, Motions, and Contracts
1.136	Reports and Resolutions to be Filed With Recorder
1.138	Recording of Commission Meetings

SEAL

1.160	City Seal

CLAIMS

1.170	Claims Against the City

SERVICE CHARGE PROCEDURES

1.180	Enforcement of Service Charge Payment
1.182	Denial of Service

CITY AGENTS

1.190	Reliance; Nonliability of City for Unauthorized Acts

INITIATIVE AND REFERENDUM

1.200	Definitions
1.202	Complete Procedure
1.204	Initiative Proposal
1.206	Referendum Procedure
1.208	Time for Referring Measure by Petition
1.210	Time for Referral by Commission
1.212	Prospective Petition
1.214	Election Officer Duties
1.216	Ballot Title Preparation
1.218	Ballot Title Appeals
1.220	Captions and Statements
1.222	Petition Requirements
1.224	Number of Signatures
1.226	Attachment of Measure to Sheets
1.228	Signature Limits
1.230	Verification of Signatures
1.232	Certification of Signatures
1.234	Presentation to Commission
1.236	Submission to Electors
1.238	Voting on Measures

1.240	Designating and Numbering Measures
1.242	Election Notice
1.244	Information to County Clerk
1.246	Election Returns
1.248	Proclamation of Election Results
1.250	Effective Date of Measures
1.252	Conflicting Measures
1.254	Voters Pamphlet
1.256	Unlawful Acts
1.258	Penalties

POLICE DEPARTMENT SERVICE CHARGES

1.350	Authorization; Schedule
1.352	Application
1.354	Records

CIVIL SERVICE - FIRE FIGHTERS AND AMBULANCE PERSONNEL

1.400	Definitions
1.402	Civil Service
1.404	Commission; Appointment; Term of Office; Vacancy
1.406	Qualification and Removal of Commissioners
1.408	Commission: Organization; Meetings; Quorum
1.410	Commission: Duties
1.412	Those Subject to Civil Service
1.414	Residence
1.416	Tenure of Office; Causes and Manner of Discharge
1.418	Removal
1.420	Duties of All Officers and Employees to Assist the Commission
1.422	Appointments to Vacant Positions; Certification From Lists
1.424	Creation of Employment; Fixing of Compensation
1.426	Certification of Payrolls
1.428	Leave of Absence
1.430	Civil Suits
1.432	Prohibited Conduct
1.434	Political Services Disregarded and Prohibited
1.436	Penalty

AIRPORT COMMISSION

1.500	Membership
1.502	Duties
1.504	Debt; Contracts
1.506	Reports to City Commission

EMERGENCY MANAGEMENT

1.520	Emergency Management Agency; Manager

CONTRACT REVIEW BOARD

1.550	Designation of Board
1.552	Definitions
1.554	Competitive Bids Exemption
1.556	Emergency Contracts
1.558	Brand Name Specification
1.560	Exemption Hearing
1.562	Bid Rejection
1.564	Bidder Disqualification
1.566	Appeal of Disqualification
1.568	Additional Authority

MUNICIPAL COURT

JURIES

1.600	Right of Jury Trial
1.602	Jury Selection
1.604	Court Terms
1.606	Jury Panel
1.608	Trial Jury Selection
1.610	Payment of Jurors
1.612	Verdicts
1.614	Justice Court Rules
1.616	Request for Jury Trial; Fee
1.618	Powers of Judge; Contempt

COURT COSTS

1.620	Amount
1.622	Disposal of Costs
1.624	Reimbursement
1.626	State Mandated Assessments
1.628	Enforcement

PAYMENT OF FINES AND COSTS

1.630	Time and Method of Payment
1.632	Effect of Non-payment

ATTORNEY FOR INDIGENT; FEES

1.640	Appointment
1.642	Fees

CODE ENFORCEMENT - CIVIL INFRACTION PROCEDURE

1.700	Establishment and Purpose
1.702	Definitions
1.704	Application
1.706	Procedure
1.708	Citation and Complaint
1.710	Private Person May Commence Action; Complaint; Service
1.712	Minimum Requirements for Summons
1.714	Minimum Requirements for Complaint
1.716	Delivery of Summons to Person Cited; Delivery of Other Parts of Citation
1.718	Appearance by Defendant
1.720	Effect of Statement in Explanation or Mitigation
1.722	Fixing Hearing Date; Notice to Defendant
1.724	Hearing Discretionary with the Court
1.726	Warrant for Arrest
1.728	Trial; Burden of Proof
1.730	Enforcement
1.732	Schedule of Fines
1.734	Bail Schedule
1.736	Appeal
1.738	Specific Infraction Provisions
EXHIBIT A	Citation and Complaint

CODE SECTION	ORDINANCE OR OTHER SOURCE
1.100	433 (1)
1.102	433 (3); 433 (18)
1.104	433 (4)
1.106	433 (8)
1.108	433 (5)
1.110	433 (6)
1.112	433 (7)
1.114	433 (9)
1.116	433 (10); 433 (19)
1.118	433 (11)
1.120	433 (12)
1.122	433 (13)
1.124	433 (14)
1.126	433 (15)
1.128	433 (3)
1.130	433 (16)
1.132	433 (17)
1.134	433 (22)
1.136	433 (23)
1.138	433 (20)
1.160	93 (1); 93 (2)
1.170	433 (21)
1.180	Unnumbered Draft Ordinance (1-27-84)
1.182	Unnumbered Draft Ordinance
1.190	Unnumbered Draft Ordinance
1.200	New
1.202	646 (1)
1.204	New
1.206	New
1.208	Charter Sec. 4.18
1.210	646 (1)
1.212	ORS 250.015; ORS 250.041(2); Charter Sec. 4.14
1.214	New
1.216	Charter Sec. 4.22
1.218	Charter Sec. 4.22
1.220	ORS 250.035; ORS 250.041(2)
1.222	New
1.224	Charter Sec. 4.19; 4.20
1.226	Charter Sec. 4.16
1.228	Charter Sec. 4.16
1.230	Charter Sec. 4.15
1.232	Charter Sec. 4.17
1.234	646 (2)
1.236	646 (2); 646 (4)
1.238	646 (4)
1.340	Charter Sec. 4.23
1.242	Charter Sec. 4.24
1.244	New
1.246	Charter Sec. 4.25
1.248	Charter Sec. 4.25
1.250	Charter Sec. 4.25
1.252	646 (5)
1.254	646 (6)
1.256	646 (7)
1.258	New - Replaces Old Penalty Provision of 646 (7)
1.300	863 (1)
1.302	863 (2); New
1.304	863 (3); 863 (2)
1.306	863 (4)
1.308	New
1.310	863 (1)
1.350	532 (1)
1.352	532 (1)
1.354	532 (2)

CODE SECTION	ORDINANCE OR OTHER SOURCE
1.400	258 (20)
1.402	258 (1)
1.404	258 (2)
1.406	258 (3)
1.408	258 (4)
1.410	258 (5)
1.412	258 (7)
1.414	258 (9)
1.416	258 (10)
1.418	258 (11)
1.420	258 (12)
1.422	258 (13)
1.424	258 (14)
1.426	258 (15)
1.428	258 (16)
1.430	258 (17)
1.432	258 (18)
1.434	258 (19)
1.436	258 (23
1.450	1075 (1)
1.452	1075 (2)
1.454	1075 (3)
1.456	1075 (4)
1.458	1075 (5)
1.460	1075 (6)
1.462	1075 (7)
1.464	1075 (8)
1.466	1075 (9)
1.468	1075 (10)
1.500	816 (1)
1.502	816 (2)
1.504	816 (4)
1.506	816 (5)
1.520	New - Replaces Ord. No. 694
1.550	1076 (1)
1.552	1076 (2)
1.554	1076 (3)
1.556	1076 (4)
1.558	1076 (5)
1.560	1076 (6)
1.562	1076 (7)
1.564	1076 (8)
1.566	1076 (9)
1.568	1076 (10)
1.600	536 (1)
1.602	536 (3)
1.604	536 (2)
1.606	536 (4)
1.608	536 (5)
1.610	536 (6)
1.612	536 (7)
1.614	536 (8)
1.616	536 (9)
1.618	536 (10)
1.620	465 (1); 465 (2)
1.622	465 (3)
1.624	465 (4)
1.626	New
1.628	465 (5)
1.630	952 (1)
1.632	952 (2)
1.640	951 (1)

CODE SECTION	ORDINANCE OR OTHER SOURCE
1.642	951 (2)
1.700	1327 (1)
1.702	1327 (2)
1.704	1327 (3)
1.706	1327 (4)
1.708	1327 (5)
1.710	1327 (6)
1.712	1327 (7)
1.714	1327 (8)
1.716	1327 (9)
1.718	1327 (10)
1.720	1327 (11)
1.722	1327 (12)
1.724	1327 (13)
1.726	1327 (14)
1.728	1327 (15)
1.730	1327 (16)
1.732	1327 (17)
1.734	1327 (18)
1.736	1327 (19)
1.738	1327 (17)
EXHIBIT A	1327 EXHIBIT A

The following ordinance sections were among those not included in the chapter draft:

Ord. 258 (8)	This was a transition section at the time of the civil service adoption; it did not appear necessary.
Ord. 258 (21)	All ordinance severability clauses should ultimately be replaced by a general code section to the same effect.
Ord. 258 (22)	This was an old repealing clause.
Ord. 952 (3); (4)	These affect No. 563, which is scheduled for repeal.
Ord. 863	Still in effect
Ord. 1075	Controlled by State Law

CITY COMMISSION PROCEDURES

1.100 Meetings.

(1) Unless provided otherwise by ordinance, the City Commission shall hold regular meetings on the first and third Wednesdays of each month at 7:30 p.m. If the regular meeting falls on a holiday, the meeting shall be held on the day following.

(2) Regular Commission meetings shall be held in the commission room of city hall.

(3) Adjourned meetings may be held at such times as the Commission may determine.

(4) Special meetings of the Commission may be called and held as provided by the city charter and state law.

1.102 The Presiding Officer - Election and Duties. At the first meeting in January of each year, the Commissioners shall elect from their membership a mayor, who shall become the presiding officer immediately following the election. The presiding officer shall preserve strict order and decorum at all meetings, state every question coming before the Commission, announce the decision of the Commission on all subjects, and decide all questions or order, subject, however, to an appeal to the Commission. A majority vote of the Commission shall decide the appeal. The mayor shall vote last on all questions and shall sign all ordinances and resolutions adopted by the Commission during his or her presence. If the mayor is absent, the presiding officer shall sign ordinances or resolutions as then adopted. Special committees shall be appointed by the presiding officer, unless otherwise directed by the Commission.

1.104 Chairperson Pro Tem. At the time of the election of the mayor, the Commissioners shall elect one of their members to the position of chairperson pro tem. The chairperson pro tem shall be presiding officer during the absence of the mayor.

1.106 Order of Business. Commission meetings shall be open to the public, except as provided by the charter and state law. Promptly at the hour set by law on the day of each regular meeting, the members of the Commission, the city recorder, and the city manager shall take their regular stations in the commission room, and the business of the Commission shall be taken up for consideration and disposition in the following order:

1. Roll Call
2. Consideration of minutes of previous meeting.
3. Visitors' propositions.
4. Communications
5. Petitions.
6. Unfinished business.
7. New business.
8. Resolutions.
9. Reading of ordinances - first time.
10. Reading of ordinances - second time.
11. Bills against the city.
12. Officers' reports.
13. Manager's report.
14. Good of the city.

1.108 Call to Order - Presiding Officer. The mayor, or in his absence, the chairperson pro tem, shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Commission to order. In the absence of the mayor or chairperson pro tem, the city recorder, or assistant, shall call the Commission to order, and a temporary chairperson shall be elected by the members of the Commission present. Upon the arrival of the mayor or chairperson pro tem, the temporary chairperson shall immediately relinquish the chair upon the conclusion of the business immediately before the Commission.

1.110 Roll Call. Before proceeding with the business of the Commission, the city recorder or assistant shall call the roll of the members, and the names of those present shall be entered in the minutes.

1.112 Quorum. A majority of the Commission shall constitute a quorum to do business, but a lesser number may appear and adjourn from time to time.

1.114 Reading of Minutes. Unless a reading of the minutes of a Commission meeting is requested by a Commissioner, the minutes may be approved without reading if the recorder has previously furnished each member with a copy.

1.116 Rules of Debate.

(1) The mayor or any other Commissioner shall not be deprived of any of the rights and privileges of a Commissioner by reason of acting as the presiding officer.

(2) A member desiring to speak shall address the chair, and upon recognition by the presiding officer, shall speak only to the question under debate, avoiding all personalities and indecorous language.

(3) A member, once recognized, shall not be interrupted when speaking unless it be to call to order, or as herein otherwise provided. If a member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined, and, if in order, shall be permitted to proceed.

(4) The Commissioner moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(5) A motion to reconsider any action taken by the Commission may be made only on the day the action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session. The motion must be made by one of the prevailing side, but may be seconded by any member. The motion may be made at any time and shall have precedence over all other motions. The motion shall be debatable. Nothing in this section shall be construed to prevent any member of the Commission from making or remaking the same or any other motion at a subsequent meeting of the Commission.

(6) A Commissioner may request, through the presiding officer, the privilege of having an abstract of his or her statement on any subject under consideration by the council entered in the minutes. If the Commission consents, the statement shall be entered in the minutes.

(7) The City Recorder may be directed by the presiding officer, with consent of the Commission, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Commission.

(8) A member shall have the right to have the reasons for his or her dissent from, or protest against, any action of the Commission entered into the minutes.

1.118 Addressing the Commission. A person desiring to address the Commission shall first secure the permission of the presiding officer so to do; provided, however, that under the following headings of business, unless the presiding officer rules otherwise, any qualified person may address the Commission without securing such prior permission:

(1) Written communications. Interested parties or their authorized representatives may address the Commission by written communications in regard to matters then under discussion.

(2) Oral communications. Taxpayers or residents of the city, or their authorized representatives, may address the Commission by oral communications on any matter concerning the city's business, or any matter over which the commission has control. Preference shall be given to those persons who notify the city recorder in advance of their desire to speak in order that the same may appear on the agenda of the Commission.

(3) Reading of protests, etc. Interested persons or their authorized representatives may address the Commission by reading of protests, petitions, or communications relating to zoning, sewer and street proceedings, hearings on protests, appeals and petitions, or similar matters, in regard to matters then under consideration.

1.120 Addressing the Commission After Motion Made. After a motion is made by

the Commission, no person shall address the Commission without first securing the permission of the Commission to do so.

1.122 Manner of Addressing Commission. Each person addressing the Commission shall give his or her name and address in an audible tone of voice for the record. All remarks shall be addressed to the Commission as a body and not to any particular member. No person, other than the Commissioners and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the presiding officer. No question shall be asked a Commissioner except through the presiding officer, who may give permission in an orderly fashion.

1.124 Decorum.

(1) When the Commission is in session, the members must preserve order and decorum, and no member shall delay or interrupt the proceedings or the peace of the Commission, disturb any member while speaking, or refuse to obey the orders of the Commission or its presiding officer, except as provided by Sections 1.100 to 1.138.

(2) Any member of the audience who makes personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing the Commission shall be barred, by the presiding officer, from further audience before the Commission, at that particular meeting, unless permission to continue is granted by a majority vote of the Commission.

1.126 Enforcement of Decorum. The chief of police, or designated member or members of the police department shall be sergeant-at-arms of the Commission meetings. The sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the commission meetings. Under instructions of the presiding officer, the sergeant-at-arms shall place any person who violates the order and decorum of the meeting under arrest, and cause him to be prosecuted under the provisions of the code or ordinances of the city of Bend and a violation of this section shall be deemed a disorderly conduct in a public place, and shall be prosecuted as such on a complaint to be signed by the presiding officer.

1.128 Question of Procedure. Questions of procedure not specifically provided for in this code or in the charter shall be governed by Robert's Rules of Order, Revised Edition.

1.130 Silence Constitutes Affirmative Vote. Unless a member of the Commission states that he or she is not voting, silence shall be recorded as an affirmative vote.

1.132 Persons Authorized to Be Within The Commission Area. No person, except authorized city officials, their representatives and news reporters, shall be permitted within the Commission area of the commission room, except by express consent of the Commission.

1.134 Ordinances, Resolutions, Motions, and Contracts.

(1) Ordinances shall be prepared by the City Attorney. No ordinance shall be prepared for presentation to the Commission unless ordered by a majority vote of the Commission, or requested in writing by the City Manager or prepared by the City Attorney, with the approval of the City Manager or on his or her own initiative.

(2) All ordinances, resolutions, and contract documents involving substantive matters of administration shall be approved as to form and legality by the City Attorney or authorized representative, and for administration by the City Manager or authorized representative, before presentation to the Commission.

1.136 Reports and Resolutions to Be Filed With Recorder. Reports and resolutions shall be filed with the Recorder and entered on the minutes.

1.138 Recording of Commission Meetings. Voice recordings of Commission meetings shall be made when practicable. The recordings shall be retained and stored in a safe place by the City Manager until the Commission directs their disposal. The recordings shall not be permitted to be taken outside the confines of city hall.

1.160 City Seal. The seal of the city consists of a representation of the sun setting behind the Three Sisters Mountains, surrounded by an outer rim containing the words, "Seal of the City of Bend, Deschutes County, Oregon," and also the figures, "1905." The seal makes an impression 1-7/8 inches in diameter.

1.170 Claims Against the City. Claims against the city shall be reviewed by the City Manager, who shall recommend to the City Commission for payment those considered valid and proper. No claim shall be paid except after Commission approval.

SERVICE CHARGE PROCEDURES

1.180 Enforcement of Service Charge Payment. Whenever any charge for furnishing water or sewer service to any premises becomes past due, the city is entitled to the following remedies:

(1) Where the premises is occupied by the same person or persons who incurred the water or sewer service charge, the city may terminate the water service to the occupants until the charge is paid in full.

(2) Where the account is more than 3 months overdue or where the premises are no longer occupied by the same person or persons who incurred the water or sewer service charge, the money owed shall constitute a lien against the premis which was furnished the water or sewer service. The Recorder-Treasurer shall enter the lien in the docket of city liens. Notice shall be given to the owner of the premises as shown by the records of the Deschutes County Assessor.

(3) Any unpaid lien shall accumulate interest at a rate of 10% per annum. Interest shall begin to run from the date of entry of the lien on the lien docket and continue to run until the amounts docketed are paid in full. A lien shall be enforced in the same manner as liens for street improvements are enforced.

1.182 Denial of Service Hearing. Applications for water service to premises where the service is terminated because of unpaid charges shall be processed by the city in customary course and shall be approved if the application is legally sufficient. A ground for denial of the application shall exist, however, if the premises continues to be occupied, at the time of the application, by a person legally competent to contract who was an occupant of the premises during the time that the unpaid charge was incurred. The city may continue to deny an application on this ground until the unpaid charge is paid in full. Water service shall not be reinstated until a deposit of $25 is paid per dwelling unit equivalent. A person whose application is denied on this ground shall have a right of appeal to the City Commission. A request for an appeal to the Commission must be made no later than 5:00 p.m. of the Friday prior to the regular Commission meeting at which the applicant desires to be heard. The city and the applicant have equal rights to be heard before the Commission.

CITY AGENTS

1.190 Reliance; Nonliability of City for Unauthorized Acts.

(1) No agent acting on behalf of the city has authority to bind the city to any obligation unless that agent is specifically authorized to do so by an official of the city who has both the authority to do bind the city and the authority to lawfully delegate that power to such an agent.

(2) No person is entitled to rely upon any offer to contract, acceptance of an offer to contract or other representation regarding an obligation of the city without first ascertaining that the person or organization purporting to be acting on behalf of the city has the actual authority to bind the city as its actual agent acting within the precise scope of authority granted by the city, as contemplated by the parties.

(3) If the contract contemplated by the parties is required by law to be in writing, the person contracting with any purported agent of the city is responsible for determining that the agent's grant of authority from the city is in writing and properly executed and that the contemplated act of the agent is within the precise scope of that grant of authority.

(4) The city is not liable for the act of any purported agent not actually authorized by the city to act in that capacity.

INITIATIVE AND REFERENDUM

1.200 Definitions. As used in Sections 1.200 to 1.258 the following mean:

(1) City Elections Officer. The city recorder for the City of Bend.
(2) Elector. A person who is qualified to vote in the city.
(3) Emergency Election. An election held as provided by ORS 221.230(2) when the Commission finds that to avoid extraordinary hardship to the community it is necessary to hold an election sooner than the next available election date specified in ORS 221.230(1).
(4) Measure. A legislative enactment by the Commission that is not necessary for the immediate preservation of the public peace, health and safety; a part of such enactment; or a proposed legislative enactment for the city.
(5) Petition. An initiative or referendum petition for ordering a measure to be submitted to the electors.
(6) Prospective Petition. The information, except title information and signatures and other identification of petition signers, required to be contained in a complete petition.
(7) Regular Election. A city election held at the same time as a primary or general biennial election for election of state and county officers.
(8) Special Election. An election held on a date specified in ORS 221.230(1) that is not a regular election.
(9) Write. To write, type or print.

1.202 Complete Procedure. Sections 1.200 to 1.258 and the city charter provide a complete procedure for the electors to exercise initiative and referendum powers.

1.204 Initiative Proposal. An initiative measure shall be proposed by filing with the city elections officer a complete petition that meets the requirements of Section 1.222 and orders the measure to be submitted to the electors.

1.206 Referendum Procedure. A measure shall be referred by:

(1) Filing with the city elections officer a complete referendum petition that meets the requirements of Section 1.222; or

(2) Submission of the measure to the electors by the Commission.

1.208 Time for Referring Measure by Petition. A complete referendum petition for a measure, including the required signatures, must be filed with the city elections officer within 30 days after the Commission enacts the measure.

1.210 Time for Referral by Commission. The Commission may refer a measure only at the session at which it enacts the measure.

1.212 Prospective Petition.

(1) A prospective petition shall be in the form prescribed by the secretary of state and the city charter.

(2) Prior to its circulation, a copy of the prospective petition shall be deposited with the city elections officer with a correct copy of the measure and a signed statement on the face of the petition stating the name and address of the person or persons, not to exceed three, under whose authority and sponsorship the petition was prepared and is to be circulated or, if the sponsor is an organization, its name and address and the name and address of each of the principal officers of the organization.

1.214 Elections Officers Duties. When a copy of a prospective petition is deposited with the city elections officer, the officer shall immediately:

(1) Check the form for compliance with Section 1.212;

(2) Advise the person depositing it whether it complies with Section 1.212 and, if it does not, how to correct it;

(3) Stamp the date and time on the petition;

(4) Provide a sample petition form prescribed by the secretary of state, if one has not already been obtained; and

(5) Send a copy to the city attorney for preparation of the ballot title.

1.216 Ballot Title Preparation.

(1) The ballot title for a measure ordered by the Commission or proposed to be ordered by petition shall be prepared and in the hands of the city elections officer within five working days after the Commission orders the submission or after a copy of the prospective petition is deposited with the officer.

(2) When the Commission orders submission of a measure to the electors or when a prospective petition is deposited with the city elections officer, the officer shall send a copy of the measure to the city attorney, who shall prepare the ballot title and return it to the officer.

1.218 Ballot Title Appeals. An elector who is dissatisfied with the ballot title may, within five days after it is prepared and deposited with the city elections officer, appeal to the Commission by a written appeal deposited with the officer asking for a different ballot title for the measure and stating why the title is unsatisfactory. Within three days after deposit of the appeal with the officer, the Commission shall provide the appellant a hearing and either approve the title or prescribe another ballot title. The title thus adopted shall be the ballot title for the measure.

1.220 Captions and Statements. The ballot title shall be a concise and impartial statement of the purpose of the measure. It shall consist of:

(1) A caption not exceeding 10 words by which the purpose of the measure is commonly referred to;

(2) A question not exceeding 20 words that plainly states the purpose of the measure and is phrased so that an affirmative response to the question corresponds to an affirmative vote on the measure; and

(3) An abbreviated statement not exceeding the number of words permitted by Oregon law or City Charter that summerizes the measure.

1.222 Petition Requirements. Prior to circulation, a petition must:

(1) Be in the form prescribed by the secretary of state; a sample of the form is available in the office of the city elections officer;

(2) Contain the name and address of the sponsor or sponsors of the petition; and

(3) Have written in the foot margin of each signature sheet and on the cover:

(a) On an initiative petition, the caption that is part of the ballot title. The cover sheet shall contain the entire ballot title.

(b) On a referendum petition, the number and title of the measure to be referred as enacted by the Commission. If there is no title, the title supplied by the petitioner shall be used as the title.

1.224 Number of Signatures.

(1) An initiative petition must be signed by a number of legal voters of the City of Bend equal to the greater of:

(a) fifteen percent (15%) of the votes cast for and against the person who received the greatest number of votes for a municipal office at the last preceding general municipal election;

(b) fifteen percent (15%) of the votes cast for and against a municipal measure at the last preceding general municipal election.

(2) A referendum petition must be signed by a number of legal voters of the City of Bend equal to the greater of:

(a) ten percent (10%) of the votes cast for and against the person who received the greatest number of votes for a municipal office at the last preceding general municipal election;

(b) ten percent (10%) of the votes cast for and against a municipal measure at the last preceding general municipal election.

1.226 Attachment of Measure to Sheets. A signature on a petition sheet shall not be counted unless a copy of the measure to which the petition refers is attached to the sheet at the time of signing and filing.

1.228 Signature Limits. Only the first 20 names on a page of a petition shall be considered in computing the number of valid signatures on the petition.

1.230 Verification of Signatures and Statement of Circulator. A signature on a petition sheet shall not be counted unless the person who circulated the sheet verifies by a signed statement on its face that the individuals signed the sheet in the presence of the circulator and the circulator believes that each individual who signed is a qualified elector. The circulator shall state whether or not he or she was paid for circulating the petition.

1.232 Certification of Signatures. Within 10 days after a petition is offered for filing with the city elections officer, the officer shall verify the number and genuineness of the signatures and the voting qualifications of the person who signed the petition by reference to the registration books in the office of the Deschutes County Clerk. If a sufficient number of electors signed the petition, the officer shall so certify and file the petition. If the officer determines that there is an insufficient number of signatures, the petition shall be returned to the person who offered the petition for filing.

1.234 Presentation to Commission. At the next regular meeting of the Commission after the proposal of a completed initiative measure, the city elections officer shall present the measure to the Commission. The City Commission may adopt or reject any measure over which it has legislative power. If the measure is not adopted by the Commission it shall be submitted to the voter as set forth in Section 1.236.

1.236 Submission to Electors.

(1) The city elections officer shall cause a charter or charter amendment proposed by the initiative, and any other initiative measure not adopted within 30 days after its filing, to be submitted to the electors at the time provided by Section 1.238.

(2) The city elections officer shall cause a referred measure to be submitted to the electors at the time fixed by Section 1.238.

1.238 Voting on Measures.

(1) The time for voting on a measure shall be the first available election date more than 90 days after the verification and filing of a petition by the city elections officer.

(2) The Commission may call an emergency election for a measure and set the date for it as provided by ORS 221.230.

1.240 Designating and Numbering Measures. Measures shall appear on a ballot by ballot title only. Initiative measures, referendum measures and charter amendments proposed by the Commission shall be distinguished as provided by the charter. The sequence of measures to be voted on shall be the sequence in which the respective measures are ordered to be submitted to the electors, with the first measure to be numbered "51" in numerals, and the succeeding measures to be numbered consecutively "52," "53," "54," and so on.

1.242 Election Notice. The city elections officer shall give notice of all elections in accordance with the requirements of the city charter.

1.244 Information to County Clerk. When a measure is to be voted on at a regular or special election, the city elections officer shall furnish a certified copy of the ballot title and the number of each measure to be voted on to the Deschutes County Clerk in accordance with the time limits established by state law and City Charter.

1.246 Election Returns. The votes on a measure shall be counted, canvassed and returned by the county clerk as provided by state law and in accordance with the city charter.

1.248 Proclamation of Election Results.

(1) Immediately after completion of the canvass of the votes on a measure, the mayor shall issue a proclamation:

(a) Stating the vote on the measure;

(b) Declaring whether the vote shows a majority to be in favor of it; and

(c) If a majority of electors favor the measure, declaring it to be effective from the date of the proclamation and publication.

(2) The city elections officer shall give public notice of the proclamation by publishing it once in a newspaper of general circulation in the city within fifteen days after the election.

(3) The proclamation shall be filed with the measure.

1.250 Effective Date of Measure. A measure submitted to the electors shall take effect upon proclamation and publication as provided by the city charter. A measure shall have no effect while it is subject to the referendum.

1.252 Conflicting Measures. When conflicting measures are approved by the electors at an election, the one receiving the greater number of affirmative votes shall be paramount.

1.254 Voters Pamphlet. It shall not be necessary to distribute a voters pamphlet concerning any measure unless directed by the Commission.

1.256 Unlawful Acts.

(1) No person other than a registered elector shall sign a petition.

(2) No person shall sign a petition with a name not his or her own.

(3) No person shall knowingly circulate, file or attempt to file with the elections officer a petition that contains a signature signed in violation of Sections 1.200 to 1.258.

(4) No person shall procure or attempt to procure a signature on a petition by fraud.

(5) No person shall knowingly make a false statement concerning a petition.

(6) No person shall make a document required or provided for by Sections 1.200 to 1.258 that contains a false statement.

(7) No officer shall wilfully violate a provision of Sections 1.200 to 1.256.

1.258 Penalties. Violation of a provision of Section 1.256 is a Class C Civil Infraction.

POLICE DEPARTMENT SERVICE CHARGES

1.350 Authorization. To defray the costs of certain services, the Police Department is authorized to charge a fee in an amount not to exceed the actual costs. These services include, but are not limited to; record searches, providing copies of original reports or statements, providing prints of photographs, and taking fingerprints. A schedule of fees shall be readily available in the Police Department.

1.352 Application. Section 1.350 does not apply to any city, county, state, or federal agency or subdivision, which requests the information. This section does not give any rights to secure any report or other information not otherwise available.

1.354 Records. The Police Department shall keep a full and complete record of all fees collected under the authority of this section and shall remit the same to the city treasurer at regular intervals. The treasurer shall credit the amounts received to the general fund of the city.

CIVIL SERVICE - FIRE FIGHTERS AND AMBULANCE PERSONNEL

1.400 Definitions. As used in Sections 1.400 to 1.438, the following terms mean:

(1) Appointing Power. Every person or group of persons who are vested by law with power and authority to select, appoint, or employ any person to hold any office, place, position, or employment subject to civil service.

(2) Appointment. Includes all means of selection, appointing, or employing a person to hold an office, place, position, or employment subject to civil service.

(3) Commission. The Civil Service Commission for the city of Bend.

(4) Commissioner. Any one of the three members of the Civil Service Commission.

1.402 Civil Service Adopted. A system of civil service shall cover the employment of all full time paid fire fighters and ambulance technicians and ambulance supervisors employed by the city.

1.404 Commission; Appointment; Term of Office; Vacancy. The Civil Service Commission shall be composed of three persons, appointed by the City Commission and shall serve without compensation. The term of office of each commissioner shall be six years, except that the term of office of any commissioner appointed to fill a vacancy in the office shall be for the unexpired term of the vacant office.

1.406 Qualifications and Removal of Commissioners. A commissioner shall be an American citizen, a city resident for at least three years immediately preceding the appointment, and an elector of Deschutes County. The City Commission may, by resolution, remove a member of the commission from office for incompetency, dereliction of duty, malfeasance in office, or other good cause, after giving the commissioner a copy of the charges and an opportunity to be heard in person or by counsel after not less than 10 days' notice.

1.408 Commission: Organization; Meetings; Quorum. Immediately after its appointment, the commission shall organize by electing one of its members as chairperson. It shall hold meetings necessary for the proper discharge of its duties. Notice in accordance with state law shall be given to all members, and the Bend Fire Fighters Association. The chairperson of two members of the commission may call a meeting. Two members of the commission constitute a quorum, and the votes of two members shall be sufficient for the decisions and the transaction of the business of the commission.

1.410 Commission: Duties. The commission shall:

(1) Devote due time and attention to the discharge of the duties imposed upon it by the provisions of this code.

(2) Make suitable rules and regulations not inconsistent with the provisions of this code, provide in detail the manner in which examinations may be held and appointments, promotions, transfers, reinstatements, demotions, suspensions, and discharges made. It may also provide for any other matters connected with the general subject of personnel administration to further carry out the general purposes of Sections 1.400 to 1.436 or which may be found to be in the interest of good personnel administration. The rules and regulations may be changed from time to time, and copies shall be available for public examination.

(3) Investigate and report upon all matters touching the enforcement and effect of the provisions of Sections 1.400 to 1.436 and its rules and regulations, inspect all institutions and departments, offices, places, positions, and employments affected by these sections, and ascertain whether these sections and all rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated for that purpose. The commission shall investigate on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting out in concise language in writing the necessity for the investigation. In the course of the investigation the commission or designated commissioner may administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents, and accounts appertaining to the investigation, and to cause the depositions of witnesses residing within or without the state to be taken in the matter prescribed by law for such depositions in civil suits of the United States. The oaths administered have the same force and effect as the oaths administered by the circuit judge in a judicial capacity.

(4) To hear and investigate cases before the commission or designated commissioner as governed by Sections 1.400 to 1.436 and the rules of practice and procedure adopted by the commission. Technical rules of evidence do not apply and any informality or defect in the proceedings or hearing, or in the manner of taking testimony shall not invalidate any order, decision, rule, or regulation made, approved or confirmed by the commission. No order, decision, rule or regulation made by any designated commissioner conducting a hearing or investigation shall be of force or effect unless concurred in by at least one other member of the commission.

(5) Hear and determine complaints respecting the administration of personnel, allocation of positions, examination rejections, and all other matters referred to the commission.

(6) Establish and maintain in card index or other suitable form a roster of officers and employees of the Fire Department.

(7) Provide for, formulate, and hold competitive tests, or constitute

and appoint suitable agencies therefor, for the purpose of determining the relative qualifications of persons who seek employment in any classified position under civil service and to establish eligible lists for the various classified positions. To provide that persons laid off because of curtailment of expenditures, reduction in force, and for like causes shall be the last persons, including probationers, that have been appointed to the Fire Department. Removal shall be accomplished by suspending in numerical order, commencing with the last person appointed to the Fire Department, all recent appointees to the Fire Department, until the reductions necessary have been accomplished. In the event the Fire Department is again increased in numbers, the persons suspended under the terms of this section shall be reinstated before any new appointments to the Fire Department are made.

(8) Certify to the appointing authority on written request, the names of the three persons highest on the eligible list for the class to fill a vacant position. If there are no lists, the commission shall authorize a provisional or temporary appointment list. A temporary or provisional appointment shall not continue for a period longer than four months and no person shall receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year.

(9) Keep records as necessary for the proper administration of Sections 1.400 to 1.436.

1.412 Those Subject to Civil Service. The civil service applies to and is a classified service of all positions now existing or hereafter created in the full paid Fire Department, including that of Fire Chief. All present incumbents and all future appointees shall be subject to civil service. All department appointments and promotions shall be made solely on merit, efficiency, and fitness, which shall be ascertained by open competitive examination and impartial investigation. No person shall be suspended, discharged, reinstated, or transferred from any such place, position, or employment contrary to the provisions of Sections 1.400 to 1.436.

1.414 Residence. All paid fire fighters, ambulance technicians and ambulance supervisors subject to Sections 1.400 to 1.438 must reside either within the city 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. Their residences must be within the effective and actual communicating range of the radio alerting system used by the Bend City Fire Department.

1.416 Tenure of Office; Causes and Manner of Discharge. The tenure of every person holding an office, place, position, or employment in the classified service 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 the classified service shall be removed or discharged, suspended, or demoted, or reduced in rank for any political or religious reason or purpose. Any paid fire fighter under the 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:

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

(2) Dishonesty, immoral, disgraceful, or prejudicial conduct, insubordination, discourteous treatment of the public or a fellow employee, any act or omission tending to injure the public service, any other willful failure of proper conduct on the part of the employee, or any willful violation of the provisions of Sections 1.400 to 1.436 or the rules and regulations of the commission.

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

(4) Mental or physical unfitness for the position which the employee holds.

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

(6) Any other act or failure to act which in the judgment of the commission shows the offender to be an unsuitable and unfit person to be employed in the public service.

1.418 Dismissal, Demotion, Suspension; Hearing; Findings.

(1) No person in the classified civil service who has been permanently appointed or inducted into civil service under provision of Sections 1.400 to 1.436 shall be removed, suspended, demoted, or discharged except for a cause, and only upon the written accusation of the appointing power. A written statement of the accusation in general terms shall be served upon the accused, and a duplicate filed with the commission.

(2) Any permanent employee who has been removed, suspended, demoted, or discharged may, within 10 days from the time of removal, suspension, demotion or discharge, file with the commission a signed written demand for an investigation. If the demand alleges, or if it otherwise appears to the commission, that the dismissal was not made in good faith for cause, the commission shall conduct an investigation and hold a public hearing within 30 days from the time appeal is filed. Appellant may be represented by counsel. The investigation shall be confined to the determination of the question of whether the dismissal was made in good faith for cause. The investigation shall be confined to the determination of the question whether the removal, suspension, demotion, or discharge was made for political or religious reasons and whether it was made in good faith for cause.

(3) After the investigation the commission may affirm the removal, or, if it finds that the removal, suspension, or demotion was made for political or religious reasons or was not made in good faith for cause, it shall order the immediate reinstatement or reemployment of the person in the office, place, position, or employment from which such person was removed, suspended, demoted, or discharged. Reinstatement shall, if the commission so provides in its discretion, be retroactive and entitle the person to pay or compensation from the time of such removal, suspension, demotion, or discharge. The commission upon investigation, may modify the order of removal, suspension, demotion, or discharge by directing a suspension without pay for a given period and subsequent restoration of duty, or demotion in classification, grade, or pay. The findings of the commission shall be certified in writing to, and immediately enforced by, the appointing power.

1.420 Duties of all Officers and Employees to Assist the Commission. Officers and employees of the city shall aid in carrying out the provisions of Sections 1.400 to 1.436 and the rules and regulations of the commission, and shall afford the commission, its members, and employees all reasonable facilities and assistance to inspect books, papers, documents, and accounts applying or in any way appertaining to offices, places, positions, and employments subject to civil service, and shall produce books, papers, documents, and accounts, and attend and testify, whenever required so to do by the commission or any commissioner.

1.422 Appointments to Vacant Positions; Certification From Lists.

(1) Whenever a position in the classified service becomes vacant, the appointing power shall request the commission for the name and address of a person eligible for appointment. The commission shall certify the names of the three persons highest on the eligible list for the class to which the vacant position has been allocated, who are willing to accept employment. If there is no appropriate eligible list for the class, the commission shall certify the names of the three persons standing highest on the list held appropriate for such class. If more than one vacancy is to be filled, an additional name shall be certified for each additional vacancy. The appointing power shall appoint one person to each vacant position.

(2) Whenever a request is made, or a position is held by a temporary appointee and an eligible list for the class of the position exists, the commission shall certify the names of three persons eligible for appointment to the appointing power, and the appointing power shall appoint one of the persons to the position. No person so appointed shall be laid off, suspended, or given leave of absence from duty, transferred, or reduced in pay or grade except for reasons which will promote the good of the service, specified in writing, and after an opportunity to be heard by the commission and then only with its consent and approval.

(3) No appointment, employment, or promotion in any position in the classified service shall be deemed complete until after the expiration of a period of nine months' probationary service. During the probationary period the appointing power may at any time terminate the employment of any person certified to it, if during the performance test thus afforded, upon observation or consideration of the performance of duty, the appointing power considers the person unfit or unsatisfactory for service in the position to be filled. If so, the appointing power shall choose a person certified on the eligible list provided and the person shall enter service, and selection shall proceed in this manner until some person is found who satisfactorily meets the tests and requirements of the probationary period, and the appointment, or promotion becomes complete.

(4) If applicants for a position as paid fire fighter in the city of Bend have equal qualifications, preference shall be given to persons who reside within the city of Bend.

1.424 Creation of Employment; Fixing of Compensation. Section 1.400 to 1.436 shall not infringe upon the power and authority of the city to create or abolish offices, positions, or employments, or to fix the salaries and compensation of all employees.

1.426 Certification of Payrolls.

(1) The commission shall certify in writing to the payroll officer of the city.

(a) The name of each person appointed or employed subject to Sections 1.400 to 1.436, stating each case, the title or character of the position held by the person, the salary or compensation assigned, and the date of the beginning of the person's service.

(b) Every change occurring in any position held by person whose employment is subject to Sections 1.400 to 1.436.

(2) Certification shall be made by the commission annually.

(3) The commission shall notify the payroll officer of the city of the names of any persons employed in violation of Sections 1.400 to 1.436 or regulations established under their authority.

1.428 Leave of Absence. Leave of absence, with or without pay, may be granted by any appointing power to any person under civil service. The recorder shall give notice of the leave to the commission. All temporary employment caused by leaves of absence shall be made from the eligible list of the classified civil service.

1.430 Civil Suits. The commission shall begin and conduct all civil suits necessary for the proper enforcement of Sections 1.400 to 1.436 and of the rules of the commission. The commission shall be represented in these suits by the city attorney but the commission may in any case be represented by special counsel to be appointed by it after first obtaining authorization as to appointment and compensation from the city commission.

1.432 Prohibited Conduct. No person shall, either alone or in cooperation with one or more persons:

(1) Defeat, receive, or obstruct any person in respect to the right of examination or registration provided by Sections 1.400 to 1.436 or the rules and regulations of the commission.

(2) Falsely mark, grade, estimate, or report upon the examination or proper standing of any person examined, registered or certified pursuant to Sections 1.400 to 1.436, or aid in so doing, or make any false representation concerning the same or the person examined.

(3) Furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered or certified or to be examined, registered or certified.

(4) Impersonate any other person or permit or aid in any manner any other person to impersonate one, in connection with any examination or registration or application or request to be examined or registered.

1.434 Political Service Disregarded and Prohibited. No person holding any office, place, position, or employment subject to civil service is under any obligation to contribute to any political fund or to render any political service to any person or party. No person shall be removed, reduced in grade or salary, or otherwise prejudiced for refusing so to do. No public officer, whether elected or appointed, shall discharge, promote, demote, or in any manner change the official rank, employment, or compensation of any person under civil service, or promise or threaten to do so, for giving or withholding, or neglecting to make any contribution of money or services or any other valuable thing for any political purpose.

1.436 Penalty. A violation of a provision of Sections 1.400 to 1.436 is a Class A Civil Infraction.

AIRPORT COMMISSION

1.500 Membership. The Bend Airport Commission consists of six members appointed by the Mayor with the approval of the City Commission. Three of the six members shall be City Commissioners. The three non City Commissioner members shall be appointed to two year terms but shall serve at the pleasure of the City Commission. In addition to the six members the City Manager or designee and the City Public Works Superintendent shall serve as members ex officio. The chairman of the Airport Commission shall be elected annually from and by the six Airport Commission members.

1.502 Duties. The Airport Commission shall advise the City Commission on matters concerning the operation, maintenance and improvement of the airport.

1.504 Debt; Contracts. The Airport Commission shall not incur any debt except as funds are budgeted for the operation of the airport by the city and shall not contract any obligation except with the approval of the City Commission.

1.506 Reports to City Commission. The Airport Commission shall report to the City Commission on its activities at least twice each year.

pg 275-276 MATERIAL WAS DELEATED ON 1ST. READING 5-JULY-84

EMERGENCY MANAGEMENT

1.520 Emergency Management Agency; Manager.

(1) An emergency management agency is established for the city, pursuant to ORS Chapter 401.

(2) The city manager shall be emergency program manager, who shall direct responsibility for the organization, administration, and operation of the emergency management agency. The City Manager may delegate responsibilities under this section as necessary to manage the emergency.

CONTRACT REVIEW BOARD

1.550 Designation of Board. The City Commission is designated as the local contract review board.

1.552 Definitions. For the purpose of Sections the following mean:

(1) Board. The local contract review board as established in Section 1.550.

(2) Informal Bid. An informal bid shall be considered the procedure whereby the city manager ascertains by correspondence, telephone calls or by direct contact the various prices for the items involved quoted by a number of reliable firms that have the items for sale. The city manager shall be the keeper of all records and evidence of the informal bids. After the low bid is determined, the purchase may be made by the city manager or designated agent.

(3) Public Contract. Any purchase, lease or sale by the city of personal property, public improvements or services other than agreements which are exclusively for personal services.

(4) Public Improvement. Any construction of improvements on real property by or for the city.

1.554 Competitive Bids Exemption.

(1) All contracts shall be based on 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, sale or lease the amount of which is less than $1,000.00.

(c) Contracts for any item which is available only through one company, firm or individual.

(d) Contracts for any purchase, sale or lease the amount of which is more than $1,000.00 and less than $5,000.00, which may be by an informal bid.

(2) The contract review board may by resolution exempt other contracts from competitive bidding if it finds:

(a) 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 findings, 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.

1.556 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 the emergency shall be entered into the record of the meeting at which the determination is made.

1.558 Brand Name Specification.

(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 the 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 maker, or the product of a particular manufacturer or seller, would result in substantial cost savings.

(c) There is only one manufacturer or seller of quality required.

(d) Efficient utilization of existing equipment or supplies requires the acquisition of compatible equipment or supplies.

1.560 Exemption Hearing. Whenever the board is considering an exemption to the requirements for competitive bids or brand names specifications, it shall provide a notice to the public and an opportunity for a public hearing on whether the exemption should be allowed.

1.562 Bid Rejection. The Commission or an official designated by it may reject any bid not in compliance with all prescribed public bidding procedures and requirements and may reject all bids if it is in the public interest to do so.

1.564 Bidder Disqualification. The Commission or an official designated by it 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 key personnel available of sufficient experience to perform the contract; or

(4) The person has repeatedly breached contractual obligations to public and private contracting agencies.

1.566 Appeal of Disqualification. A person who has been disqualified as a bidder may appeal the 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 the person appeals the disqualification.

(2) Immediately upon receipt of the written notice of appeal, the 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), decide the appeal within ten days after receiving the notification, and shall set forth in writing the reasons for its decisions.

1.568 Additional Authority. In addition to the powers and duties established by Sections 1.550 to 1.568, the board shall have such additional powers as authorized by state law.

MUNICIPAL COURT

JURIES

1.600 Right of Jury Trial. Every person charged with an offense defined and made punishable by a code or ordinance provision of the city which carries the possibility of a sentence of imprisonment shall have the right to a trial by a jury of six persons, upon filing written demand with the Municipal Court at least six days, excluding Sundays and legal holidays, prior to the trial date set by the Municipal Court.

1.602 Jury Selection. 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. In January of each year, the recorder shall prepare a preliminary list, by lot, of not less than 50 nor more than 250 names from the tax roll and registration book. The recorder shall place on the list only those names of persons who are known or believed to be possessed of the qualifications prescribed in ORS 10.030.

1.604 Court Terms. The Municipal Court sessions of the Municipal Court of the city are divided into terms of three months with the terms beginning on January 1, April 1, July 1, and October 1 of each year.

1.606 Jury Panel. The jury panel for each term of court shall be selected on the first day of each term of court and the recorder shall select 25 names of persons by lot from the preliminary jury list to serve as a jury panel until the next panel is selected. No person shall be required to serve more than one term during any calendar year. The jury panel shall be selected in the presence of the Municipal Judge. No challenge shall be made or allowed to the panel and substantial compliance with those provisions for selecting the panels shall be sufficient.

1.608 Trial Jury Selection. Selection of a trial jury shall be made on the day of the trial. A panel of ten jurors shall be called and six names drawn from it at random. The jurors may then be questioned, first by the defense and then by the prosecution. Each side may exercise two preemptory challenges. One may first be exercised by the defense, then one by the city, then another by the defense, and a final by the city. Jurors may also be excluded for cause. Additional names shall be selected by lot to replace those jurors challenged.

1.610 Payment of Jurors. Those jurors notified and who appear at trial shall receive compensation from the city in the amount of $5.00 for each day of attendance upon the Municipal Court.

1.612 Verdicts. All six jurors sworn to try the case must concur to render a valid verdict.

1.614 Justice Court Rules. In addition to the procedures outlined for the providing of a jury trial, any of the parties or their attorneys, on giving notice thereof to the Municipal Judge in writing 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.

1.616 Request for Jury Trial; Fee. In order to have the right of trial by jury under the rules as provided by this Code, a person must give notice of the request to the Municipal Judge in writing at least six days, excluding Sundays and legal holidays, prior to the trial date set by the Municipal Court. If the defendant is found guilty by the jury, there shall be assessed, in addition to court costs, a jury fee in the sum of $30.00.

1.618 Powers of Judge; Contempt. The Municipal Judge shall have all inherent and statutory duties of a Justice of the Peace within the jurisdictional limits of the city. The Chief of Police shall assist the Judge in the serving of subpoenas, notices of jury duty and such other orders of the court necessary for its proper conduct. The Municipal Judge may hold any prospective juror who disregards a notice of jury duty in contempt of court and may punish the juror by fine of not more than $100.00 or by imprisonment for not more than 50 days or by both fine and imprisonment.

COURT COSTS

1.620 Amount. Court costs in the amount of $ 5.00 for violations and civil infractions and $10.00 for any offense punishable by imprisonment shall be assessed against each defendant being cited into the Municipal Court of the city for any violation of a municipal ordinance or code provision whether the defendant appears, fails to appear, or is convicted after a trial in the court, except for violations of municipal provisions pertaining to motor vehicle parking violations and regulations, unless a warrant is issued to enforce defendant's appearance. The Municipal Court shall also retain a percentage of bail money posted with the Court when and to the extent authorized by the laws of the State of Oregon.

1.622 Disposal of Costs. Court costs shall be separate and distinct from any fine or other penalty imposed in the court for a violation of any municipal ordinance or code provision. Court costs shall be considered statutory in nature and may not be suspended or otherwise disposed of. Moneys collected as court costs shall be disposed of and handled in the same manner as fines and penalties accruing from other matters in the Municipal Court.

1.624 Reimbursement. All defendants posting bail shall be required, prior to their release, to post the additional sum of court costs provided by Section 1.620. If a trial on the merits of the case result in an acquittal or a dismissal of the case for any cause, then the court costs shall be reimbursed to the defendant.

1.626 State Mandated Assessments. Assessments mandated by state law shall be collected according to the provisions of state law.

1.628 Enforcement. The clerk of the Municipal Court, or designate, is responsible for the enforcement of Sections 1.620 to 1.628.

PAYMENT OF FINES AND COSTS

1.630 Time and Method of Payment.

(1) If a defendant is sentenced to pay a fine or cost, the Municipal Court may grant permission for payment to be made within a specified period of time or in specified installments. If no such permission is included in the sentence the fine shall be payable immediately.

(2) If a defendant sentenced to pay a fine or cost is also placed on probation or the imposition or execution of sentence is suspended, the court may make payment of the fine or costs a condition of probation or suspension of sentence.

1.632 Effect of Non-Payment.

(1) When a defendant sentenced to pay a fine defaults in the payment thereof or of any installment, the Municipal Court on motion of the City Attorney or upon its own motion may require the defendant to show cause why the default should not be treated as contempt of court, and may issue a show cause citation or a warrant of arrest for the defendant's appearance.

(2) Unless the defendant shows that the default was not attributable to an intentional refusal to obey the order of the court or to a failure to make a good faith effort to make the payment, the Municipal Court may find that the default constitutes contempt and may order the defendant committed until the fine, or a specified part thereof is paid.

(3) The term of imprisonment for contempt for non-payment of fines shall be set forth in the commitment order, and shall not exceed one day for each $25 of the fine. A person committed for non-payment of a fine shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.

(4) If it appears to the satisfaction of the Municipal Court that the default in the payment of a fine is not contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount thereof or of each installment or revoking the fine or the unpaid portion thereof in whole or in part.

ATTORNEY FOR INDIGENT: FEES

1.640 Appointment. The Municipal Judge may, when required by law and upon proper showing of indigency, appoint an attorney to represent a person in Municipal Court.

1.642 Fees. When an attorney appointed by the Municipal Judge has completed his or her services, the Municipal Judge may issue an order for the payment of the attorney's expenses and fees from city funds as follows:

(1) Expenses and fees may only be ordered paid after the attorney has submitted to the Municipal Judge an affidavit containing an accurate statement of all reasonable expenses paid or incurred in connection with the attorney's services and a statement of the services performed by the attorney.

(2) Appointed attorney's fees may not exceed the following schedule:

(a) When a plea of guilty is entered or if for any reason the matter is concluded prior to trial, $50.00.

(b) When a plea of not guilty is entered and trial is held, $100.00 for each day of trial but not exceeding two days in any one case.

(3) Payments ordered by the Municipal Judge pursuant to this section, shall not exceed the amounts budgeted by the City Commission for this purpose.

CODE ENFORCEMENT - CIVIL INFRACTION PROCEDURE

1.700 Establishment and Purpose.

(1) A procedure to handle certain violations of this Code and city ordinance as infractions, subject to the provisions below, is hereby established.

(2) An infraction procedure has been established for the purpose of decriminalizing penalties for violations of this code and ordinances of the city and for the purpose of providing a convenient and practical forum for the hearing and determination of cases arising out of the violation.

1.702 Definitions. Except where the context clearly indicates a different meaning, the general definitions and the definitions appearing in the definitional and other sections of particular chapters of the Oregon Criminal Code and Oregon Criminal Procedure Statutes, as they now exist, are applicable to Sections 1.700 to 1.736. The following definitions shall also apply:

City Infraction. An offense against the city in the form of a violation of a section of this code or a city ordinance for which the violation is classified as a civil infraction shall be handled in accordance with the procedures established by Sections 1.700 to 1.736. When an infraction is of a continuing nature, a separate infraction will be deemed to occur on each calendar day the infraction continues to exist. A separate citation may be filed for each such infraction.

Fine; Fine Schedule. The penalty to be imposed for an infraction is a fine or other civil penalty. The appropriate fine shall be determined by reference to the fine schedule in Section 1.732. The procedure established herein shall be the exclusive procedure for imposing a fine. However, this section shall not be read to prohibit in any way alternative remedies, including abatement, nor shall the city be prohibited from recovering any expense incurred in an abatement procedure.

Person. A person, firm, partnership, corporation or association of persons.

1.704 Application. The infraction procedure shall apply to those code and ordinance violations classified as civil infractions.

1.706 Procedure. If a city officer or police officer has reasonable grounds to believe a person has committed an infraction, the officer may issue to that person a citation for the offense. A police officer may either arrest the person or issue a citation.

1.708 Citation and Complaint. A citation conforming to Exhibit A attached to this chapter and incorporated by reference shall be used for all infractions, except traffic offenses. Additional parts may be inserted by law enforcement agencies or the Municipal Court for administrative use.

1.710 Private Person May Commence Action for Infraction; Complaint; Service of Summons.

(1) A private person may commence an action for an infraction by certifying to the complaint before the Municipal Judge, clerk or deputy clerk of the court. This action will be entered in the court record.

(2) A complaint under subsection (1) of this section shall contain a form of certificate in which the complainant shall certify that the complainant has reasonable grounds to believe, and does believe, that the person cited committed the offense contrary to law. A certificate conforming to this section shall be deemed equivalent to a sworn complaint.

(3) When the complaint is certified by a private person, the court shall cause the summons to be delivered to the defendant.

1.712 Minimum Requirements for Summons. A summons in an infraction offense is sufficient if it contains the following:

(1) The name of the court, the name of the person cited, the date on which the citation was issued, the name of the complainant and the time and place at which the person cited is to appear in court.

(2) A statement or designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so, and the date, time and place at which the offense is alleged to have occurred.

(3) A notice to the person cited that a complaint will be filed with the court based on the offense.

(4) The amount of bail, if any, fixed for the offense.

1.714 Minimum Requirements for Complaint. Except as provided in this section, a complaint in an infraction offense is sufficient if it contains the following:

(1) The name of the court, the name of the city in whose name the action is brought and the name of the defendant.

(2) A statement or designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so and the date, time and place at which the offense is alleged to have occurred.

1.716 Delivery of Summons to Person Cited; Delivery of Other Parts of Citation. An officer issuing the citation shall cause:

(1) The summons to be delivered to the person cited; and

(2) The complaint and abstract of court record to be delivered to the court.

(1) The defendant shall either appear in court at the time indicated in the summons or prior to such time shall delivery to the court the summons together with cash, check or money order in the amount of the bail set forth in the summons and enclosing:

(a) A request for a hearing; or

(b) A statement of matters in explanation or mitigation of the offense charged; or

(c) The executed appearance, waiver of hearing and plea of guilty appearing on the summons. A statement in explanation or mitigation also may be enclosed with the guilty plea.

(2) If the defendant personally appears in court at the time indicated in the summons, pleads guilty and the judge accepts the plea, the judge shall hear any statement in explanation or mitigation that the defendant desires to make.

1.720 Effect of Statement in Explanation or Mitigation. If a defendant has submitted to the court a written statement as provided in paragraph (b) of subsection (1) of Section 1.718 it constitutes a waiver of hearing and consent to judgment by the court declaring a forfeiture of bail on the basis of the statement and any testimony or written statement of the arresting officer or other witnesses which may be presented to the court.

1.722 Fixing Hearing Date; Notice to Defendant. If the defendant requests a hearing, or if pursuant to Section 1.718 the court directs that a hearing be had, the court shall fix a date and time for the hearing and, unless notice is waived, shall at least five (5) days in advance of the hearing mail to the defendant notice of the date and time.

1.724 Hearing Discretionary with the Court. In any case, the court may direct a hearing be held. Otherwise, the court may enter the appropriate judgment, impose a fine, direct that the fine be paid out of the bail deposited by the defendant and remit to the defendant any amount by which the bail exceeds the fine. No fine may be imposed in excess of the bail deposited by the defendant unless a hearing is held.

1.726 Warrant for Arrest.

(1) If a person cited fails to comply with the provisions of Section 1.718 of this Code, or fails to appear at any time fixed by the court, a warrant for the person's arrest may be issued.

(2) No warrant of arrest for failure to appear may be issued pursuant to this section after a period of 60 days from the date of the entry of an order declaring a forfeiture of bail. Unless a warrant has been issued before the expiration of that period, the order of forfeiture shall be deemed the final disposition of the case.

1.728 Trial; Burden of Proof.

(1) The trial of an infraction shall be by the court without a jury. The trial of an infraction shall not commence until the expiration of seven days from the date of arrest or citation for the infraction unless the defendant waives the seven-day period.

(2) The city shall have the burden of proving the alleged code or ordinance infraction by a preponderance of the evidence.

(3) The defendant may be represented by counsel, but counsel shall not be provided at public expense. If defense counsel is to appear, written notice shall be provided to the Municipal Court five days prior to the hearing date, excluding weekends and holidays.

(4) If the person alleged to have committed the infraction desires that witnesses be ordered to appeal by subpoena, a request in writing must be made to the court at least five days prior to the scheduled hearing. Subject to the same five-day limitation, the complaining official or city attorney, as appropriate, may also request the court that certain witnesses be ordered to appear by subpoena. If a fine is declared in the final order, the order shall also provide that the person shall pay any witness fees payable in connection with the hearing.

1.718 Appearance by Defendant.

(5) The court may allow hearsay or evidence by affidavit in a trial for a civil infraction.

(6) After due consideration of the evidence and arguments presented at the hearing, the court shall determine whether the infraction as alleged in the complaint has been established. If the infraction is not established, an order dismissing the complaint shall be entered in the Municipal Court records. If a determination is made that an infraction has been committed, an appropriate order shall be entered in the Municipal Court records. In addition to any fine, forfeiture, or both, or other civil penalty, the court shall assess court costs.

1.730 Enforcement.

(1) Delinquent fines and those brought to default judgment which were assessed for infractions occurring on real property may be held as city liens against the real property and collected in the same manner as other such debts owing to the city if the owner of property is notified of the infraction before entry of judgment on the lien docket.

(2) Nothing in this section shall prevent the city from revoking or denying any city license or permit held or desired by a person owing a fine to the city.

(3) If any person neglects or refuses to pay a fine imposed within the time allowed by the court, the court shall have the authority to issue a warrant requiring the defendant to appear and show cause why the defendant should not be found in contempt of court. In determining whether or not the person is in contempt, the court shall follow the procedures set forth in ORS Chapter 33. A person found in contempt may be ordered confined in the city jail one day for each $25.00 of the fine. However, the court shall not order any person confined pursuant to the provisions of this section to more than five days in the city jail.

1.732 Schedule of Fines.

(1) Infractions are classified for the purpose of determining fines into the following categories:

(a) Class A infractions.

(b) Class B infractions.

(c) Class C infractions.

(2) An assessment of a fine for an infraction shall be an amount not exceeding:

(a) $500 for a Class A infraction.

(b) $250 for a Class B infraction.

(c) $100 for a Class C infraction.

1.734 Bail Schedule. The court is hereby authorized to establish a bail schedule for each class of civil infractions. A copy of this schedule is to be kept at the office of the Municipal Court Clerk.

1.736 Appeal. An appeal from a judgment involving a civil infraction may be taken by either party in the manner provided for in the city charter.

1.738 Specific Infraction Provisions. Infractions of specific Bend ordinances are classified as follows:

Bend City Ordinance No.		Class
NS-277	Explosives (licensing)	A
NS-333	Electricity Tax	C
NS-701	Buildings	B
NS-891	Water Sprinkling	C
NS-948	Fire Code	A
NS-1031	Building Code	B
NS-1049	Plumbing Code	B

Exhibit A

EXHIBIT "A"

CITY OF BEND
CITATION AND COMPLAINT

STATE OF OREGON)
)
CITY OF _____) DOCKET NO. _____
)
COUNTY OF DESCHUTES) MUNICIPAL COURT

THE UNDERSIGNED CITY OFFICER CERTIFIES AND SAYS:

THAT ON THE _____ DAY OF _____, 19____ at _____ / / a.m. / / p.m.

NAME _____
(Last) (First) (Middle)

RES. ADD. _____

CITY _____ STATE _____

BUS. ADD. _____ PHONE _____

CITY _____ STATE _____

DOB _____ OPER LIC NO. OR SOC SEC NUMBER _____

DID UNLAWFULLY COMMIT THE OFFENSE OF: _____

_____ IN VIOLATION OF CITY

ORDINANCE OR CITE SECTION _____ BY: _____

_____

_____

_____

I CERTIFY THAT I HAVE REASONABLE GROUNDS TO AND DO BELIEVE THAT THE ABOVE PERSON COMMITTED THE ABOVE OFFENSE CONTRARY TO LAW.

_____
DATE OFFICER NO.

I HEREBY CERTIFY THAT I SERVED A COPY OF THIS CITATION AND COMPLAINT ON THE ABOVE NAMED DEFENDANT.

_____
DATE OFFICER NO.

APPEAR IN COURT AT _____ M. ON ____ DAY OF _____, 19___ SCHEDULED BAIL

LOCATED AT _____ $

IMPORTANT NOTICE: THIS COMPLAINT WILL BE FILED IN THE COURT INDICATED, FAILURE TO COMPLY WITH THE INSTRUCTIONS ON THE REVERSE SIDE OF THIS CITATION MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.

ORDINANCE NO. NS-1400

AN ORDINANCE AMENDING NS-1361, CHAPTER 5, SECTION 320, RELATING TO THE USE OF PUBLIC PARKS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Ordinance No. NS-1361 be amended in the following respect. New material added is underlined and deleted material is in brackets.

Section 1. Section 5.320 Violations, Subsection 1 is amended to read:

(e) No person shall sell merchandise or services, or operate a concession in public parks without permission of the [Commission] Bend Metro Park and Recreation District and shall possess, on their person, evidence of such approval as set forth in 5.320, subsection 3.

Section 2. Section 5.320 is further amended by adding Section 3, as follows:

3. Evidence of permission to engage in activities as required by 5.320, Section 1, (e), shall include the name, address and phone number of the permittee, a specific description of the location where the activity is to be conducted, the date or period for which said activity is authorized and the signature of the authorizing Park and Recreation District official.

Read for the first time this 5th day of July, 1984.

Read for the second time this 18th day of July, 1984.

Placed upon its passage the 18th day of July, 1984.

Vote: Yes - 6 No - 0

Submitted to and approved by the Mayor this 18th day of July, 1984.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1401

AN ORDINANCE AMENDING NS-1361 BEND CODE, CHAPTER 5, SECTION 320, RELATING TO THE USE OF PUBLIC PARKS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2 of this Ordinance is added and made a part of Bend Code 5.315 to 5.320.

Section 2. Bend Code 5.320 (1)(q) Persons operating bicycles in public parks shall walk their bicycles on sidewalks that are marked, by the Bend Metro Park and Recreation District, "Walk Your Bike."

Read for the first time this 1st day of August, 1984.

Read for the second time this 15th day of August, 1984.

Placed upon its passage the 15th day of August, 1984.

Vote: Yes - 6 No - 0

Submitted to and approved by the Mayor this 15th day of August, 1984.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-1402

AN ORDINANCE EXTENDING THE CONDITIONAL USE PERMIT GRANTED TO SKYRIDGE RESORTS, INC. AND EXEMPTING THE APPROVED DEVELOPMENT FROM THE CITY'S TIME SHARE ORDINANCE, NS-1380

WHEREAS, the Bend City Commission is the hearings body that granted a conditional use permit to Skyridge Resorts, Inc.; and

WHEREAS, Skyridge Resorts, Inc. obtained their conditional use permit prior to the enactment of the Bend time share ordinance No. NS-1380;

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the conditional use permit issued to Skyridge Resorts, Inc. by the Bend City Commission is hereby extended from August 22, 1984 to May 22, 1985.

SECTION 2. That the conditional use permit granted to Skyridge Resorts, Inc. is hereby exempted from the provisions of Ordinance No. NS-1380 to the extent that the ordinance is inconsistent with the conditional use permit.

Read for the first time the 15th day of August, 1984.

Read for the second time the 5th day of September, 1984.

Read upon its passage the 5th day of September, 1984.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 5th day of September, 1984.

Mayor

ATTEST:

Recorder- Treasurer

AMENDED BY ORD. #NS-1503, NS-1507
NS-1554
sections 2, 3 & 4 repealed by NS-1554

ORDINANCE NO. NS-1403

AN ORDINANCE DECLARING THAT BLIGHTED AREAS EXIST, THAT THERE IS A NEED FOR AN URBAN RENEWAL AGENCY TO FUNCTION IN THE CITY OF BEND, AND CREATING AN URBAN RENEWAL AGENCY.

WHEREAS, there exists in the City of Bend, Deschutes County, Oregon, blighted areas as defined in ORS 457.010(1); and

WHEREAS, such declaration of the existence of blight is based upon the findings of an investigation undertaken by Bend's Economy Needs Downtown, Inc. and the City of Bend, a copy of which, entitled "Blighted Conditions in the Downtown and Adjacent Areas--Bend, Oregon--July 1984", is attached herewith and made a part hereof; and

WHEREAS, pursuant to ORS 457.030, there is created a public body corporate and politic known as the "Urban Renewal Agency of the City of Bend, Oregon", for the purpose of exercising the powers granted by ORS Chapter 457; and

WHEREAS, the City Commission of the City of Bend, Oregon declares there is a need for said Urban Renewal Agency to function in the City and, pursuant to ORS 457.045, elects to:

Appoint a seven (7) member board to exercise the powers of such Urban Renewal Agency;

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City Commission of the City of Bend, Oregon hereby finds and declares that blighted areas as defined in ORS 457.010 exist within the City of Bend, Oregon, and that there is a need for an Urban Renewal Agency to function in the City of Bend.

Section 2. The City Commission hereby declares, pursuant to ORS 457.045(2), that all of the rights, powers, duties, priviliges, obligations, and immunities granted to and vested in an Urban Renewal Agency by the laws of the State of Oregon, shall be exercised by and vested in the seven (7) member board hereby declared to be known as the

BEND DEVELOPMENT BOARD

The Bend Development Board henceforth shall be the duly designated urban renewal agency of the City of Bend, Oregon, pursuant to ORS Chapter 457.

Section 3. The members of the Urban Renewal Agency created by this ordinance and their terms of office shall be designated by resolution of the City Commission.

Section 4. The foregoing persons shall assume office upon the effective date of this ordinance and after taking an oath or affirmation of office to be administered by the City Recorder of the City of Bend, Oregon.

Read for the first time the 22 day of August, 1984.

Read for the second time the 5th day of September, 1984.

Placed upon its passage the 5th day of September, 1984.

YES: 7 NO: 0

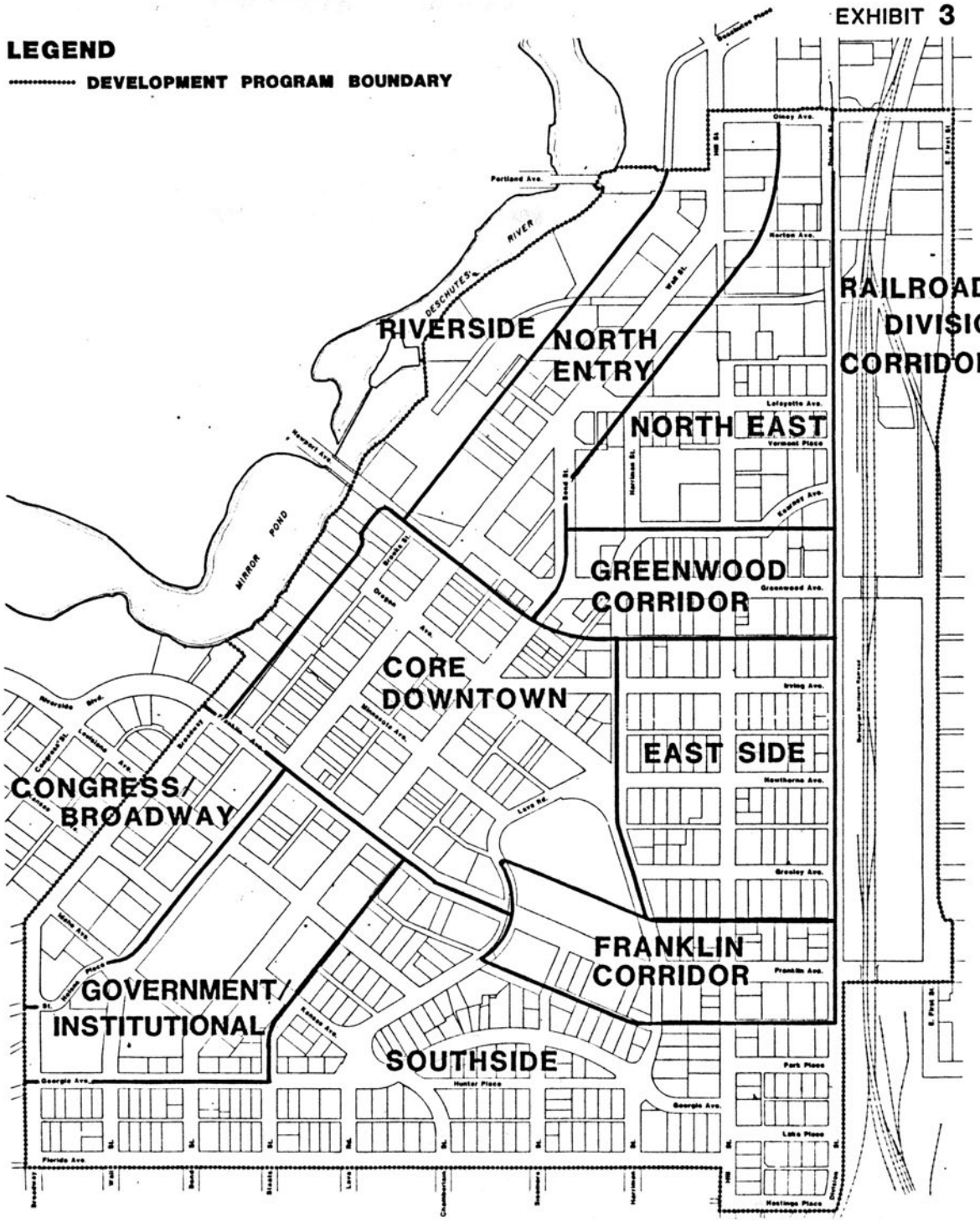
Submitted to and approved by the Mayor this 5th day of September, 1984.

Ray C. Corbett III
Mayor

ATTEST:

James M. Kerfoot
Recorder-Treasurer

EXHIBIT 3



DISTRICTS

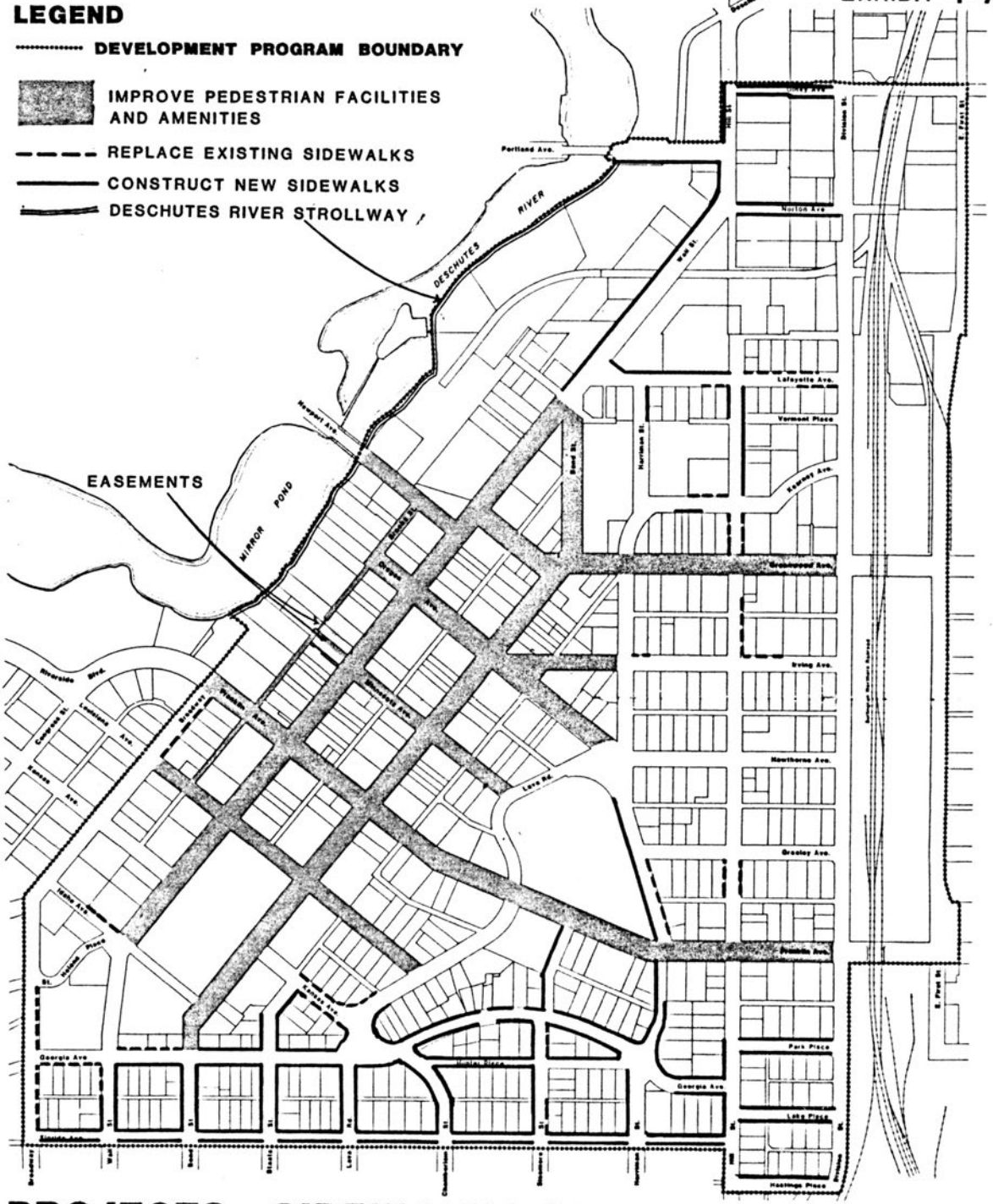
CENTRAL BEND DEVELOPMENT PROGRAM
BEND, OREGON

NORTH

SCALE IN FEET

PATTERSON, STEWART and ASSOCIATES
ARCHITECTURE + PLANNING + URBAN DESIGN
Phone: (503) 772 3065

EXHIBIT 4-A



PROJECTS--SIDEWALKS AND PEDESTRIAN AMENITIES

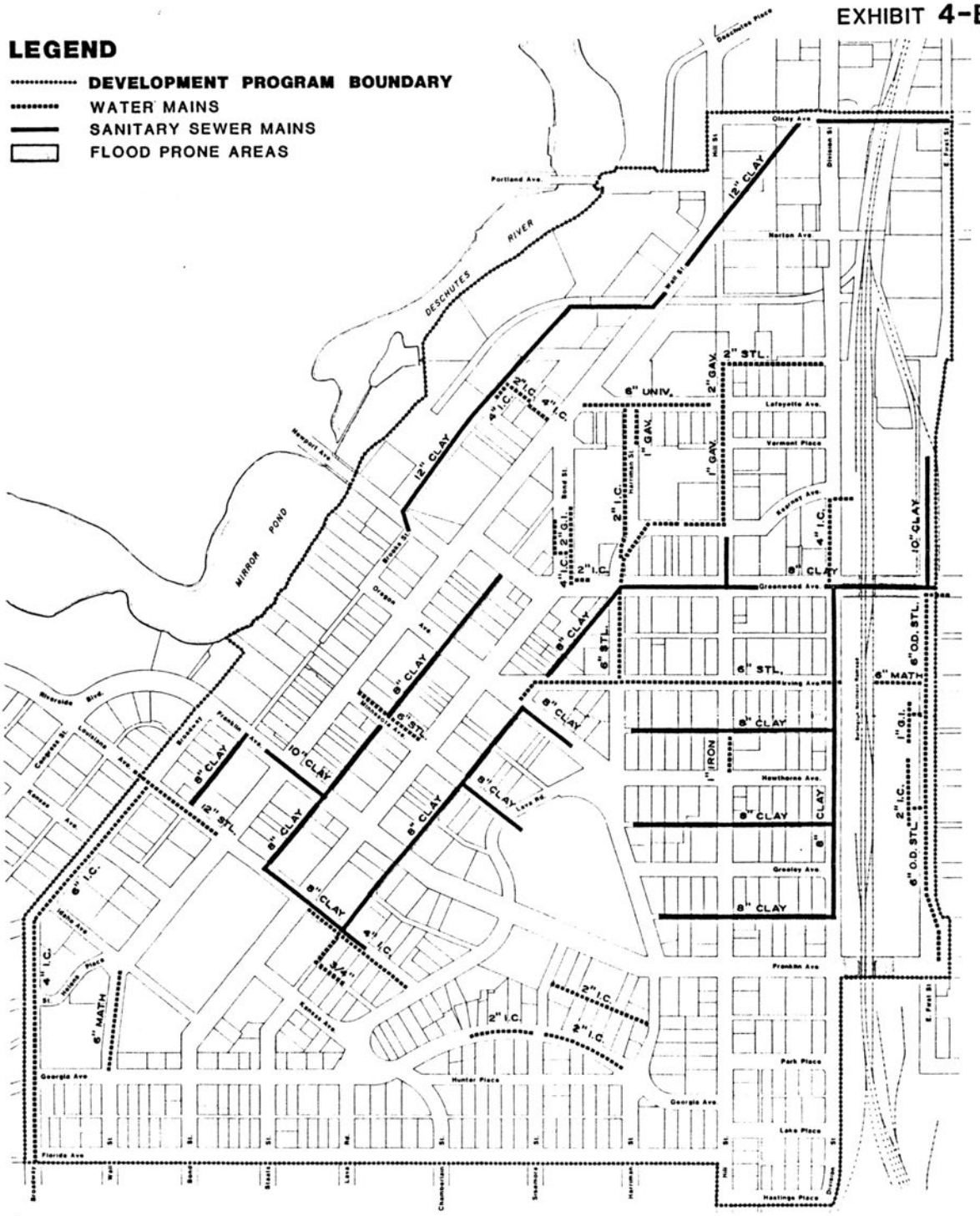
CENTRAL BEND DEVELOPMENT PROGRAM
BEND, OREGON

NORTH

SCALE IN FEET

PATTERSON, STEWART and ASSOCIATES
ARCHITECTURE • PLANNING • URBAN DESIGN

EXHIBIT 4-B



PROJECTS--UTILITY SYSTEMS NEEDING REPLACEMENT

CENTRAL BEND DEVELOPMENT PROGRAM

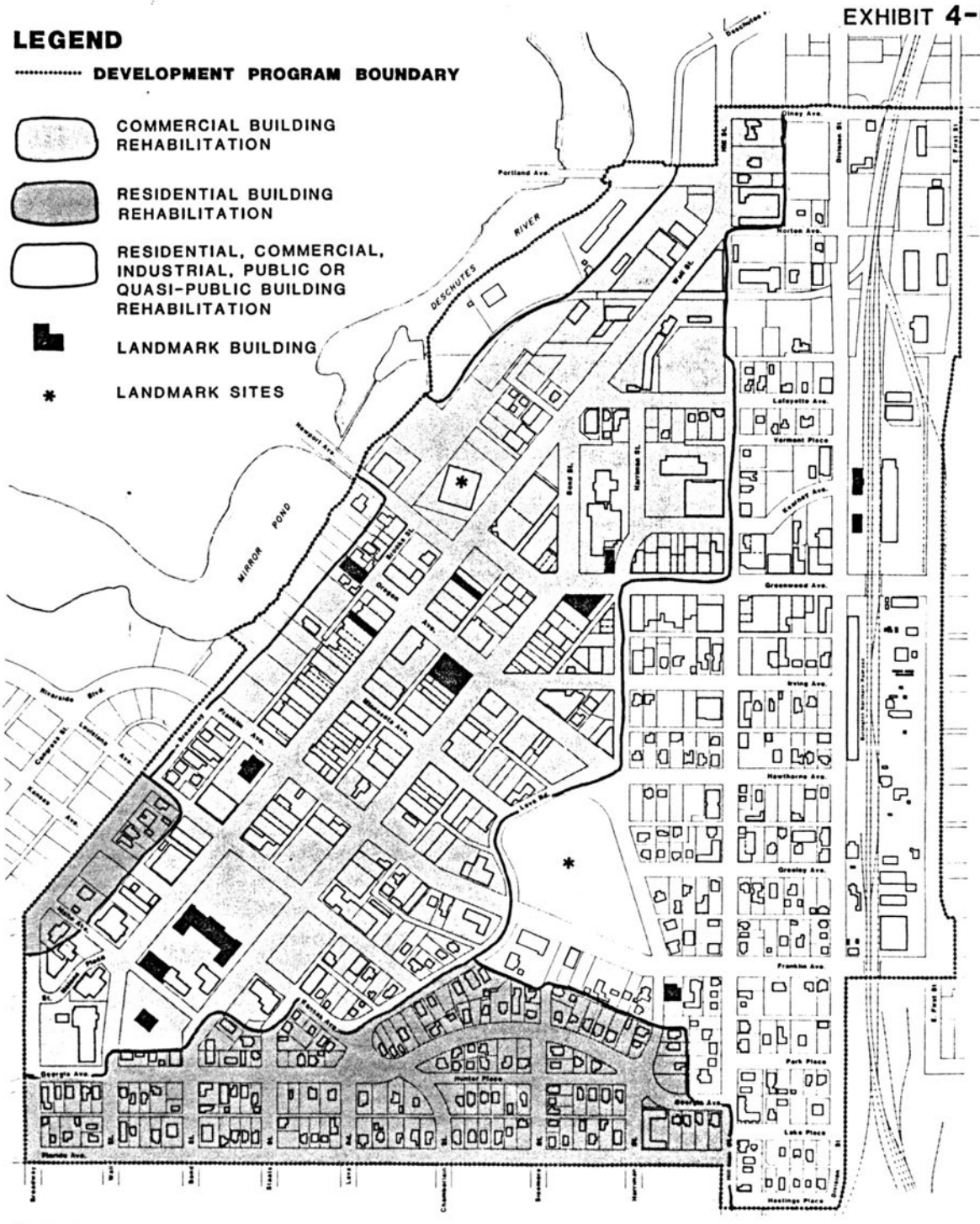
BEND, OREGON

NORTH

SCALE IN FEET

PATTERSON STEWART and ASSOCIATES

EXHIBIT 4-C

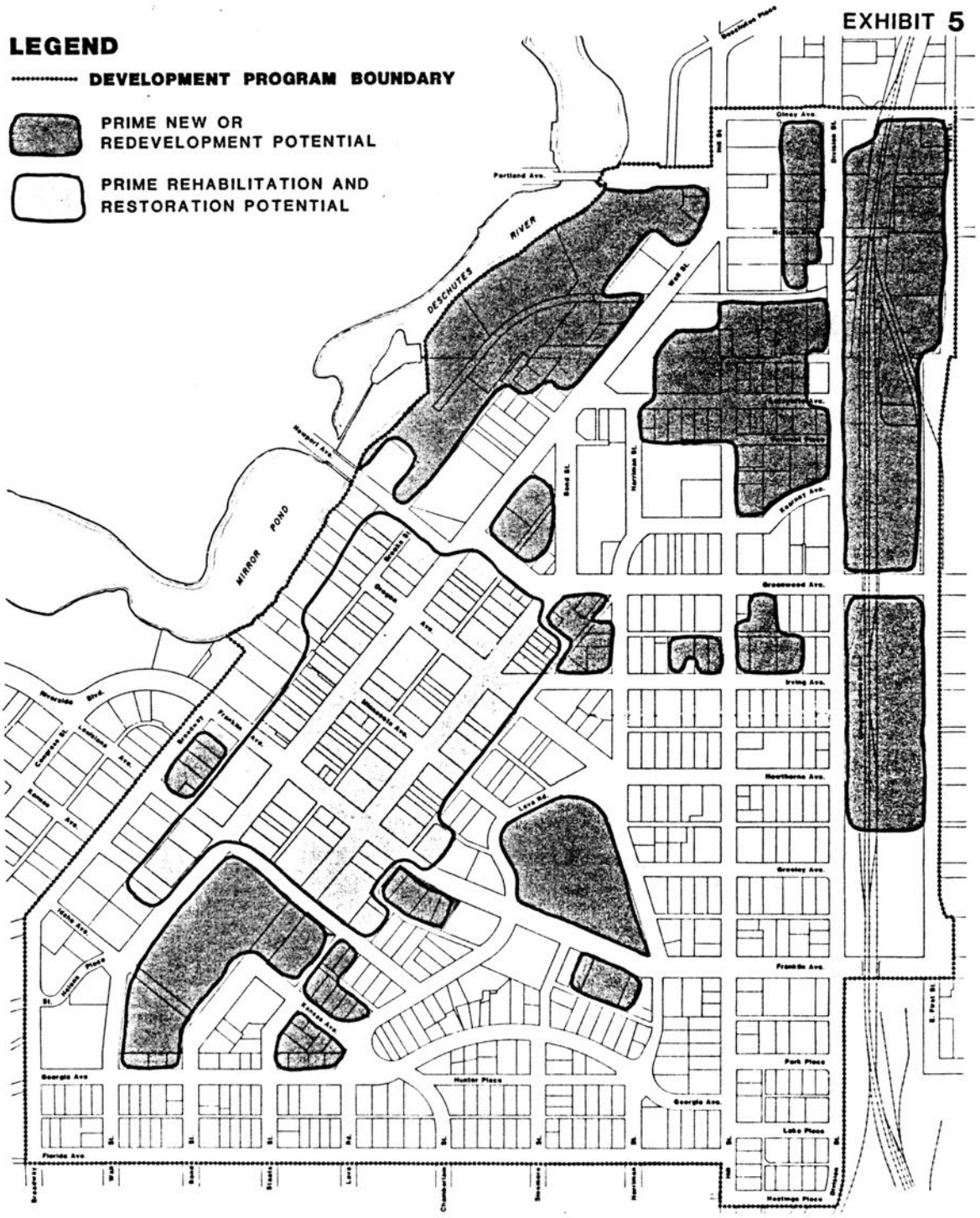


PROJECTS--BUILDING RESTORATION AND REHABILITATION

CENTRAL BEND DEVELOPMENT PROGRAM

BEND, OREGON

EXHIBIT 5



PRINCIPAL DEVELOPMENT/ REDEVELOPMENT AREAS

CENTRAL BEND DEVELOPMENT PROGRAM

BEND, OREGON

EXHIBIT 6

LEGEND

DEVELOPMENT PROGRAM BOUNDARY

TOPOGRAPHY

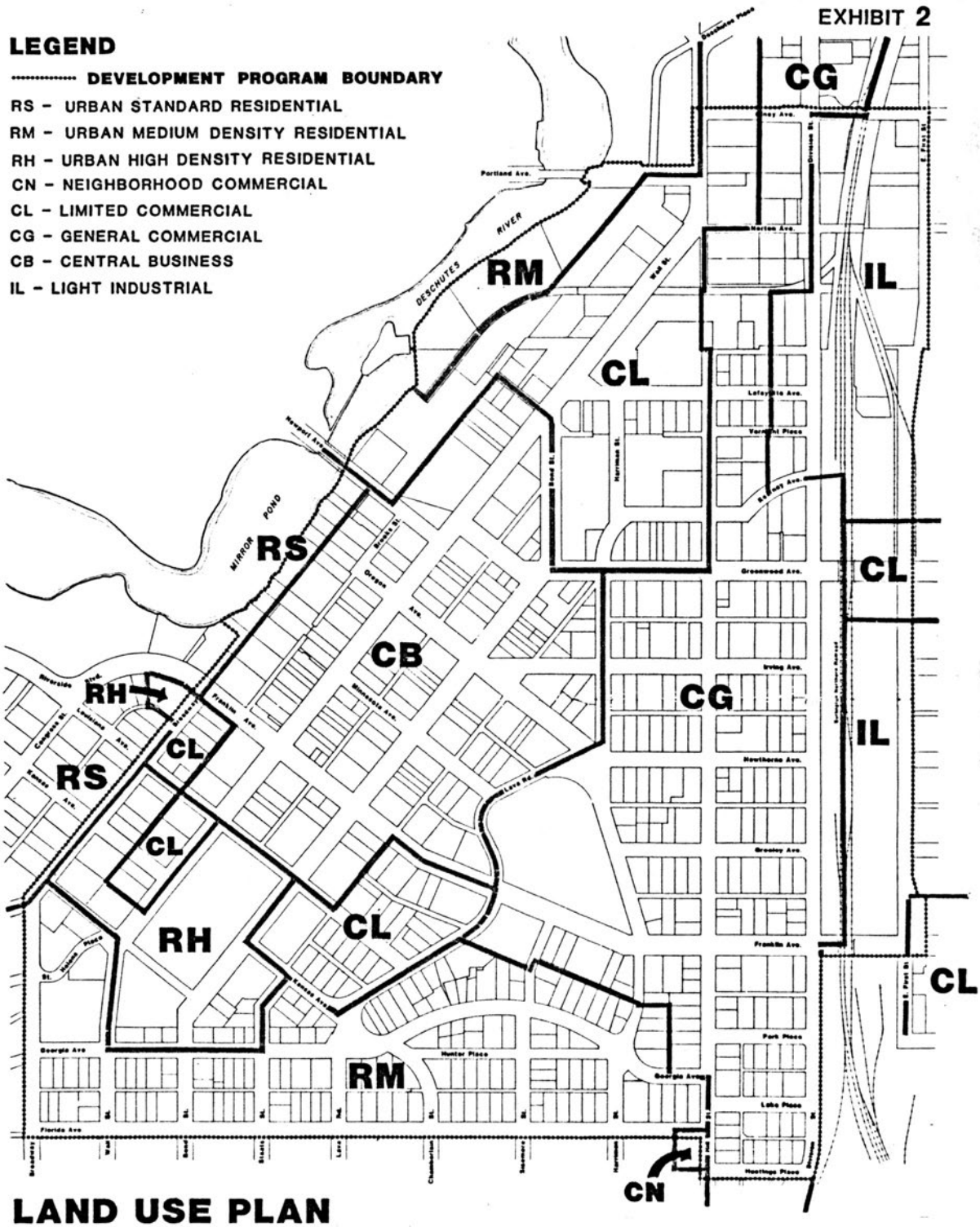
CENTRAL BEND DEVELOPMENT PROGRAM
BEND, OREGON

NORTH

SCALE IN FEET
CONTOUR INTERVAL 2 FEET

PATTERSON, STEWART and ASSOCIATES

EXHIBIT 2



LAND USE PLAN

CENTRAL BEND DEVELOPMENT PROGRAM
BEND, OREGON

NORTH
SCALE IN FEET

PATTERSON, STEWART and ASSOCIATES
ARCHITECTURE • PLANNING • URBAN DESIGN

ATTACHMENT

ORDINANCE NO. NS-1403

BLIGHTED AREAS IN THE DOWNTOWN AND ADJACENT AREAS

BEND, OREGON -- JULY, 1984

PURPOSE OF INVESTIGATION

There is a broad community interest in Bend to address and resolve the many serious problems that exist in the Downtown and adjacent areas. This same group of interested people have expressed a desire to have an urban renewal process activated in these areas.

Bend's City Commission is the only entity that has the statutory authority to initiate such renewal program and then only in conformance with the provisions of ORS 457.

ORS 457.035 (1) states in part that an "...urban renewal agency shall not exercise its powers until or unless the governing body (City Commission) of the municipality (City of Bend), by nonemergency ordinance, declares that blighted areas exist in the municipality and that there is need for an urban renewal agency to function in the municipality..."

This report is the result of an investigation of blighted conditions within a 236 acre area which includes the Downtown Area and areas immediately adjacent to it.

This investigation and report have been prepared pursuant to the provisions of Chapter 457 of the Oregon Revised Statutes--the State Law governing the urban renewal of blighted areas--by:

Lyle A. Stewart, AIA, AICP
Patterson, Stewart and Associates
45 Hawthorne, Medford, Oregon 97504
Phone: (503) 772-5203

Prior to undertaking a parcel-by-parcel investigation of the 236 acre area (see Figure 1), Mr. Stewart met with city staff members of Public Works, Building, Fire and Police departments to receive certain technical information and opinions from them as same relates to the existence of blight as such may exist within the designated area.

DEFINITION OF BLIGHT

ORS 457.010 (1) defines blight as follows:

"Blighted areas" means areas which, by reason of deterioration, faulty planning, inadequate or improper facilities, deleterious land use or the existence of unsafe structures, or any combination of these factors, are detrimental to the safety, health or welfare of the community. A blighted areas is characterized by the existence of one or more of the following conditions:

(a) The existence of buildings and structures, used or intended to be used for living, commercial, industrial or other purposes, or any combination of those uses, which are unfit or unsafe to occupy for those purposes because of any one or a combination of the following conditions:

(A) Defective design and quality of physical construction;
(B) Faulty interior arrangement and exterior spacing;
(C) Overcrowding and a high density of population;
(D) Inadequate provision for ventilation, light, sanitation, open spaces and recreation facilities; or
(E) Obsolescence, deterioration, dilapidation, mixed character or shifting of uses.

(b) An economic dislocation, deterioration or disuse of property resulting from faulty planning;

(c) The division or subdivision and sale of property or lots of irregular form and shape and inadequate size or dimensions for property usefulness and development;

(d) The laying out of property or lots in disregard of contours, drainage and other physical characteristics of the terrain and surrounding conditions;

(e) The existence of inadequate streets and other rights-of-way; open spaces and utilities;

(f) The existence of property or lots or other areas which are subject to inundation by water;

(g) A prevalence of depreciated values, impaired investments and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced tax receipts are inadequate for the cost of public services rendered;

(h) A growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety, and welfare; or

(i) A loss of population and reduction of proper utilization of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.

SANITARY SEWER AND WATER SYSTEMS

Sanitary Sewers

The City's Wastewater Operations Supervisor has indicated that the sewer lines in the investigation area are the oldest in the City--installed in 1913. The lines vary in size from 8 to 12 inches and are constructed of clay--a material which has not been allowed for many years due to its fragile nature.

The sewer system, now 71 years old, will be inspected by closed circuit television during the current fiscal year to determine the extent of failure. See Figure 2.

Water Delivery System

The Area's water delivery system--much of which was constructed of steel and iron pipe--was installed in the period 1907 to 1940. This 44 to 77 year old system far exceeds the normal 20 year life expectancy of steel pipe. It is necessary to replace the system's most critical sections.

FLOOD PRONE AREAS

The two street underpasses under the Burlington Northern Railroad tracks at Greenwood Avenue and Franklin Avenue are subject to flooding during times of heavy rains for extended periods. See Figure 2.

PUBLIC STREETS AND ALLEYS

The paved surfaces of the Area's streets are generally in good condition. Only two short segments of Idaho Avenue and Vermont Place are totally unimproved. However, there are streets within the Study Area with sidewalk deficiencies. Figure 3 describes the condition of sidewalks. Note the street segments that have no sidewalks for the safety of pedestrians in this central city location.

POLICE ACTIVITY

Based on a discussion with the City's Police Chief, the area delineated on Figure 4 requires a greater number of police responses than is normal to other sectors of the City. This is a residential area with a high concentration of substandard structures. See discussion on "Condition of Structures".

CONDITION OF STRUCTURES

A walk around survey of each of the 592 principal buildings within the Study Area was conducted in July, 1984. The judgment of building conditions was, for the most part, based on an exterior view of the building. See Figure 5.

In the Downtown's commercial sector, the City's Building Official and Fire Marshal provided information regarding the inadequacy of roof drainage, the condition of walls--particularly brick veneered walls, and those structures in the Downtown area that are considered generally dilapidated.

Using the results of the field survey and the information provided by City staff, each building was evaluated "A", "B", or "C" based on the following criteria:

"A" - Newer buildings and older buildings which are substantially up to current building codes.

"B" - Older buildings--many of which pre-date development of building codes--exhibit code deficiencies but appear to be economically feasible for rehabilitation.

"C" - Buildings which appear to be deteriorated beyond their ability to be economically rehabilitated.

In 34 years of conducting this type of investigation, the Consultant's accuracy has been about 97% when compared with detailed interior and exterior follow-up inspections. Error usually has been in judging the building to be in better condition than shown by the follow-up investigations.

The results of the Condition of Structure Survey for the 592 principal structures located within the Study Area are summarized by primary use on Table 1.

A review of the 1980 census (November 1979) and a 1979 aerial photograph of the Study Area indicates that 24 residential structures, housing 65 dwelling units (D.U.'s) have been eliminated from the area. The field work for the findings described in Table 1 was taken in July of 1984.

Further, the 1980 Census reports that 24 housing units within the Study Area lack complete plumbing fixtures for the private use of each of the 24 units.

The area contains 592 principal structures of which only 94 are rated in "A" condition. 367 structures are in need of rehabilitation and 131 appear to be deteriorated beyond their ability to be rehabilitated economically.

319 of the area's 592 structures were designed and used for residential purposes. In addition, motel facilities and other commercially designed buildings contain housing units. A total of 474 dwelling units exist within the Study Area of which only 43--9.07%--are judged to conform with the City's Building Code. 48.52% (230) of the dwelling units appear to be economically rehabilitable while 42.41% (201) appear to be beyond economic rehabilitation.

TABLE 1

CONDITION OF STRUCTURES AND DWELLING UNITS (D.U.'s) - JULY 1984

Primary Use of Property	No. of Buildings	No. of D.U.'s	Condition of Structures* A Bldgs.	A D.U.	B Bldgs.	B D.U.	C Bldgs.	C D.U.
RESIDENTIAL								
Single Family	283	283	16	16	185	185	82	82
Duplex	17	34	2	4	10	20	5	10
Three or More	18	102	3	15	5	25	10	62
Condominium	1	8	1	8	--	--	--	--
Sub Totals	319	427	22	43	200	230	97	154
COMMERCIAL								
Office	43	0	22	--	19	--	2	--
Service	46	18	13	--	29	--	4	18
Retail	53	0	4	--	38	--	11	--
Mixed Use	27	29	2	--	19	--	6	29
Sub Totals	169	47	41	--	105	--	23	47
INDUSTRIAL	54	0	9	--	36	--	9	--
INSTITUTIONAL								
Church	17	0	8	--	8	--	1	--
Lodges	6	0	1	--	5	--	--	--
PUBLIC								
Park	--	0	--	--	--	--	--	--
School	5	0	2	--	3	--	--	--
Government	19	0	8	--	10	--	1	--
UTILITY	3	0	3	--	--	--	--	--
No. of Buildings	592		94		367		131	
% of Buildings	100.00		15.88		61.99		22.13	
No. of D.U.'s		474		43		230		201
% of D.U.'s		100.0		9.07		48.52		42.41

* A. New buildings and older buildings which are substantially up to current building codes.
B. Older buildings which exhibit code deficiencies but which appear to be economically rehabilitable.
C. Buildings which appear to be beyond ability to be economically rehabilitated.

STUDY AREA ASSESSED VALUE

The estimated true cash value (fiscal 1984-85) for county assessed, taxable real property in the Study Area is as follows:

County assessed land	$19,705,580	
County assessed improvements	24,786,080	
County assessed real property TCV		$44,491,660

The assessed value of the study area, at 96% of TCV is .96 x $44,491,660 = $42,711,990.

The assessed value of taxable personal and state assessed property is estimated as follows:

Personal property @ .0520 x $42,711,990 =	$2,221,020
State assessed property @ .0567 x $42,711,990 =	2,421,770
Total Study Area estimated assessed value $42,711,990 + $2,221,020 + $2,421,770 =	$47,354,780

The $47,354,780 assessed value represents less than 9% of the City's total. At a total tax rate of approximately $21/$1,000, the annual property tax yield of the entire 236 acre area is less than $1,000,000.

One measurement of the economic health of an area is the ratio of the value of improvements to the value of land--I/L ratio. Overall, the I/L ratio of the entire taxable property within the study area is as follows:

TCV Taxable Improvements (county assessed)	$24,786,080
TCV Taxable Land (county assessed)	$19,705,580

I/L = $24,786,080 divided by $19,705,580 = 1.26:1. The I/L ratio of viable and healthy commercial development usually ranges from 3:1 to 10:1 and above. Healthy residential areas usually are in the 3:1 to 5:1 range.

Approximately 15% of the study area's 612 tax lots are exempt from property taxes but still demand public services.

SUMMARY FINDING

The area investigated meets the blight test as blight is defined in ORS 457.010 (1).

There is substantial obsolescence, deterioration and dilapidation in over 20% of the area's principal buildings. In addition, almost 62% of the buildings are in need of rehabilitation to walls, roofs, second floor exits and fire separation between basements and upper floors.

Major portions of the water and sanitary sewer systems are old and in need of a programmed replacement.

The overall assessed value for the 236 acre area yields a total annual property tax in an amount less than $1,000,000. It is questionable if this amount is adequate to pay off all of the public services provided by all of the affected taxing agencies.

In the south and southeast portions of the area investigated, police activity in terms of responses and criminal activity are considerably higher than is normal to other parts of the City. This suggests the existence of social maladjustments within parts of the area.

Substantial sectors of the area are significantly under used in light of their central city location.

The investigation area is well within the land area and assessed value limits required by ORS 457.420. The area qualifies as an urban renewal area. It would be in the public interest to create an urban renewal agency and implement an urban renewal process to assist in the elimination of existing blight and blighting influences.

ORDINANCE NO. NS-1404

AN ORDINANCE CHANGING THE NAME OF A SECTION OF COLORADO AVENUE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That the name of that portion of Colorado Avenue that lies between Broadway and Riverside Boulevard be changed from Colorado Avenue to Carlon Avenue.

Section 2. That the effective date of this ordinance shall be January 1, 1985.

Read for the first time the 5th day of September, 1984.

Read for the second time the 19th day of September, 1984.

Placed upon its passage the 19th day of September, 1984.

YES: 6 NO: 0

Submitted to and approved by the Mayor the 19th day of September, 1984.

ATTEST:

Mayor

Recorder-Treasurer

ORDINANCE NO. NS-1405

AN ORDINANCE ESTABLISHING A PERMIT SYSTEM FOR THE OPERATION OF OUTDOOR CAFES.

THE CITY OF BEND DOES ORDAIN as follows:

Section 1. Sections 2 and 3 of this ordinance are added to and made a part of Bend Code 7.200 to 7.924.

Section 2. 7.280 Outdoor Cafes - Issuance of Permit.

(1) The City Manager, or the Manager's designee, may issue a permit for an outdoor cafe allowing the service of food or beverages within a public right of way provided the following conditions are met:

(a) The permit applicant pays an application fee established by the City Manager;
(b) The permit applicant assumes all risks associated with the use of the right of way;
(c) The permit applicant obtains liability insurance in a form and amount determined by the City Manager;
(d) The permit applicant submits an application containing the information required by the City Manager;
(e) The permit applicant lawfully operates a restaurant adjacent to the right of way for which the applicant seeks a permit;
(f) The owner of the restaurant property consents to issuance of the permit;
(g) The permit applicant demonstrates that the use of the right of way will not interfere with existing utilities, pedestrian use of the right of way nor pose a hazard to vehicular traffic. The permit applicant must demonstrate that, at a minimum, there will be a pedestrian passageway through the right of way of at least five (5) feet in width and that the use of the right of way will be in compliance with vision clearance provisions of the City of Bend's zoning ordinance;
(h) The permit applicant obtains all other necessary state and local permits;
(i) If the applicant seeks to use the right of way in front of properties contiguous to the restaurant, the applicant demonstrates that a restaurant is a permitted use for the contiguous property and the owner of the contiguous property consents to the issuance of the permit;
(j) The permit applicant demonstrates that the use of the right of way will comply with all ordinances and codes of the City including but not limited to the structural safety, sanitation and fire codes;
(k) The permit applicant demonstrates that seating in the right of way will be provided for no more than twenty (20) persons or, if seating is provided for a greater number that off-street parking as required by applicable law is provided in a ratio of no less than one parking space for each four (4) seats over and above twenty (20);
(l) The permit applicant demonstrates that the proposed use of the right of way is not inconsistent with the use for which the right of way was dedicated to the City.

(2) If the permit applicant wishes to undertake construction in the right of way in conjunction with the operation of an outdoor cafe, the permit applicant shall obtain a revocable permit subject to terms and conditions set by the City.

Section 3. 7.282 Outdoor Cafes - Duration, Transfer and Revocation of Permit.

(1) A permit issued pursuant to Bend Code 7.280 shall be of the duration specified in Bend Code 7.206.

(2) A permit issued pursuant to Bend Code 7.280 is not transferable.

(3) A permit issued pursuant to Bend Code 7.280 may be revoked in the following cirucmstances:

(a) If the operator of the outdoor cafe violates City, state or federal law;
(b) If the conditions specified in Bend Code 7.280 are no longer being met;
(c) If the operation of the outdoor cafe presents a danger to persons or property;
(d) If the terms and conditions of the license issued pursuant to Bend Code 7.280 are not complied with.

(4) A permit issued pursuant to Bend Code 7.280 may be temporarily suspended if the public interest requires use of the right of way for a public event, construction, repair, or any other purpose.

Read for the first time the 3rd day of October, 1984.

Read for the second time the 17th day of October, 1984.

Placed upon its passage the 17th day of October, 1984.

YES: 7 No: 0

Submitted to and approved by the Mayor this 17th day of October, 1984.

Mayor

ATTEST:

Recorder-Treasurer

292 Repealed by Ord. # NS-1499

ORDINANCE NO. NS-1406

AN ORDINANCE MAKING A DETERMINATION, FINDINGS OF FACT AND APPROVING AN URBAN RENEWAL PLAN FOR THE CENTRAL BEND DEVELOPMENT PROGRAM AREA IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON

WHEREAS, the City Commission, as the duly elected governing body of the City of Bend, Oregon, by Nonemergency Ordinance Number NS-1403 and pursuant to the provisions of ORS 457.035, declared that blighted areas exist within the City and there is need for an Urban Renewal Agency to function in the City;

WHEREAS, the City Commission, by Resolution Number 1733, created the seven member Bend Development Board to function as the City's Urban Renewal Agency;

WHEREAS, the Bend Development Board, as the duly designated Urban Renewal Agency of the City of Bend, and pursuant to the provisions of Chapter 457 of the Oregon Revised Statutes, has prepared an Urban Renewal Plan and Report on the Plan for the Central Bend Development Program Area, which Area consists of 236 acres of land all lying within a single, contiguous Urban Renewal Area;

WHEREAS, such Urban Renewal Plan is attached herewith and, by this reference, made a part hereof;

WHEREAS, copies of the Urban Renewal Plan and the Report on the Urban Renewal Plan were submitted to the Bend Urban Area Planning Commission for their review and recommendations;

WHEREAS, the City Commission has received and considered a certified copy of the Bend Development Board's Resolution Number BDB-84-1 approving and adopting the Plan; and

WHEREAS, the City Commission has received and considered a certified copy of the Bend Urban Area Planning Commission's Resolution containing such Planning Commission's recommendations;

WHEREAS, the City Commission held a public hearing on the Urban Renewal Plan after providing published notice of the hearing;

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS OF FACT. Pursuant to ORS 457.095, the City of Bend, Oregon, through its City Commission hereby makes the following findings of fact:

1. That the Central Bend Development Program Area is a single, contiguous urban renewal area of 236 acres which is blighted as determined by approval of City Commission Nonemergency Ordinance Number NS-1403.

2. That the primary goal and objective stated in the Urban Renewal Plan for the Central Bend Development Program Area is to improve the function, condition and appearance of the Development Area, to eliminate existing blight and blighting influences, and to strengthen economic and environmental conditions;

3. That rehabilitation and redevelopment within the urban renewal area is necessary to protect the public health, safety or welfare of the City;

4. That the City Commission concurs in the finding of the Bend Urban Area Planning Commission that the Urban Renewal Plan conforms to the City's adopted and acknowledged Comprehensive Plan including Chapter I of such Comprehensive Plan, entitled "Economic Growth and Projections";

5. That Section 600 of the Urban Renewal Plan provides an outline for accomplishing the urban renewal projects the Urban Renewal Plan proposes;

6. That even though the Urban Renewal Plan proposes no public actions which would cause the displacement of occupants of buildings or properties, such Plan does, however, provide for relocation activities which conform to the provisions of ORS 281.045 to ORS 281.105 and without displacing on priority lists persons already waiting for federally subsidized housing, in the unlikely event that persons or businesses may be displaced by future action of the Bend Development Board;

7. That the Urban Renewal Plan authorizes the Bend Development Board to acquire property by any legal means other than by the use of eminent domain proceedings (condemnation) only where such property acquisition is necessary to achieve the objectives of such plan;

8. That income from annual tax increment proceeds which is estimated to accrue to the Bend Development Board as provided for in Section 700 of the Urban Renewal Plan is sufficient and adequate to carry out the project activities set forth in Section 600 of the Urban Renewal Plan and which the Development Board intends to implement in a sound and fiscally responsible manner;

9. That the adoption and carrying out of the Urban Renewal Plan is economically sound and feasible;

10. That Section 700 of the Plan provides various methods for financing the Urban Renewal Plan including provisions for annual tax increment proceeds collected to be paid into a special fund of the Development Board to pay the principal and interest on any indebtedness incurred by the Development Board in their financing or refinancing of the Urban Renewal Plan.

11. That the City of Bend shall assume and complete all of the activities prescribed it by the Urban Renewal Plan including assigning a Director/Secretary to the Bend Development Board and the employment of such other support personnel as deemed necessary by the Bend Development Board and the City Commission;

12. That Section 800 of the Urban Renewal Plan, pursuant to ORS 457.460, requires that the Bend Development Board prepare an annual financial statement, file such financial statement with the City Commission, and publish notice that such statement is on file with the City Commission and the Development Board and that the information contained in such statement is available to all interested persons;

13. That Section 900 of the Urban Renewal Plan adequately provides for the participation of the general citizens of the City and of citizens, owners, tenants, and organizations who reside within or who have financial interests within the Urban Renewal Area in the current and longer-term planning of such Area;

14. That Section 1000 of the Plan guards against the discrimination of persons, groups or organizations on the basis of age, race, color, religion, sex, marital status or national origin;

15. That Section 1100 of the Urban Renewal Plan provides for the proper recordation of such Plan; and

16. That Section 1200 of the Urban Renewal Plan provides procedures for amending such Urban Renewal Plan.

SECTION 2. APPROVAL OF THE URBAN RENEWAL PLAN FOR THE CENTRAL BEND DEVELOPMENT PROGRAM AREA. The City Commission hereby approves by nonemergency ordinance the Central Bend Development Program Area Plan, an Urban Renewal Plan in the City of Bend, Deschutes County, Oregon, the original of which is on file with the office of the City Recorder-Treasurer, and incorporates the Urban Renewal Plan into this ordinance by reference herein,

SECTION 3. VALIDITY. If any portion of this Ordinance shall be held to be invalid, the remaining portions hereof shall nevertheless remain in full force and effect.

SECTION 4. EFFECTIVE DATE. The provisions of this ordinance shall become effective thirty (30) days after adoption and shall be conclusively presumed valid for all purposes ninety (90) days after adoption, pursuant to ORS 457.135.

Read for the first time on the 17th day of October, 1984.

Read for the second time on the 31st day of October, 1984.

Placed upon its passage the 31st day of October, 1984, by the following roll call vote:

Yes 5

No 0

Submitted to and approved by the Mayor this 31st day of October, 1984.

Craig C. Coyner III, Mayor

ATTEST:

Recorder-Treasurer

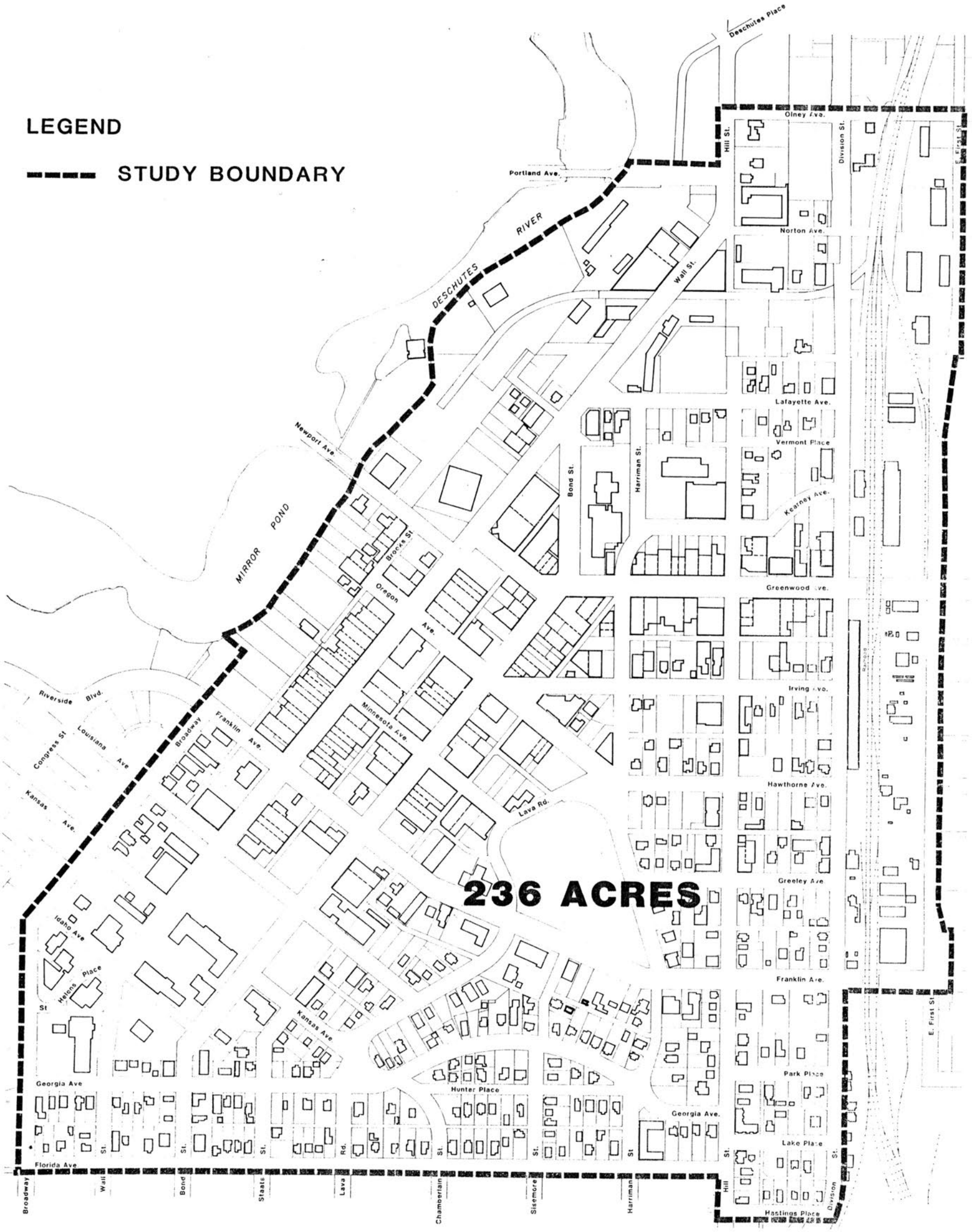


FIGURE 1

ORDINANCE NO. NS-1403

AREA INVESTIGATED

BEND, OREGON

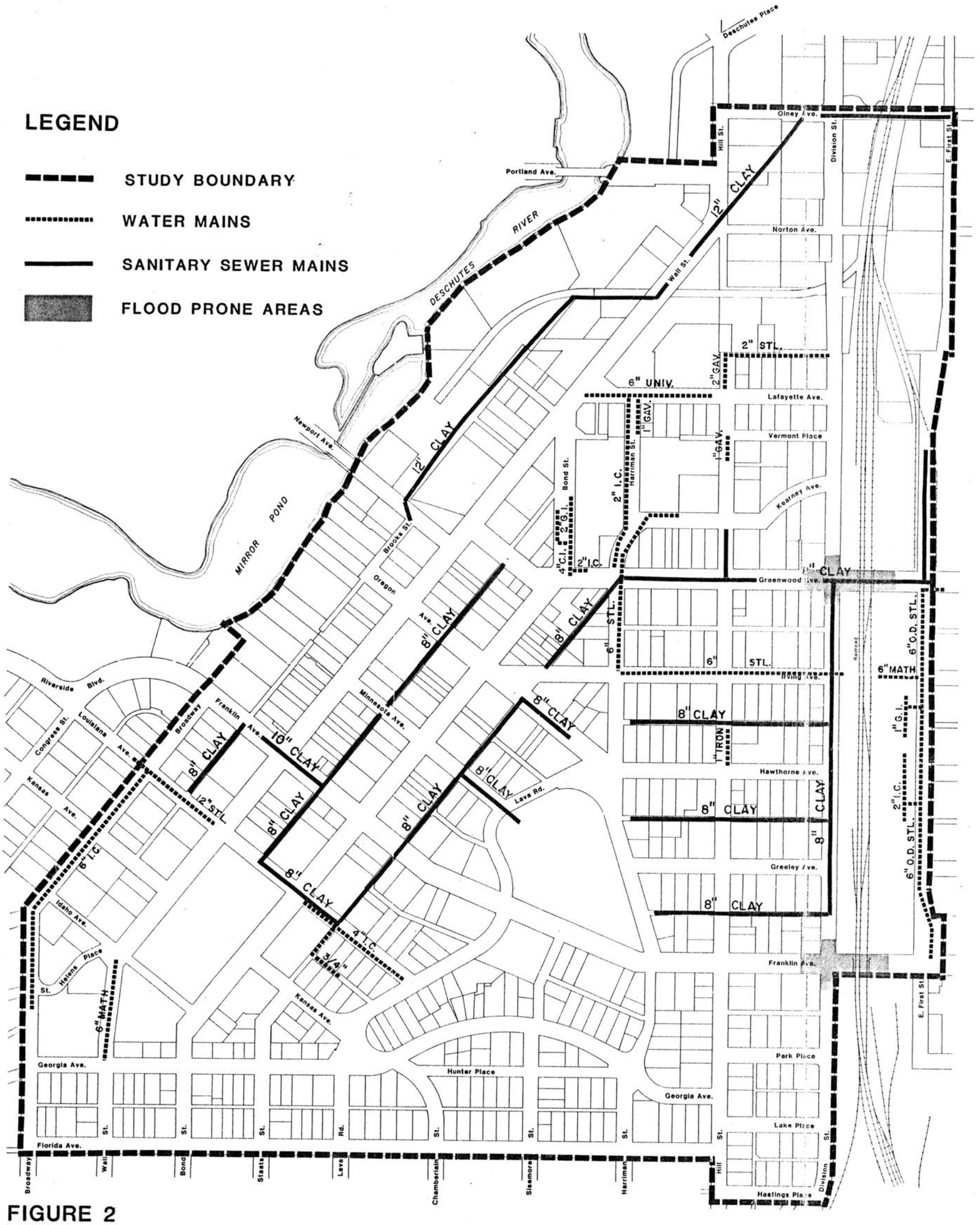


FIGURE 2

ORDINANCE NO. NS-1403

DEFICIENCIES IN UTILITY SYSTEMS

BEND, OREGON

NORTH

100 0 100 200 300 400 500

SCALE IN FEET

PATTERSON, STEWART and ASSOCIATES
ARCHITECTURE • PLANNING • URBAN DESIGN
45 HAWTHORNE • MEDFORD, OREGON • 97504
Phone (503) 772 5203

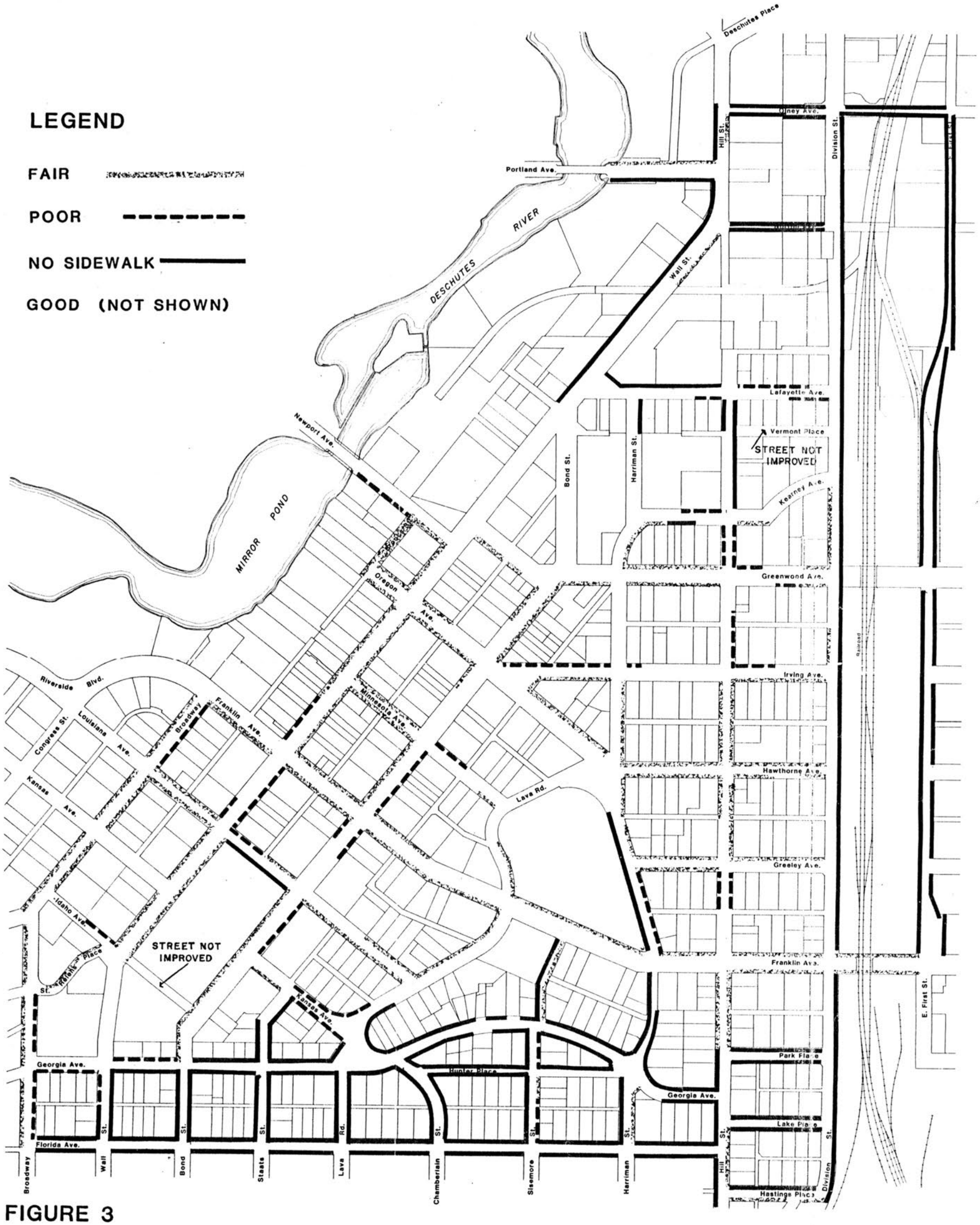


FIGURE 3

ORDINANCE NO. NS-1403

CONDITION OF SIDEWALKS
BEND, OREGON

NORTH

100 0 100 200 300 400 500

SCALE IN FEET

PATTERSON, STEWART and ASSOCIATES
ARCHITECTURE • PLANNING • URBAN DESIGN
454 HAWTHORNE • MEDFORD, OREGON • 97504
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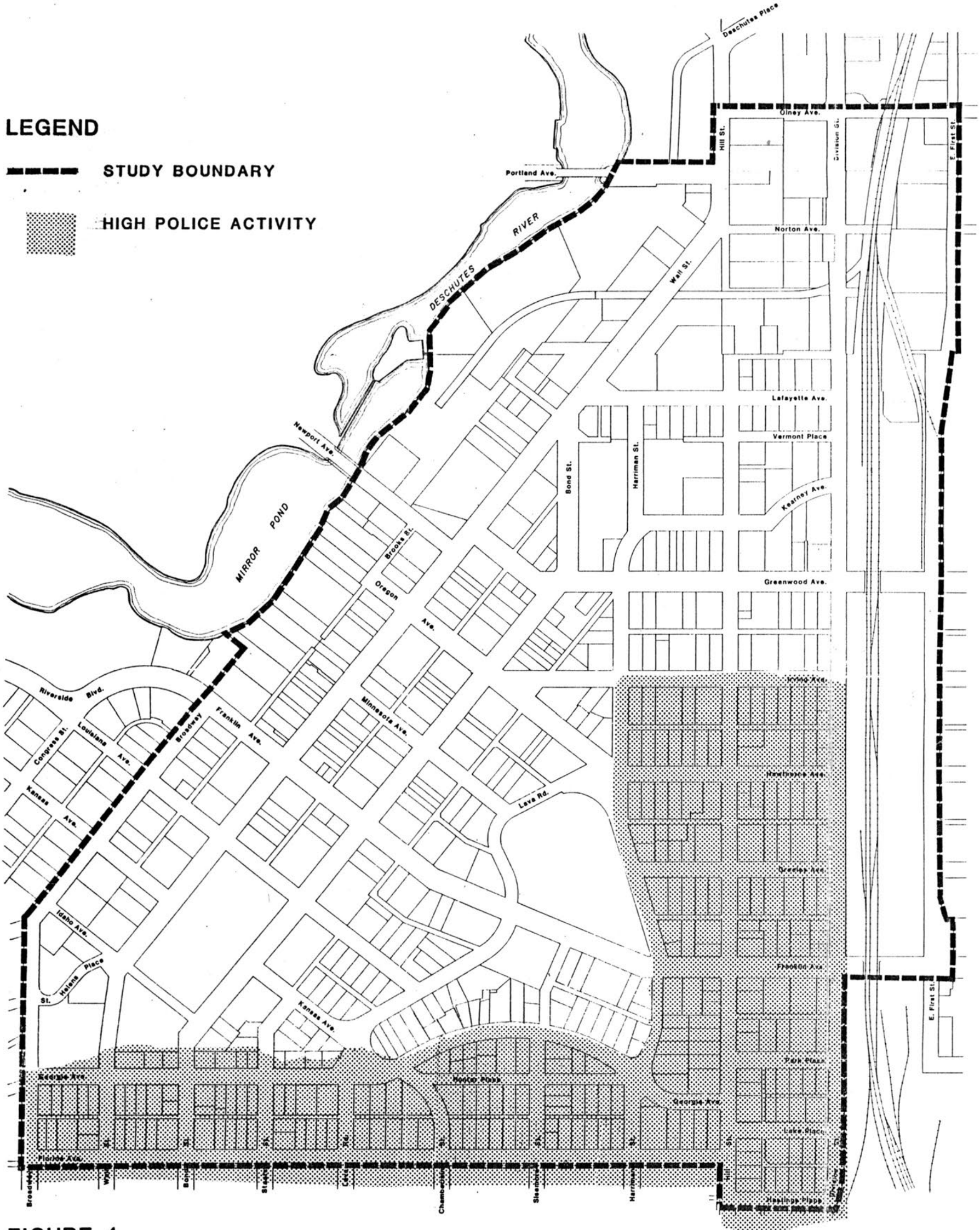

FIGURE 4

ORDINANCE NO. NS-1403

AREA OF HIGHER THAN NORMAL POLICE ACTIVITY

BEND, OREGON

LEGEND

- STUDY BOUNDARY
- GOOD
- FAIR (SEE TEXT)
- POOR

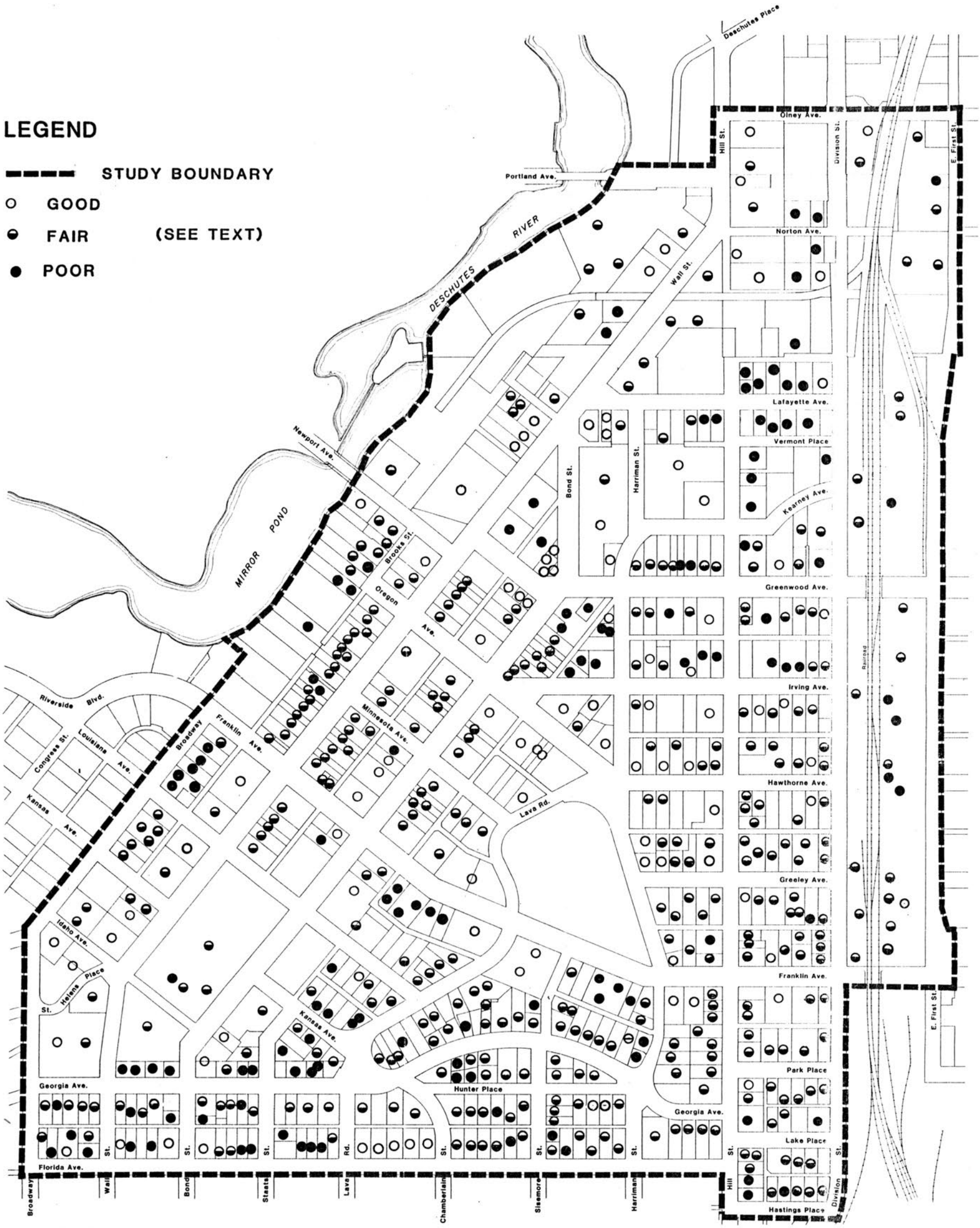

FIGURE 5

ORDINANCE NO. NS-1403

CONDITION OF STRUCTURES

BEND, OREGON

NORTH

100 0 100 200 300 400 500

SCALE IN FEET

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45 HAWTHORNE • MEDFORD, OREGON • 97504
Phone: (503) 772 5203

CENTRAL BEND DEVELOPMENT PROGRAM AREA PLAN

PREPARED BY

BEND DEVELOPMENT BOARD
BEND, OREGON
OCTOBER 1984

BEND DEVELOPMENT BOARD:

Ron Barber
Don Bauhofer
Neil Bryant
Beth Bussard, Chairperson
Bill Healy
Steve Scott
Greg Smith

BEND CITY COMMISSION:

Ruth Burleigh
Craig C. Coyner III, Mayor
Leonard Gray
Sam Langmas
Glenn E. Reed
Mike Rose
Jack Stevens

STAFF:

Jay Turley, Asst. City Manager
Tim Johnson, B.E.N.D., INC.
Ron L. Marceau, City Attorney
Elizabeth L. Fancher
Asst. City Attorney

CONSULTANT:

Patterson, Stewart Assoc.
Lyle A. Stewart, AIA, AICP

TABLE OF CONTENTS

		PAGE
SECTION 100	- INTRODUCTION	1
SECTION 110	- CITY/AGENCY RELATIONSHIPS	1
SECTION 200	- DEFINITIONS	2
SECTION 300	- LEGAL BOUNDARY DESCRIPTION	7
SECTION 400	- GOALS AND OBJECTIVES FOR THE CENTRAL BEND DEVELOPMENT PROGRAM AREA	8
SECTION 500	- LAND USE PLAN	20
SECTION 600	- PROJECT ACTIVITIES	24
SECTION 700	- METHODS FOR FINANCING THE PROJECT	33
SECTION 800	- ANNUAL FINANCIAL STATEMENT REQUIRED	35
SECTION 900	- CITIZEN PARTICIPATION	37
SECTION 1000	- NON-DISCRIMINATION PROVISIONS	38
SECTION 1100	- RECORDING OF THIS PLAN	39
SECTION 1200	- PROCEDURES FOR CHANGES OR AMENDMENTS IN THE APPROVED CENTRAL BEND DEVELOPMENT PROGRAM PLAN	40
SECTION 1300	- DURATION AND VALIDITY OF APPROVED URBAN RENEWAL PLAN	42

EXHIBITS

PART TWO - EXHIBITS

EXHIBIT 1 - DEVELOPMENT PLAN BOUNDARY
EXHIBIT 2 - LAND USE PLAN
EXHIBIT 3 - DISTRICTS
EXHIBIT 4A - PROJECTS - SIDEWALKS AND PEDESTRIAN AMENITIES
EXHIBIT 4B - PROJECTS - UTILITY SYSTEMS NEEDING REPLACEMENT
EXHIBIT 4C - PROJECTS - BUILDING RESTORATION AND REHABILITATION
EXHIBIT 5 - PRINCIPAL DEVELOLPMENT/REDEVELOPMENT AREAS
EXHIBIT 6 - TOPOGRAPHY

SECTION 100-INTRODUCTION

The Central Bend Development Plan, a 236 acre Urban Renewal Plan within the City of Bend, consists of Part 1 - Text, and Part 2 - Exhibits. This Plan has been prepared by the Bend Development Board, an Urban Renewal Agency, pursuant to the provisions found within the Oregon Revised Statutes, ORS Chapter 457, the Oregon Constitution, and all applicable laws and ordinances.

SECTION 110-CITY/AGENCY RELATIONSHIP

The relationship between the City of Bend, an Oregon municipal corporation and The Bend Development Board as an urban renewal agency created pursuant to ORS Chapter 457 shall be as contemplated by ORS Chapter 457. Nothing contained in this Plan, nor City's approval of this Plan, nor City's supplying of services or personnel, nor the budgetary requirements of this Plan shall in any way be construed as departing from or disturbing the relationship contemplated by ORS Chapter 457. It is the intention of City in approving this Plan and of City and the Board in implementing the Plan that the Board shall not be the agent of City nor shall City have any responsibility for the Board except as specifically provided by Chapter 457. The By-Laws of the Bend Development Board of Bend, Oregon dated October 8, 1984 are hereby incorporated into this Plan and the Board shall not change these By-Laws except with Bend City Commission approval.

SECTION 200-DEFINITIONS

The following definitions will govern this Plan unless the context otherwise requires:

"Acquisition" means the act or process of acquiring fee title or interest other than fee title of real property (including the acquisition of development rights of remainder interest).

"Activity Area" means any designated portion or element of the Central Bend Development Area in which authorized urban renewal actions are being undertaken by the Bend Development Board.

"Agency" means the Bend Development Board which, in accordance with ORS 457, is the Urban Renewal Agency of the City of Bend, Deschutes County, Oregon.

"B.E.N.D., Incorporated or B.E.N.D., Inc." means an organization of merchants, professionals, property owners, and interested citizens organized to provide coordinated management and promotion of downtown Bend. This organization was incorporated in 1982 as "Bend's Economy Needs Downtown".

"Blighted Areas" means areas which, by reason of deterioration, faulty planning, inadequate or improper facilities, deleterious land use or the existence of unsafe structures, or any combination of these factors, are detrimental to the safety, health or welfare of the community. A blighted area is characterized by the existence of one or more of the following conditions:

(1) The existence of buildings and structures, used or intended to be used for living, commercial, industrial or other purposes, or any combination of those uses, which are unfit or unsafe to occupy for those purposes because of any one or a combination of the following conditions:

  (a) Defective design and quality of physical construction;
  (b) Faulty interior arrangement and exterior spacing;
  (c) Overcrowding and a high density of population;
  (d) Inadequate provision for ventilation, light, sanitation, open spaces and recreation facilities; or
  (e) Obsolescence, deterioration, dilapidation, mixed character or shifting of uses.

(2) An economic dislocation, deterioration or disuse of property resulting from faulty planning;

(3) The division or subdivision and sale of property or lots of irregular form and shape and inadequate size or dimensions for property usefulness and development;

(4) The layout of property or lots in disregard of contours, drainage and other physical characteristics of the terrain and surrounding conditions;

(5) The existence of inadequate streets and other rights-of-way, open spaces and utilities;

(6) The existence of property or lots or other areas which are subject to inundation by water;

(7) A prevalence of depreciated values, impaired investments and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered;

(8) A growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety and welfare; or

(9) A loss of population and reduction of proper utilization of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.

"Board" or "Development Board" means the seven member, appointed Bend Development Board, which functions as the Bend Urban Renewal Agency as authorized by ORS Chapter 457.

"Board of County Commissioners" means the three member elected governing body of the County of Deschutes, Oregon.

"Central Bend Development Program Area", "Development Program Area" or "Program Area" means an Urban Renewal Area located in the City of Bend, Oregon which includes a 236 acre sector of the City containing the Central Business District and adjacent commercial, industrial and residential areas.

"City" means the City of Bend, Deschutes County, Oregon.

"City Commission" or "Commission" means the seven member elected, governing body of the City of Bend, Oregon.

"County" means the County of Deschutes, State of Oregon.

"County Facility" means offices and courts and similar facilities occupied or to be occupied for county purposes.

"Exhibit" means an attachment, either narrative or graphic, to the Central Bend Development Plan, within the Central Bend Development Program Area, Part Two - Exhibits.

"Main Street" means the program developed by the National Main Street Center, a demonstration project for the National Trust for Historic Preservation, the principle of which is to guide the conservation, restoration and the redevelopment of downtown.

"ORS" means Oregon Revised Statutes (State Law). ORS 457 is the chapter regulating the urban renewal process.

"Plan" or "Development Plan" means the Urban Renewal Plan for the Central Bend Development Program Area. The Plan consists of Part One - Text and Part Two - Exhibits.

"Preservation" means the act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

"Project" means any undertaking or activity within the Central Bend Development Program area, such as a public improvement, street project, or loan program which is authorized and for which implementing provisions are set forth in the Urban Renewal Plan.

"Project Area" means the entire Central Bend Development Program Area--a 236 acre, single geographic portion of the City of Bend, Oregon.

"Protection" means the act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack, or to cover or shield the property from danger or injury. In the case of buildings and structures, such treatment is generally of a temporary nature and anticipates future historic preservation treatment; in the case of archeological sites, the protective measure may be temporary or permanent.

"Reconstruction" means the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

"Redeveloper" means any individual or group which acquires property from the Bend Development Board or which receives financial assistance for the physical improvement of publicly or privately held structures and land from the Development Board.

"Rehabilitation" means the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

"Report on the Plan" means the text and graphic exhibit of a report which explains existing conditions, activities, procedures and proposals of the Plan of the Central Bend Development Program.

"Restoration" means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

"Stabilization"means the act or process of applying measures designed to reestablish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.

"State" means the State of Oregon and its various agencies, divisions and departments.

"Tax Increment Financing" means a method of financing Urban Renewal Projects as authorized by ORS Chapter 457, which uses the tax revenues generated by the increased taxable values in a defined area to pay for improvements within that area.

"Text" means Part One of this Urban Renewal Plan for the Central Bend Development Program.

"Urban Renewal Law" means Oregon Revised Statutes, Chapter 457 (ORS 457) the State Urban Renewal Law. This development Program was prepared to meet all the requirements of the State Urban Renewal Law.

SECTION 300- LEGAL BOUNDARY DESCRIPTION

The following is a legal description of the boundary of the Central Bend Development Program Area.

Commencing at a point which is the intersection of the east right-of-way line of First Street with the north right-of-way line of Olney Avenue, said point bears west 406.76 (plus or minus) feet and south 370.00 (plus or minus) feet from the common corner to sections 28, 29, 32 and 33, Township 17 south, range 12 east, Willamette Meridian, City of Bend, Deschutes County, Oregon. Thence south along said First Street right-of-way line to a point on the south right-of-way line of Franklin Avenue, then west along said line to the east right-of-way line of Division Street, thence south along said line to the south right-of-way line of Hastings Place, thence west along said line to the west right-of-way line of Hill Street, thence north along said line to the south right-of-way line of Florida Avenue, thence west along said line to the west right-of-way line of Broadway, thence northerly along said line to a point on the north right-of-way line of Franklin Avenue which is the intersection of the southeasterly line of Tax Lot 5301, Deschutes County, Oregon Tax Assessor Plat 17 12 32 BD. Then northeasterly along said southeasterly line to the rear corner of said lot, thence northwesterly along rear lot line to the prevalent waterline of Mirror Pond of the Deschutes River. Thence northeasterly along said water line to the north right-of-way line of Portland Avenue, thence east along said line to the west right-of-way line of Hill Street, thence north along said line to the north right-of-way line of Olney Avenue, thence east along said line to the point of beginning.

The boundary described from Assessor Plats, Deschutes County Records, Bend, Oregon. The area encompassed by said boundary contains 236 acres (plus or minus).

Exhibit 1 of Part Two of this Plan, graphically describes the boundary as is verbally set forth above.

SECTION 400- GOALS AND OBJECTIVES FOR THE CENTRAL BEND DEVELOPMENT PROGRAM AREA

The primary goal and objective of the Central Bend Development Program and this Plan are to improve the function, condition and appearance of the Development Area, to eliminate existing blight and blighting influences, and to strengthen economic and environmental conditions. The following goals and objectives more specifically identify the purposes of this Plan:

A. HOUSING AND DOWNTOWN NEIGHBORHOODS

1. GENERAL GOAL:

To give high priority to increasing the number of residential accommodations in the Downtown Area for a mix of age and income groups, taking into consideration differing life styles; and to provide a "quality" environment in which people can live recognizing that residents of Downtown and adjacent areas are essential to the growth, stability and general health of a city.

2. SPECIFIC GOALS:

a. Coordinate and better organize the efforts of all agencies that are involved in the provision of housing (both public and private, including Urban Planning Commission, City of Bend Planning Department and B.E.N.D. Incorporated). Specifically:

(1) Develop economic or other incentives to reduce the slippage rate of existing housing units from the market in the Downtown area and encourage the building of additional housing units.

(2) Encourage the fullest use of public and private programs to ensure that future Downtown housing accommodates a mix of low, moderate and high income people.

(3) Provide, in addition to existing federal programs, comprehensive plans for the relocation of all displaced residents.

(4) Establish a mechanism within the neighborhoods that can provide the people living in them a voice in making decisions affecting the area as well as responsibility for those decisions.

(5) Recognize the differing needs and problems of the various groups who will be housed, including those groups who naturally gravitate to the city core. Provide housing and services commensurate with their physical and social needs. These groups include the single, retired, the elderly, students and the handicapped.

b. Enhance the liveability of Downtown:

(1) Strengthen the role of B.E.N.D. Incorporated so that they may take an active leadership role in translating the "Bend Character" as defined by rivers, parks, trees, topography, vistas, and spirit into design concepts that will guide future development and use of existing structures.

(2) Create a pleasurable environment by providing:

(a) Pedestrian ways, "people-mover" systems and bicycle trails to connect core area housing and adjacent neighborhoods with open spaces, the retail core, and medical and/or other support facilities.
(b) Parks, places to talk, play (both children and adult activities), look, think and enjoy.
(c) Other public use facilities such as restaurants, plazas, restrooms, skating rink, etc.
(d) Accessible service centers for residential areas: drug stores, supermarkets, medical facilities, transportation.
(e) Adequate lighting in all parts of the Downtown area.
(f) Adequate police, fire and health protection.
(g) A variety of tourist attractions; e.g., use of the river.
(h) Clean air and reasonable noise levels.

B. COMMERCE

1. GENERAL GOAL:

Enhance Downtown's role to once again become a leading center for retail goods and consumer services. Provide an atmosphere conducive to investment.

2. SPECIFIC GOALS:

a. Maintain a compact retail core.

b. Encourage retail use of ground-level space, including shops and restaurants on first floors of office buildings. Keep parking and other non-retail uses from breaking up the sidewalk retail frontage.

c. Encourage clusters of general and specialty retailing in the Downtown area.

d. Encourage development of specialty shops and restaurants in the direction of the riverfront to generate activities and pedestrian flow toward the river.

e. Create a system of pedestrian ways which:

(1) Connect the retail core with the riverfront, offices, residential areas, and parking facilities.

(2) Create a pleasant shopping environment in the retail core, utilizing widened and covered walkways and/or malls, special lighting and landscaping. Special attention should be given to providing protection from Bend's weather environment.

(3) Reduce stress by eliminating pedestrian/vehicle conflicts. Investigate the feasibility of altering store loading schedules and/or locations.

f. Provide facilities for shoppers: street furniture, meeting rooms, places to sit, rest, wait, observe; shoppers' lockers, day-care facilities, bicycle storage, and public restrooms.

g. Encourage renovation of deteriorated retail facilities.

h. Develop a major city square in the center of the Downtown retail core to provide breathing space, a focal point, and a gathering place.

C. RIVERFRONT DEVELOPMENT

1. ASSETS AND POTENTIAL:

Although Bend is in an outdoor recreational area center, the riverfront is one of the few places which provides the city dweller with an opportunity to get in touch with the natural environment and, more particularly, with the special qualities of a body of water. The riverfront provides the opportunity for play as well as work, relaxation as well as group interaction; the opportunity to create for the people of Bend a combination of unique activities through which city life can be enhanced.

a. These goals are based on the assumptions that the highest priority should be given to the human element; to enhancing liveability; and to fulfilling the human need for open space.

b. The riverfront should offer contrast and relief from the formal character of downtown.

c. The very nature of the river and the riverfront makes possible the realization of a broad range of unique activities, not possible elsewhere in the city.

d. The riverfront should be a place which will act as a magnet, drawing people back into the heart of the city...a community focus.

e. Through careful planning, landscaping and development, strive to capture the beauty and drama of the Deschutes--a great Northwest River with a colorful past.

2. IMMEDIATE GOALS:

a. Establish a mechanism for public involvement in the development of the riverfront. Directly involve individuals as well as organizations.

b. Establish a public policy for the development of publicly owned riverfront land, keeping in mind the potential for uses and the community involvement which may not exist on private lands.

c. Promote activities which take advantage of the water.

d. Develop programs to make the Deschutes River free of pollution and safe for the water-oriented activities and marine life.

3. LONG-RANGE GOALS:

a. The area included in "the riverfront" should be large enough to be flexible and useable, providing for the fullest range of activities. Acquisition of public land and development should be extended as far north, south and east as possible.

b. Good physical and visual access should be developed from the downtown to the waterfront and to the water itself.

(1) The riverfront must be pedestrian-oriented.
(2) Facilities for automobiles should be avoided on the riverfront.
(3) Pedestrian ways should penetrate automobile traffic barriers to the greatest extent possible.
(4) Develop a network of trails, paths, walks which provide wide-ranging connections to all of downtown.
(5) Create a "promenade" feeling, a setting for mingling and communicating.

c. The two banks of the river should be connected visually and by safe, pleasant pedestrian/bicycle ways.

d. Develop permanent facilities to provide public-oriented commercial, retail, service, gathering and entertainment activities.

e. Density (height, coverage and bulk) regulations and design controls should be part of the waterfront development plan.

(1) Buildings near the riverfront district should not constitute a barrier between the core and the river or block important vistas.
(2) Height of development should be stepped down from the core to the river.
(3) Exclusive or private use should be subordinate to public use. Private development should provide public access and facilities.

D. PARKING AND CIRCULATION

1. Provide an efficient, balanced network of circulation and enhance the accessibility of parking.

2. Energy conservation in the private and public use of vehicles should be encouraged.

3. Encourage maximum accommodation to walking in the Core Area.

a. Reduce air and noise pollution and pedestrian-vehicle conflicts to provide a healthier, more pleasant atmosphere for walking.

b. In recognition of Bend's snowy weather, covered walkways, malls and other appropriate pedestrian ways should be developed to serve the entire core and to link open spaces and parks.

c. Provide safe pedestrian access across bridges.

4. Encourage use of bicycles as an alternative mode of transportation by:

a. Providing safe bicycle access over the bridges.

b. Developing a network of bikeways serving the entire core and connecting it with adjacent areas.

c. Initiate placement of bike racks in the Core Area.

5. Develop a circulation pattern which responds to these Goals by:

a. Providing an efficient and adequate transportation network.

b. Establish a functional classification of streets for:
--Public and Private Vehicles
--Service Areas
--Bicycles
--Pedestrians
--Parking

6. Establish a public parking policy by developing an identifiable system of parking in Downtown Bend which will best serve all Downtown activities. Such system should:

a. Analyze future parking facilities which will best serve recommended land uses in Downtown.

b. Provide parking facilities for automobiles appropriate for both long-term and short-term parking in conjunction with good pedestrian access to Downtown.

c. Provide protected parking for bicycles downtown and at peripheral parking sites.

d. Provide convenient and safe locations for handicapped parking.

E. OFFICE DEVELOPMENT

1. GENERAL GOAL:

Strengthen Downtown's role as an important center for administrative, financial, personal and professional business, service, and governmental activities.

2. SPECIFIC GOALS:

a. Provide sites and an environment which will adequately accommodate new office development as needed.

b. Encourage the use of rehabilitated historic buildings as office space.

c. Encourage, at the street level, pedestrian-oriented spaces and activities such as plazas, retailing, restaurants, etc.

d. Strengthen pedestrian access from office facilities to retail and public areas.

e. Utilize office building rooftops for supportive open-space and other amenities.

f. Provide adequate off-street loading facilities in new buildings.

F. INDUSTRIAL DEVELOPMENT

1. GENERAL GOAL:

Maintain supportive warehousing and wholesaling in a cohesive district close to downtown.

2. SPECIFIC GOALS:

a. Encourage off-street parking and loading to reduce vehicular congestion.

b. Encourage supportive land uses in industrial areas to provide for the needs of employees.

c. Provide the amenities of landscaping proper lighting and open space where possible in industrial districts.

G. CULTURE AND ENTERTAINMENT

1. GENERAL GOALS:

a. Promote Downtown as the entertainment and cultural center of the metropolitan area.

b. Encourage public sponsorship of entertainment.

c. Provide facilities for the performing arts.

d. Create pedestrian links Downtown to ensure good access to and between recreational and cultural facilities.

e. Maintain and reinforce Wall Street and other active entertainment areas.

f. Encourage diversification of cultural entertainment in the Core Area.

g. Provide incentives for new and existing buildings to create entertainment facilities within them for public use.

h. Provide spaces for community entertainment, exhibition and meeting facilities.

H. HISTORIC PRESERVATION

1. GENERAL GOAL:

Identify, preserve, protect and dramatize historical structures and locations within Downtown.

2. SPECIFIC GOALS:

a. Define in clear and specific terms the criteria to be used for the classification of historic structures.

b. Protect historic buildings from incompatible development.

c. Encourage coordination among those owners revitalizing historic structures to create a common or compatible atmosphere.

I. ENVIRONMENTAL

1. GENERAL GOAL:

Create in Downtown Bend an urban setting with a definite sense of place and identity by developing strong boundaries, emphatic focal points, unique physical designs for identifiable areas and by enhancing special views such as of the riverfront and of historically or architecturally significant buildings.

2. SPECIFIC GOALS:

a. Sharpen the visual identity of downtown sub-areas, such as Minnesota Street, Deschutes County Courthouse, City Hall.

b. Encourage the creation of visual amenities and physical facilities which might not otherwise be built.

c. Give careful consideration to the design of street furniture, planting, signing and lighting.

d. Encourage careful consideration of climatic conditions in the design and redesign of buildings.

e. Give careful consideration to the number, location and design of billboards and business signs.

J. FINANCING THE COST OF DEVELOPMENT

1. GENERAL GOAL:

Before undertaking the development, rehabilitation or redevelopment of public or private property, investigate the availability and potential use of all available programs and techniques that would reduce financing costs.

2. SPECIFIC GOALS:

a. Adopt and implement below-market interest rate loan programs for the rehabilitation and restoration of private buildings which are physically and economically feasible.

b. Consider the establishment of a loan reserve fund to be used in conjunction with participating local financial institutions and to encourage such institutions to provide below-market interest rate loans to property owners wishing to rehabilitate buildings.

c. Assist eligible private developers or redevelopers in obtaining the use of tax-free, economic development bonds sponsored by the State's Department of Economic Development.

d. Investigate the use of all Federal Government loan and grant programs for use in conjunction with public and private development. Such programs include:

(1) Urban Development Action Grants (UDAG);
(2) Community Development Block Grants (CDBG) and other applicable HUD programs;
(3) EPA programs;
(4) EDA programs;
(5) National Trust for Historic Preservation; and
(6) Such other programs as may from time-to-time be enacted.

e. Investigate the use of the Federal Government Small Business Administration's "503" and other loan programs to assist in private business development.

SECTION 500-LAND USE PLAN

The use and development of all land within the Central Bend Development Area shall comply with the regulations prescribed in the City's Comprehensive Plan, Zoning Ordinance, Subdivision Ordinance, City Charter, or any other applicable local, State or Federal laws regulating the use of property in an Urban Renewal Area.

That portion of the Bend Comprehensive Plan Land Use Map that lies within the boundary of the Central Bend Development Area (Exhibit 2 - Part Two of this Plan), describes the location of various zoning classifications which are applicable to the Project Area.

A. Land Use Zoning Classifications:

"RS" - URBAN STANDARD RESIDENTIAL
Development within this land use classification shall conform with the provisions of Section 10 of Ordinance No. NS-1178--the "Zoning Ordinance" of the City of Bend, Oregon.

The "RS" Zone is intended to provide for the most common urban residential densities in places where community sewer services are or will be available and to encourage, accommodate, maintain and protect a suitable environment for family living.

"RM" - URBAN MEDIUM DENSITY RESIDENTIAL

Development within this land use classification shall conform with the provisions of Section 11 of Ordinance No. NS-1178--the "Zoning Ordinance" of the City of Bend, Oregon.

The "RM" zone is intended to provide for the development of low density multiple-family residential structures where such buildings are reasonably spaced on the lot to provide for light, air, privacy, safety and insulation against transmission of sound in areas with community services. Each development of four or more units is subject to Site Plan Approval as provided in Section 23 of Ordinance No. NS-1178.

"RH" - URBAN HIGH DENSITY RESIDENTIAL

Development within this land use classification shall conform with the provisions of Section 12 of Ordinance No. NS-1178--the "Zoning Ordinance" of the City of Bend, Oregon.

The"RH" zone is intended to provide for high density multiple-family developments in locations close to shopping and services, transportation and public open space, and, in appropriate locations, to provide a transitional use area between residential areas and other less restrictive zones. The professional and office uses included in this zone are intended to enhance the function of this zone in transitional areas and to encourage this transition in a more residential character.

"CN" - NEIGHBORHOOD COMMERCIAL

Development within this land use classification shall conform with the provisions of Section 13 of Ordinance No. NS-1178--the "Zoning Ordinance" of the City of Bend, Oregon.

The "CN" zone is intended to provide for the location of small businesses and services in residential sections of the City for the convenience of nearby residents; also to recognize existing uses of this type within the City. New CN zones shall have a maximum area of 20,000 square feet of contiguous land. The businesses are intended to fit into the residential pattern of development and not create either land use, architectural or traffic conflicts.

All "CN" land within the Development Area Plan is in public ownership and is used for street purposes.

"CL" - LIMITED COMMERCIAL

Development within this land use classification shall conform with the provisions of Section 15 of Ordinance No. NS-1178--the "Zoning Ordinance" of the City of Bend, Oregon.

The "CL" zone is intended to establish locations for the development of commercial centers to provide for the shopping and service requirements for large sections of the community and to recognize existing uses both in centers and as parts of commercial strips. New community centers shall be limited to a minimum area of 12 acres to a maximum area of 20 acres of contiguous land and shall be developed in a manner consistent with the General Plan.

"CG" - GENERAL COMMERCIAL

Development within this land use classification shall conform with the provisions of Section 17 of Ordinance No. NS-1178--the "Zoning Ordinance" of the City of Bend, Oregon.

The "CG" zone is intended to provide for a broad mixing of commercial uses and for wholesale and heavier commercial uses in older, close-in sections of the community.

"CB" - CENTRAL BUSINESS

Development within this land use classification shall conform with the provisions of Section 18 of Ordinance No. NS-1178--the "Zoning Ordinance" of the City of Bend, Oregon.

The "CB" zone is intended to serve as the central trading area for the City and surrounding urbanized areas.

"IL" - LIGHT INDUSTRIAL

Development within this land use classification shall conform with the provisions of Section 20 of Ordinance No. NS-1178--the Zoning Ordinance of the City of Bend, Oregon.

The "IL" zone is intended to provide for those heavier commercial and light industrial uses located in existing built-up areas of the City.

B. Residential Densities. The maximum residential densities in the included zoning categories shall not exceed the following:

Zone	Minimum Land Area per Dwelling Unit
"RS"	6000 square feet
"RM"	Studio or Efficiency Unit 750 sq.ft. 1 Bedroom Unit 1000 sq.ft. 2 Bedroom Unit 1500 sq.ft. 3 Bedroom Unit 2250 sq.ft. 4 Bedroom Unit 2500 sq.ft. Provided that the overall density shall not exceed one dwelling unit per 2000 sq.ft. of lot area.
"RH"	1st and 2nd Floor / 3rd Floor and Above Studio or Efficiency Unit 650 sq.ft. / 250 sq.ft. 1 Bedroom Unit 900 sq.ft. / 500 sq.ft. 2 Bedroom Unit 1250 sq.ft. / 1000 sq.ft. 3 Bedroom Unit 1850 sq.ft. / 1500 sq.ft. 4 Bedroom Unit 2100 sq.ft. / 1850 sq.ft. Provided that the overall density shall not exceed one dwelling unit per 1000 sq.ft. of lot area. See Zoning Ordinance Section 12-(5)-(a).
"CN"	Existing residential uses without any increase in density.
"CL"	Existing residential uses without any increase in density.

"CG" Existing residential uses without any increase in density. New residential uses subject to the standards of the RH Zone.

"CB" Residential uses are permitted above the ground floor of a building by conditional use. No minimum land area per dwelling unit is specified.

"CL" Existing residential uses without any increase in density, and a dwelling unit for a caretaker or watchman working on the property. See Zoning Ordinance sections 20-(2)-(a) and 19-(2)-(a). No minimum land area per dwelling unit is specified.

SECTION 600-PROJECT ACTIVITIES

In order to achieve the objectives of this Plan, the following activities will be undertaken in behalf of the City of Bend by the Bend Development Board, in accordance with applicable Federal, State, County and City laws, policies and procedures.

A. REHABILITATION AND CONSERVATION

1. Intent. It is the intent of this Plan to encourage conservation and rehabilitation of existing buildings, and to promote the preservation of historical structures which can be economically rehabilitated.

2. Method. Rehabilitation and conservation may be achieved in three ways:

   a. By owner and/or tenant activity, with or without financial assistance by the Development Boards;
   b. By the enforcement of existing City codes and ordinances;
   c. By acquisition of property by the Development Board for rehabilitation by the Development Board or resale for rehabilitation by others.

3. Financial Building Rehabilitation Assistance. The Development Board, with funds available to them, is authorized to promulgate rules and guidelines, establish loan programs and provide below market interest rate loans to the owners of buildings which are in need of rehabilitation and which are economically capable of same. The various types (commercial, residential and other) of rehabilitation sectors are described on Exhibit 4C of Part Two of this Plan.

   a. Straight Loans with terms and interest rates to be determined by the Development Board. Interest rates shall be sufficient to cover the costs of the Development Board and its staff in processing and servicing such loans;

   b. Deferred Payment Loans for use by elderly, low-income home owners who are occupying the home needing rehabilitation. A lien shall be placed on the property and the loan shall be due and payable only when the property title changes from the party receiving the loan;

   c. A Special Loan Reserve Fund may be established by the Development Board and placed in an interest bearing reserve account for the purpose of guaranteeing below market interest rate loans provided to non-residential building owners by local banks, savings and loan companies or other local financial institutions. The Development Board is authorized to negotiate and establish such loan payments with such local financial institutions and to establish and adopt appropriate rules and guidelines for the use of such loan reserve fund;

   d. The Development Board and its staff may function as the City's agent in processing and servicing low interest rate housing rehabilitation loans made available from funds provided by the Federal Government through its Department of Housing and Urban Development;

   e. The Development Board and its staff may assist local businesses in securing low interest rate loans from the Federal Government through its Small Business Administration;

   f. The Development Board and its staff may assist the owners of historically significant buildings or property in securing official and appropriate historic designation of their property from State and Federal Government Agencies and assist in preparing documents necessary for such owners to receive loans and grants for the restoration, rehabilitation and preservation of such officially designated historic buildings or places.

B. ACQUISITION AND REDEVELOPMENT

1. Intent. It is the intent of this Plan to authorize the Development Board to acquire property within the Development Program Area by any legal means to achieve the objective of this Plan, and specifically, for any of the purposes listed in Subsection 600-B-2 below.

   Provided, however, the use of Eminent Domain Proceedings (condemnation of property) shall not be initiated by the Bend Development Board. Such Eminent Domain proceedings, if ever considered in the carrying out of this Plan, may be initiated only by the Bend City Commission.

2. Method. Property acquisition, including limited interest acquisition, is hereby made a part of this Plan and may be used to achieve the objectives of this Plan based on any one of the following criteria:

   a. Where existing conditions do not permit practical or feasible rehabilitation of a structure and it is determined that acquisition of such properties and demolition of the improvements thereon are necessary to remove substandard and blighting conditions;

b. Where detrimental land uses or conditions such as incompatible uses, or adverse influences from noise, smoke or fumes exist, or where there exists over-crowding, excessive dwelling unit density or conversions to incompatible types of uses, and it is determined that acquisition of such properties and demolition of the improvements are necessary to remove blighting influences and to achieve the objectives of this Urban Renewal Plan;

c. Where it is determined that the property is needed to provide public improvements and facilities as follows:

(1) Right-of-way acquisition for streets, alleys or pedestrian ways;

(2) Property acquisition for a City government offices and other City or public use; and

(3) Property acquisition for public, off-street parking facilies.

d. Where the owner of real property within the boundaries of the Development Program Area wishes to convey title of such property by any legal means, including by gift; or

e. Where the existing property owner is either unwilling or unable to achieve the objectives of this Plan or where acquisition is important to the implementation of this Plan.

3. Land Acquisition Requiring Urban Renewal Plan Amendments. Land acquisition for any purpose other than specifically listed in 600-B-2 above, shall be accomplished only following procedures for amending this Plan as set forth in Section 1200 of this Plan. Assembling land for development by the private sector where the developer of such land is a person or group other than the owner of record of such land to be acquired, shall be accomplished only following a formal amendment to this Plan. Each such development and the property acquisition required therefore shall be processed on a case-by-case basis and no such acquisition shall be undertaken until the City Commission authorizes same in conjunction with or by formal amendment to this Plan.

If such plan amendment is approved by the City Commission, a map exhibit shall be prepared showing the properties to be acquired and the purpose of such acquisition. Such map exhibit shall be appropriately numbered and shall be included in Part Two as an official part of this Urban Renewal Plan.

C. RELOCATION ACTIVITIES

It is not the intent of the Development Board to acquire property which is occupied and which would cause the displacement of the occupants. However, if in the implementation of the Plan, persons or businesses should be displaced by action of the Development Board, the Development Board will provide assistance to persons or businesses to be displaced. Such displacees will be contacted to determine their individual relocation needs. They will be provided information on available space and will be given assistance in moving. All relocation activities will be undertaken and payments made in accordance with the requirements of ORS 281.045 - 281.105 and any other applicable laws or regulations. Relocation payments will be made as provided in ORS 281.060. Payments made to persons displaced from dwellings will assure that they will have available to them decent, safe, and sanitary dwellings at costs or rents within their financial reach. Payment for moving expense will be made to businesses displaced.

Prior to acquiring any property which will cause households, businesses, offices or other uses to be displaced, the Development Board will prepare, adopt, and maintain a Relocation Policy. Such policy will be available to interested parties at the Development Board's office and will set forth the relocation program and procedures, including eligibility for and amounts of relocation payments, services available and other relevant matters.

D. PUBLIC IMPROVEMENTS

1. Intent. Public facilities and City-owned utility systems may be improved or constructed within public rights-of-way, easements, or on public property.

2. Public improvements may include the construction or reconstruction of sidewalks and pedestrian amenities described on Exhibit 4A of Part Two of this Plan, including:

a. New curbs and gutters, including curb extensions into on-street parking areas;
b. New sidewalks and decorative cross-walks;
c. Trees, shrubs, flowering plants, ground covers, and other plant materials including irrigation systems, soil preparation and/or containers to support same;
d. Tables, benches and other street furniture including kiosks, phone booths, drinking fountains, decorative fountains, street lights and traffic control devices;
e. Special graphics for directional and informational purposes;
f. Sidewalk awnings, canopies and other weather-sheltering devices for the protection of pedestrians.

E. OFF-SITE FACILITIES

To encourage the development or redevelopment of private property within the Development Program Area, the Development Board may construct, install, pay for, or otherwise cause certain off-street public facilities to be installed or provided when, in the public interest, such action would benefit and further the objectives of this Plan.

F. ADMINISTRATIVE ACTIVITIES

1. The Board shall obtain its Director/Secretary and staff from City and City shall provide the personnel necessary to staff the Board on such terms and conditions as the Board and City may from time to time agree. In developing the staffing requirements of the Board, the Board will evaluate and make recommendations to the City regarding the personnel support needs of the Board. Board staffing recommendations shall be included in the annual budget proposal of the Board to the City.

2. Further, the Development Board may retain the services of independent professional people or organizations to provide technical services such as:

   a. Preparation of market, feasibility or other economic studies;
   b. Preparation of design, architectural, engineering, landscaping architectural, planning, redevelopment, or other developmental studies;
   c. Providing accounting or audit services;
   d. Providing special rehabilitation, restoration or renovation feasibility and cost analysis studies;
   e. Assisting in preparation of the annual financial report required under Section 800 of this Plan; and
   f. Property acquisition appraisals

3. The Development Board may acquire, rent or lease office space and office furniture, equipment and facilities necessary for it to conduct its affairs in the management and implementation of this Plan.

4. The Development Board may invest its reserve funds in interest-bearing accounts or securities.

5. To implement this Plan, the Development Board may borrow money, accept advances, loans or grants from any legal source, issue urban renewal bonds and receive tax increment proceeds as provided for in Section 700 of this Plan.

6. The Development Board shall have all of the powers and responsibilities authorized under the provisions of ORS Chapter 457 except for the right to condemn real property.

G. PROPERTY DISPOSITION AND REDEVELOPER OBLIGATIONS

1. Property Disposition. The Development Board is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property which has been acquired by them in accordance with the provisions of this Plan.

   All real property acquired by the Development Board in the Development Program Area, if any, shall be disposed of for development for the uses permitted in the Plan at its fair re-use value for the specific uses to be permitted on the real property. Real property acquired by the Development Board may be disposed of to any other public entity by the Development Board in accordance with this Plan. All persons and entities obtaining property from the Development Board shall use the property for the purposes designated in this Plan, and shall commence and complete development of the property within a period of time which the Development Board fixes as reasonable, and comply with other conditions which the Development Board deems necessary to carry out the purposes of this Plan.

   The Development Board shall provide adequate safeguards to ensure that the provisions of this Plan will be carried out to prevent the recurrence of blight. All real property owned or leased by participants, shall be made subject to this Plan. Leases, deeds, contracts, agreements, and declarations of restrictions by the Development Board may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provisions necessary to carry out this Plan.

2. Redeveloper's Obligations. Any redeveloper and his successors or assigns within the Development Program Area, in addition to the other controls and obligations stipulated and required of him by the provisions of this Plan, shall also be obligated by the following requirements:

   a. The Redeveloper shall obtain necessary approvals of proposed developments from all Federal, State and/or local agencies that may have jurisdiction on properties and facilities to be developed or redeveloped within the Development Program Area;

   b. The Redeveloper shall develop or redevelop such property in accordance with the land-use provisions and building requirements specified in this Plan;

   c. The Redeveloper shall submit all plans and specifications for construction of improvements on the land to the Development Board for review and distribution to appropriate reviewing bodies as required by the City and shall comply with all applicable requirements of existing City codes and ordinances;

   d. The Redeveloper shall commence and complete the development of such property for the uses provided in this Plan within a reasonable period of time as determined by the Development Board;

   e. The Redeveloper shall not effect or execute any agreement, lease, conveyance, or other instrument whereby the real property or part thereof is restricted upon the basis of age, race, color, religion, sex, marital status, or national origin in the sale, lease or occupancy thereof;

   f. The Redeveloper shall accept all conditions and agreements as may be required by the Development Board in return for receiving financial assistance from the Development Board;

g. The Redeveloper shall maintain developed and/or undeveloped property under his ownership within the area in a clean, neat, and safe condition.

H. OWNER PARTICIPATION

Property owners within the Urban Renewal Area proposing to improve their properties and receiving financial assistance from the Development Board shall do so in accordance with all applicable provisions of this Plan and with all applicable codes, ordinances, policies, plans and procedures of the City of Bend.

SECTION 700- METHODS FOR FINANCING THE PROJECT

A. General Description of the Proposed Financing Methods. The Development Board may borrow money and accept advances, loans, grants and any other legal form of financial assistnce from the Federal Government, the State, City, County or other public body, or from any sources, public or private, for the purposes of undertaking and carrying out this Development Plan, or may otherwise obtain financing as authorized by ORS Chapter 457.

B. Self Liquidation of Costs of Project (Tax Increment Financing). The project may be financed, in whole or in part, by self-liquidation of the costs of the Project Activities as provided in ORS 457.420 through 457.450. The ad valorem taxes, if any, levied by a taxing body upon the taxable real and personal property situated in the Project Area, shall be divided as provided in ORS 457.440. That portion of the taxes representing the levy against the increase, if any, in the assessed value of property located in the Development Area, or part thereof, over the assessed value specified in the certificate or amendment to the certificate filed under ORS 457.430, shall, after collection by the tax collector, be paid into a special fund of the Development Board and shall be used to pay the principal and interest on any indebtedness incurred by the Development Board to finance or refinance this Central Bend Development Program.

The tax increment financing process, pursuant to ORS 457.420 through 457.450, shall be terminated in the taxing year in which a cumulative sum of $11,261,500 is paid into the special fund of the Development Board.

Should the final year tax increment proceeds be larger than that required to accumulate $11,261,500 then the dollars over that amount shall be prorated back to the taxing districts as provided by subsection (3) of ORS 457.450.

C. Prior Indebtedness. Any indebtedness permitted by law and incurred by the Development Board or the City in connection with preplanning for this Central Bend Development Program and Plan shall be repaid from the Board's proceeds from the Development Program when and if such funds are available.

D. The Board shall adopt and use a fiscal year ending June 30 accounting period. Each year the Board shall develop a budget in conformance with the provisions of ORS 294 and ORS 457.460 which shall describe its sources and revenue, proposed expenditures and activites. The Board shall submit its proposed budget to the City of Bend Budget Committee for its review and approval and the Board shall not undertake any activities nor expend anv funds except as provided in the approved budget.

SECTION 800-ANNUAL FINANCIAL STATEMENT REQUIRED

A. ORS Section 457.460 requires that the Bend Development Board, by August 1 of each year, prepare a statement containing:

1. The amount of money actually received during the preceding fiscal year under subsection (4) of ORS 457.440 and from indebtedness incurred under subsection (6) of ORS 457.440;

2. The purposes and amounts for which any money received under subsection (4) of ORS 457.440 and from indebtedness incurred under subsection (6) of ORS 457.440 were expended during the preceding fiscal year;

3. An estimate of monies to be received during the current fiscal year under subsection (4) of ORS 457.440 and from indebtedness incurred under subsection (6) of ORS 457.440;

4. A budget setting forth the purposes and estimated amounts for which the monies which have been or will be received under subsection (4) of ORS 457.440 and from indebtedness incurred under subsection (6) of ORS 457.440 are to be expended during the current fiscal year; and

5. An analysis of the impact, if any, of carrying out the urban renewal plan on the tax rate for the preceding year for all taxing bodies included under ORS 457.430.

B. The statement required by subsection "A" of this Section 800 shall be filed with the City Commission and notice shall be published in "The Bulletin", a newspaper of general circulation in the City, that the statement has been prepared and is on file with the City and the Development Board and the information contained in the statement is available to all interested persons. The notice shall be published once a week for not less than two successive weeks before September 1 of the year for which the statement is required. The notice shall summarize the information required under paragraphs 1 to 4 of subsection "A" of this section and shall set forth in full the information required under paragraph 5 of subsection "A" of this section.

SECTION 900 - CITIZEN PARTICIPATION

The activities and projects identified in this Plan, the development of subsequent plans, procedures, activities and regulations, and the adoption of amendments to this Plan shall be undertaken with the participation of citizens, owners, and tenants as individuals and organizations who reside within or who have financial interest within the Development Program Area and with the general citizens of the City.

SECTION 1000-NON-DISCRIMINATION

In the preparation, adoption and implementation of this Plan, no public official or private party shall take any action or cause any person, group or organization to be discriminated against on the basis of age, race, color, religion, sex, marital status or national origin.

SECTION 1100-RECORDING OF THIS PLAN

A copy of the City Commission's Ordinance approving this Plan under ORS 457.095 shall be sent by the Commission to the Bend Development Board. Following receipt of such Ordinance, this Plan shall be recorded by the Bend Development Board with the Recording Officer of Deschutes County.

SECTION 1200-PROCEDURES FOR CHANGES OR AMENDMENTS IN THE APPROVED CENTRAL BEND DEVELOPMENT PROGRAM PLAN

The Plan will be reviewed and analyzed periodically and will continue to evolve during the course of project execution and on-going planning. It is anticipated that this Plan will be changed or modified from time to time or amended as development potential and conditions warrant, as planning studies are completed, as financing becomes available, or as local needs dictate. Where the proposed modification will substantially change the Plan, the modification must be duly approved and adopted by the City Commission in the same manner as the original Plan and in accordance with the requirements of State and local law. The provisions of ORS 457.095 and ORS 457.220 shall apply.

A. Minor Changes. Minor changes such as clarification of language, procedures or minor modifications in or to the area's infrastructure which will not change the basic planning or engineering principals of this Plan, may be made only by formal written amendment, approved by the Development Board.

B. Substantial Change. Substantial changes shall include but are not limited to revisions in the tax increment proceeds limitation as provided in Section 700-B, project boundaries, and other elements which will change the basic planning principles of this Plan.

C. Amendment to the City's Comprehensive Plan or any of its Implementing Ordinances. Should the Bend City Commission legally amend the City's Comprehensive Plan or any of its implementing ordinances, and should such amendment cause a "Minor" or "Substantial" change to this Plan; such City Council amending action shall automatically amend this Plan without the Development Board, Planning Commission or City Commission initiating a formal Plan amendment procedure pursuant to this Section 1200. In the event of such amendment, the Text and/or Exhibits of this Plan, if applicable to this Plan, shall be changed accordingly by a duly recorded Resolution of the Development Board at the next regular business meeting following official notice from the City Commission that such amendment to the City's Comprehensive Plan or any of its implementing ordinances has been approved.

SECTION 1300-DURATION AND VALIDITY OF APPROVED URBAN RENEWAL PLAN

A. Duration of Urban Renewal Plan. This Plan, with the exception of Section 700-B hereof, shall remain in full force and effect for a period of not more than twenty-five (25) years from the effective date of such Plan.

B. Validity. Should a court of competent jurisdiction find any word, clause, sentence, section or part of this Plan to be invalid, the remaining words, clauses, sentences, sections or parts shall be unaffected by such finding and shall remain in full force and effect for the duration of the plan.

PART TWO – EXHIBITS

Exhibit 1 - Development Plan Boundary

Exhibit 2 - Land Use Plan

Exhibit 3 - Districts

Exhibit 4A - Projects -- Sidewalk and Pedestrian Amenities

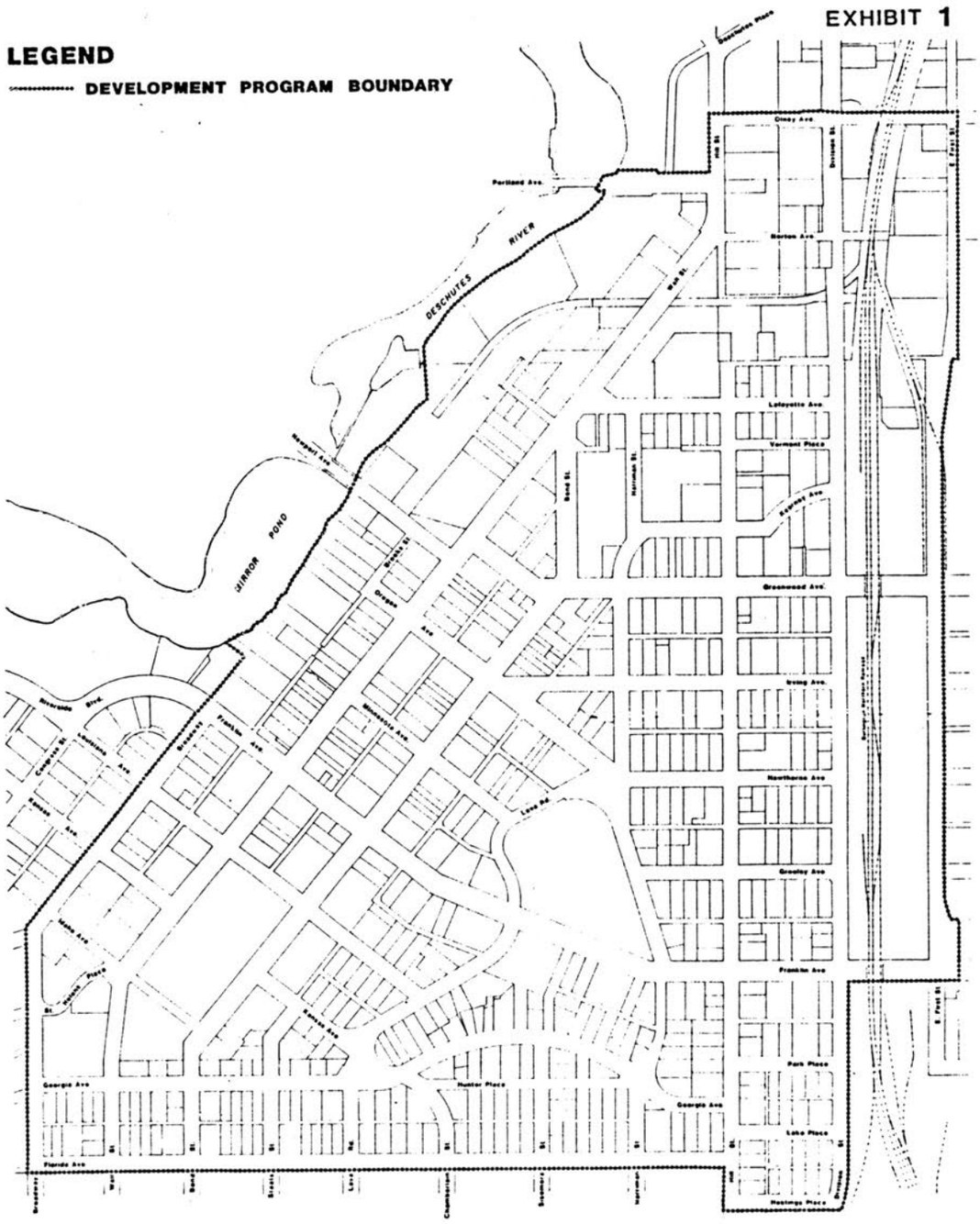
Exhibit 4B - Projects -- Utility Systems Needing Replacement

Exhibit 4C - Projects -- Building, Restoration and Rehabilitation

Exhibit 5 - Principal Development/Redevelopment Areas

Exhibit 6 - Topography

EXHIBIT 1



DEVELOPMENT PLAN BOUNDARY

CENTRAL BEND DEVELOPMENT PROGRAM
BEND, OREGON