ORDINANCE NO. N.S. 196

An Ordinance to amend paragraphs 6 and 10 of Section Five, of Ordinance No. S. N. 195, and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That paragraphs 6 and 10, of Section 5, of Ordinance No. N. S. 195, be and the same hereby are amended to read as follows:

Paragraph 6. RESTAURANT LICENSE. A restaurant license shall allow the licensee to sell to customers seated at tables or seated at a lunch counter over which actual meals are served, in the premises, beer and wine containing not over 14 per cent of alcohol by volume, such beer and wine to be sold with actual meals only. No order of such beer or wine shall be filled unless the customer at the time shall also order a meal, EXCEPT that no such beer and/or wine shall be so sold or served between the hours of one and six A. M. on all days except Sunday when the prohibited time shall be 2 to 6 A. M.

Paragraph 10. RETAIL BEER LICENSE: A retail beer license shall allow anyone operating a place of business where refreshments are served, including restaurants, hotels and clubs, and who otherwise is qualified, to sell for consumption on the premises, by the bottle or glass, beer containing not over 5 per cent of alcohol by weight, EXCEPT that no such beer and/or wine shall be so sold or served between the hours of 1 and 6 A. M. on all days except Sunday when the prohibited time shall be 2 to 6 A. M.

EMERGENCY: In as much as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend, in this: That the sale of such liquor as is covered by this ordinance should be prohibited at unreasonable hours of the night and thereby eliminate unnecessary noise at such unreasonable hours and likewise aid in the policing of the City of Bend, therefore an emergency is hereby declared to exist and this ordinance shall be in force and effect from and after its passage by the Commission and approval by the Mayor.

Read for the First time February 7, 1934.

Read for the Second time February 21 1934

Put upon its passage February 21 1934

Yeas 3

Nays 0

Submitted to and approved by the Mayor this _____ day of _____, 1934.

_____
Mayor

ATTEST:

E M Reynolds
Recorder

Cancelled
Not approved

ORDINANCE NO. N. S. 197

Defining the term "alcoholic liquor"; declaring the possession, transportation, sale, disposal, use, purchase, or any other acquisition or disposition of alcoholic liquor as herein defined contrary to the laws of the state of Oregon or the United States of America or the duly promulgated rules and regulations of the Oregon Liquor Control Commission to be unlawful; declaring certain other acts and things relative to the purchase, possession and sale of alcoholic liquor to be unlawful providing a penalty for the violation hereof; repealing all ordinances and parts of ordinances in conflict herewith; and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Defining "alcoholic liquor". The words "alcoholic liquor" as used herein shall mean any alcoholic beverage containing more than one-half of one per cent of alcohol by volume, and every liquid or solid, patented, or not, containing alcohol, and capable of being consumed by a human being.

Section 2. State Law Adopted. The provisions of Chapter 17, Second Special Session, Oregon Laws, 1933, and also all acts amendatory thereof and supplementary thereto, including any and all regulations adopted by the Oregon Liquor Control Commission, relating to the acquisition, possession, or disposition of alcoholic liquors, are hereby adopted as a portion of this ordinance so far as applicable, except as otherwise lawfully provided by this and other ordinances of the city of Bend.

Section 3. State and Federal Law Enforced in City. It shall be unlawful for a ny person, firm or corporation, or officers, agents, or employees thereof, within the limits of the city of Bend, to possess, transport, sell, dispose of, purchase, or in any way toacquire or dispose of alcoholic liquor as herein defined, contrary to the laws of the state of Oregon and of the United States of America, or contrary to the duly promulgated rules and regulations of the Oregon Liquor Control Commission. Wherever the singular person is used in this section same shall include the plural.

Section 4. Licensees-hours of Sale. No licensee holding a state license for the sale or disposal of alcoholic liquor not over 14 per cent of alcohol by volume shall, directly or indirectly, sell, give, dispose of, deliver, solicit the sale of, or otherwise dispose of any alcoholic liquor or permit the serving of or consumption of alcoholic liquor on his premises between the hours of 1 o'clock A. M. and 7 o'clock A. M., of any day.

Repeal

Section 5. Places of Business-requirements. It shall be unlawful for any licensee holding a state license for the sale or disposal of alcoholic liquor not over 14 per cent of alcohol by volume to permit drunkenness, lewd, or disorderly conduct or unreasonable or excessive noise, in the place of business where said alcoholic liquor is sold, and the said licensee shall be held responsible for any violation of this section.

Repeal

Section 6. Licensees-possession of Liquor not Authorized by License. It shall be unlawful for any licensee holding a state license for the sale or disposal of alcoholic liquor to have in his possession at the place of business covered by said license, any alcoholic liquor which is not included in the scope of his license.

Section 7. Places of Business-Screens-Partitions. Any place of business where alcoholic liquor is sold or disposed of shall be of such construction and arrangement that all windows in the front of any such place shall be of clear glass, and the view of the interior shall be unobstructed by screens, curtains, or partitions, provided that open ornamental archways from one section of said place of business to another section shall not be deemed to be partitions under the meaning hereof. There shall be no partition, box, stall, screen, curtain or other device which shall obstruct the view of any part of said room from the general observation of persons in said room, provided, however, that partitions, subdivisions or panels not higher than fifty-four (54) inches from the floor shall not be construed as in conflict with the foregoing, and providing further, that

nothing contained herein shall prohibit the serving of alcoholic liquors as permitted by law and within the scope of the license for any such place of business, in any private dining or banquet room connected with and a part of such place of business where not less than six persons are so served.

Section 8. Public Consumption of Alcoholic Liquor. It shall be unlawful to drink or consume any alcoholic liquor in or upon any public places in the city of Bend, unless such public place is so licensed.

Section 9. Public Dance Halls. It shall be unlawful for any persons to keep, possess, sell, give away, or otherwise dispose of or consume any alcoholic liquor in any public dance hall, or in any room or building used for public dancing, provided that all restaurants and hotels shall be exempt from the provisions hereof, when no charge is made for such dancing privilege.

Section 10. Nuisances. Any rooming house, building, structure, or place of any kind in the city where alcoholic liquor is sold, manufactured, bartered, or given away in violation of this ordinance, or in violation of the laws of the state of Oregon or United States of America, is hereby declared to be a common nuisance, and any person who maintains or assists in maintaining such common nuisance shall be guilty of a violation of this ordinance, and if it shall be proven that the owner of any building or premises knowingly has suffered the same to be used of occupied for the manufacture, sale, or possession of alcoholic beverages, contrary to the provisions of this ordinance, such building or premises shall be subject to a fine for and may be sold to pay all fines and costs assessed against the occupant of such building or premises for any violation of this ordinance, and such lien shall be enforced immediately by civil action in any court having jurisdiction, by the City Attorney. The Commission may instruct the City Attorney to commence such appropriate proceedings as are authorized by the laws of the State of Oregon to abate or to temporarily enjoin such nuisance.

Section 11. Age Limit of Purchasers. No alcoholic liquor as herein defined shall be sold, served, or given to any intoxicated person or to any person under the age of 21 years, or to any Indian, and it shall be unlawful for any person other than a parent, guardian, or other responsible relative to give any alcoholic liquor to any person under the age of 21 years, and it shall be unlawful for any person to misrepresent, by statements or actions, his or her age, or the age of another to induce any licensee to sell liquor to any person under the age of 21 years.

Section 12. Limiting the Number of Licensees. There shall not be recommended by the commission to the Oregon Liquor Control Commission more than 24 applications for retail beer licenses. PROVIDED however that in the event the number of such places now licensed exceeds that which may be permitted under the provisions of this section, such licenses may be continued and renewed so long as the present owners continue to operate the same and fully comply with all of the ordinances and the City Charter.

Section 13. Advertising unlawful. It shall be unlawful to display kegs, or other containers used for containing alcoholic liquors, whether empty or not, on any side walk, street or alley, within the City of Bend.

Section 14. It shall be unlawful for any licensee holding a license for the sale of alcoholic liquor, or any employee thereof, while on duty, to consume alcoholic liquor upon the premises where employed, or to be under the influence of liquor, while on duty.

Section 15. Repeal of Conflicting Ordinances. That Ordinance N. S. 195 and all other ordinances and parts of ordinances in conflict herewith, are hereby repealed.

Section 16. Penalties. Any person violating any of the provisions of this ordinance shall, upon conviction thereof in the municipal court be punished by a fine of not to exceed $200.00 or by imprisonment in the city jail for a period not exceeding 100 days, or by both such fine and imprisonment. The police department shall keep a complete record of all complaints and the termination thereof brought under this ordinance.

Section 17. Saving Clause. If any section, subsection, provision, clause, or paragraph of this ordinance, shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this ordinance, and it hereby is expressly declared that every other section, subdivision, paragraph, provision or clause of this ordinance would have been enacted, irrespective of the enactment or validity of the portion hereof declared or adjudged to be unconstitutional or invalid.

Section 18. Emergency Clause. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend, in this: That it is necessary to provide a means whereby the municipal court shall have jurisdiction over violations of the laws relating to the control of the alcoholic liquor traffic, and further provide additional regulations necessary for proper control of said alcoholic liquor traffic within the city of Bend, it is deemed necessary that an emergency be, and the same hereby is, declared to exist and this ordinance shall be in force and effect from and after its passage by the commission and approval by the Mayor.

Read for the first time March 7, 1934.

Read for the second time March 21, 1934.

Put upon its passage April 4, 1934.

Submitted to and approved by the Mayor this 4th day of April, 1934.

Yeas-3
Noes-0

J. J. Hosch
Mayor

ATTEST:

Recorder.

ORDINANCE NO. N.S. 198

An Ordinance vacating Idaho Avenue lying between Bond and Wall Streets in the City of Bend, Deschutes County, Oregon, and declaring an emergency.

WHEREAS, the owners of all lots and parcels of land located or adjacent to Idaho Avenue as lies between Bond and Wall Streets in Bend, Deschutes County, Oregon, did file in the office of the Recorder of the City of Bend a petition praying for the vacation of the said Idaho Avenue lying between Bond and Wall Streets, and

WHEREAS, said petition was filed with the City Recorder on the 20th day of February, 1934, and

WHEREAS, the said petition was considered by the Commissioners on Wednesday, the 21st day of February, 1934, at a meeting held at said time, and no reason manifestly existing why said petition should not be allowed, and upon motion, duly seconded and carried, Wednesday, the 4th day of April, 1934, at the hour of 8 o'clock P.M. in the Commissioners' chambers in the City Hall (Baird Building) Bend, Oregon, was the time and place fixed for a formal hearing on said petition, and

WHEREAS, in accordance with said motion the City Recorder did on the 23rd day of February, 1934, duly post a notice of street vacation at each end of the street proposed to be vacated, to-wit: on Idaho Avenue at the intersection of Bond Street and Idaho Avenue at the intersection of Wall Street, both in Bend, Oregon, and that said notices were duly posted xx by nailing the same to a telephone post at said locations, and that said notice was likewise duly published for four consecutive weeks in The Bend Bulletin, the first publication being the 23rd day of February, 1934, and the last publication being the 16th day of March, 1934, and that a copy of said notice as published and posted is duly on file in these proceedings together with the affidavit of such posting and publications, and

WHEREAS, it appears that the petitioners are the owners of all the real property adjacent to and immediately adjoining the said Idaho Avenue between Bond and Wall Streets, and are the only parties affected by the vacation of any portion of said Street, and

WHEREAS upon the hearing of said petition by the Commissioners of the City of Bend as set forth in said notice of street vacation no objection was interposed to the vacation of said street, and at this time no reason why the said petition should not be granted and the said street vacated, now, therefore,

THE CITY OF BEND DOES ORDAIN as follows:

Section 1. That Idaho Avenue between Bond and Wall Streets, Bend, Oregon, be, and the same hereby is vacated and that all portions of said street lying between Bond and Wall Streets in all respects from and after the passage of this Ordinance shall be considered, and is private property, being the property of the adjacent owners, as made operative by State law, and that henceforth the said Street shall in no way be a public thoroughfare.

Section 2. Inasmuch as the vacation of Idaho Avenue between Bond and Wall Streets is made necessary for the purpose of permitting the space to be used as a playground for the children in the schools located on either side thereof, and for a foot passageway for said children and for the protection of the said children from vehicular traffic of all kinds, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage by the

Commission and its approval by the Mayor.

Read for the first time April 4, 1934.
Read for the second time April 18, 1934.
Put upon its Passage April 18, 1934.
Yeas 3
Nays 0

Submitted to and approved by the Mayor this 18th day of April, 1934.

J. F. Kinnick
Mayor.

ATTEST:
C. M. Reynolds
Recorder.

ORDINANCE N.S. NO. 199

An Ordinance to amend Section 3 of Ordinance N.S. 188.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That Section 3 of Ordinance N. S. 188 be and the same is, hereby amended to read as follows:-

Section 3. After favorable action by the City Manager upon said application, the license provided herein shall be issued by the City Recorder upon the execution and filing of the bond hereinafter provided for and the payment of the following fees, to-wit:-

For the installation, alteration, repair and maintenance of plumbing and drainage systems, sewers, septic tanks and cess pools, for a period of one year, the sum of ---------- $40.00

For the installation, alteration, repair and maintenance of sewers, septic tanks and cess pools, for a period of one year, the sum of ---------- $12.50

and no license shall be issued for a period of less than one year.

Read for the first time, April 7, 1934.
Read for the second time, April 18, 1934.

Put upon its passage April 18, 1934

Yeas 3

Nays 0

Submitted to and approved by the Mayor this 18th day of April, 1934.

J. J. Roscher
Mayor

Attest:

C. W. Reynolds
Recorder.

ORDINANCE NO.N.S.202

An ordinance to tax, and to license, regulate and control the sale of, traffic in and use of, alocholic liquors within the City of Bend, Oregon; to provide penalties for the violations thereof, repealing all ordinances in conflict therewith, and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Sec. 1 The term "Alcoholic liquors" wherever used in this ordinance shall be understood to include all liquors authorized to be sold under the Oregon liquor control act up to and not exceeding fourteen percent of alcohol by volume.

Sec. 2 The term "wholesaler" wherever used in this ordinance shall be understood to apply to persons, of either sex, corporations, associations and co-partnerships handling and disposing of alcoholic liquors authorized to be sold under the Oregon Liquor Control Act, up to and including fourteen per cent alcoholic content by volume, in quantities of not less than five (5) wine gallons.

Sec. 3 Each and every person applying for a wholesalers permit or license shall have been a resident of the City of Bend, Oregon, for one year previous to making application, and shall have conducted a bonafide business within the City of Bend during that period.

Sec. 4 The application for a permit to conduct a wholesale business under the terms of this ordinance shall set forth the foregoing facts in a written application; each application for a wholesalers license shall be accompanied by a semi annual license fee of $25.00 payable in advance, and said license expiring as of June 30th and December 31st of each year.

Sec. 5 A "retail dealer" as defined in this ordinance shall be

understood to apply to persons, of either sex, coporations, associations and co-partnerships handling and disposing of alcoholic liquors authorized to be sold under the Oregon Liquor Control Act up to and including 14 percent alcoholic content by volume and in quantities of not more than 5 wine gallons. The said retail dealer shall be of two classes, as follows:

Class A. Those selling said alcoholic liquors in unbroken packages and not to be drunk on the premises, and

Class B. Those selling said alcoholic liquors in broken packages and which may, or may not, be consumed on the premises, and the license fees to be paid by the said retail dealer shall be as follows:

Class A, as above defined, $10.00 per year, payable semi-annually in advance.

Class B, as above defined, $25.00 per year, payable semi-annually in advance. Both of said classes of licenses shall expire on June 30th and December 31st of each year.

Sec. 6 In addition to the license fee provided for in Sec. 4 of this ordinance, every wholesale dealer shall pay a tax on all alocholic liquors sold as follows:

$1.20 on each 31 gallon barrel
$0.60 on each half barrel
$0.30 on each quarter barrel -- 15¢ on 1/8 bbl.
One cent on each quart bottle or fraction thereof and one-half cent on each pint bottle or fraction thereof in original containers, boxes or cartons.

Sec. 7 It shall be unlawful for any wholesale dealer, as herein defined to sell to any person within the City of Bend any alcoholic liquor unless such wholesale dealer shall have first affixed to each original package, or barrel, containing such liquor before the same is delivered, the tax stamp as in this ordinance provided and it shall be unlawful for any retail dealer as herein defined to sell or display any alcoholic liquor as herein defined unless the package or barrel containing such liquor shall have affixed thereto the tax stamps hereinbefore provided for, and any licensee holding a license issued by the Oregon Liquor Control Commission conducting a liquor business within the limits of

the City of Bend, or holding a license issued by the City of Bend, as herein provided for, found to have in his possession; offering for sale, or selling any unstamped package of liquor shall be deemed guilty of a violation of this ordinance and subjected to the penalties herein provided for.

Sec. 8 That the City Recorder of the City of Bend shall cause to be printed the stamps as hereinbefore provided for and shall continuously keep the same for sale in his office, but that said stamps shall be sold to no person, corporation, association or co-partnership other than a licensed wholesale dealer as herein defined.

Sec. 9 That no licensee holding a license hereunder for the sale of or disposal of alcoholic liquor not over 14percent of alcohol by volume shall directly, or indirectly sell, give away, dispose of, deliver, solicit the sale of or otherwise dispose of any alcoholic liquor on his premises during the time the polls are open on the day of any general, special or primary election of the State, County or the City of Bend, or between the hours of 1 o'clock A.M. and 7 o'clock A.M. of any day.

Sec. 10 Any person violating any of the provisions of this ordinance shall, upon conviction thereof in the Municipal Court, be punished by a fine of not to exceed $200.00 or by imprisonment in the City Jail for a period not exceeding 100 days, or by both such fine and imprisonment, and that he have his license cancelled as in the discretion of the municipal judge.

Sec. 11 If any section, sub-section, provision, clause or paragraph of this ordinance shall be adjudged or declared by any Court of competent jurisdiction to be unconstitutional or invalid, such judgement shall not effect the validity of the remaining portions of this ordinance, and it hereby expressly declared that every other section, subdivision, paragraph, provision or clause of this ordinance would have been enacted, irrespective of the enactment of validity of the portion hereof declared or adjudged to be unconstitutional or invalid.

Sec. In as much as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend, in this: That it is necessary in order to provide a means by which certain lines of business may be licensed and proper license fees set and established therefor, and to regulate the sale and disposal of alocholic liquor and to provide a means by which election days may be more quiet it is deemed necessary that an emergency be, and the same hereby is declared to exist and this ordinance shall be in force and effect from and after its passage by the commission and approval by the mayor.

Read for the first time July 6 1934.

Read for the second time July 18 1934.

Put upon its passage July 18 1934.

Yeas 3
Noes 0

Submitted to and approved by the Mayor this 30th. day of July, 1934.

J J Nash
Mayor

ATTEST:

E M Reynolds
Recorder

Repealed

ORDINANCE NO. N.S. 203

An Ordinance to provide for the issuance of the City of Bend, Oregon, refunding Bancroft Bonds in the principal sum of $34,500.00; prescribing the form of said bonds and of the coupons attached thereto and for the sale or exchange of said bonds for the outstanding Bancroft Bonds of said City which will mature August 1, 1934, and declaring an emergency.

WHEREAS, on August 2, 1924, pursuant to Ordinance No. 236 passed by the Council and approved by the Mayor of the City of Bend on the 2nd day of August, 1924 as authorized by the charter of said City of Bend adopted November 22, 1911, the said City of Bend issued $54,210.40 of Bancroft Bonds of the City of Bend, Oregon, 1924, and which said bonds were in denominations of $500.00 each and were numbered consecutively from 222 to 330 inclusive, bearing interest at the rate of 6 per cent per annum, payable semi-annually on the 1st day of February and August of each and every year, and which said bonds ran for a period of 10 years from said date, and of which $34,500.00 will mature on August 1, 1934, and on which said date will be due and payable, and

WHEREAS, there are no funds on hand in the treasury of said City of Bend to apply in payment of the principal of any of said bonds, THEREFORE,

THE CITY OF BEND DOES ORDAIN

Sec. 1 That there be issued $34,500.00 of refunding bonds of the City of Bend, by virtue of this ordinance and as authorized by Chapter 156, Oregon Laws, 1933, for the purpose of refunding a like amount of of Bancroft Bonds of said City issued on the first day of August, 1924, and which said bonds will become due and payable on the first day of August, 1934; the said refunding bonds shall be in the denomination of $500.00 each; shall be dated August 1, 1934; shall mature in installments of $1500.00 each of the years 1935, 1936, 1937 and 1938, $1,000.00 each of the years 1939, 1940, 1941, 1942, 1943 and 1944, $5,000.00 of the year 1945, $6,000.00 each of the years 1946 and 1947 and $5,500.00 of the year 1948, and bear interest at the rate of 5% per annum, payable semi-annually in February and August of each year. The said bonds shall be signed by the Mayor and City Recorder, and the coupons attached thereto shall bear the facsimile signature of said officers. The principal of and the interest on such bonds shall be payable at the office of the City Treasurer of the City of Bend, and the bonds shall be numbered 1 to 69 inclusive and be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF OREGON
CITY OF BEND
REFUNDING BANCROFT BONDS

BOND

The City of Bend in the County of Deschutes and the State of Oregon, for value received hereby promise to pay to bearer the sum of Five Hundred Dollars on the 1st day of August, 19__. with interest thereon at the rate of five per cent per annum, payable semi-annually, upon presentation and surrender of the interest coupons therefore hereto attached as they respectively mature, both principal and interest being payable at the office of the City Treasurer in Bend, Oregon.

This bond is one of a series of like date and tenor, except as to maturity and issued as a part of a total issue of $34,500.00 of such bonds for the purpose of refunding a like amount of Bancroft bonds of said City due August 1, 1934, which were issued by virtue and in pursuance of Ordinance No. 236 duly passed by the Council and approved by

the Mayor on the 2nd day of August, 1924, and it is hereby certified that every requirement of the constitution and laws of the State of Oregon has been duly complied with in the issuance hereof, and that this bond is within every debt and other limitation prescribed by the constitution and laws of the State of Oregon and by the charter of said town.

IN WITNESS WHEREOF, the City of Bend, Oregon, has caused this bond to be signed by its mayor and countersigned by its Recorder under the corporate seal of said City and the interest Coupons attached hereto to bear the engraved facsimile signature of said Mayor and Recorder, all as of the first day of August, 1934.

J. F. Hosch
Mayor.

Countersigned,

L G McReynolds
Recorder.

COUPON

No._____ $12.50

On the___day of_____, 193_____the City of Bend, Oregon will pay to bearer

Twelve and 50/100--------DOLLARS

At the office of the City Treasurer in Bend, Oregon for six months interest then due on its refunding Bancroft bond.

Dated this 1st day of August, 1934.

L. G. McReynolds, Recorder.

J. F. Hosch, Mayor.

Sec. 2. That the Commissioners of the City of Bend levy a tax or provide other funds by law in 1935 and each year thereafter to and including the year 1948 for the payment of interest on, and principal of said bonds in amounts as follows:

	Principal	Interest
1935	$1500.00	$1725.00
1936	1500.00	1650.00
1937	1500.00	1575.00
1938	1500.00	1500.00
1939	1000.00	1425.00
1940	1000.00	1375.00
1941	1000.00	1325.00
1942	1000.00	1275.00
1943	1000.00	1225.00
1944	1000.00	1175.00
1945	5000.00	1125.00
1946	6000.00	875.00
1947	6000.00	575.00
1948	5500.00	275.00

Sec. 3. The Recorder is hereby authorized and instructed to advertise said bonds for sale at a special meeting of the Commissioners to be held on the _____ day of _____, 1934, by publication of notice of such sale once each week for two successive weeks immediately prior to said meeting in a newspaper of general circulation published in Bend, Deschutes County, Oregon, said notice to provide that the Bonds shall bear interest at the rate of five per cent per annum, payable semi-annually; that they shall be sold to the highest responsible bidder; that bids for the purchase of said bonds shall be accompanied by a certified check in favor of the City of Bend for two per cent of par value of said Bonds and that the Commission reserves the right to reject any or all bids, or to sell all or any part of the bonds.

Sec. 4. In the event that the Commission does not receive a satisfactory bid, or bids, for said refunding bonds, the Mayor and Recorder shall, if possible, cause said bonds to be exchanged, par value for par value, for said Bancroft bonds maturing August 1, 1934 pursuant to agreements entered into between the said Mayor and Recorder acting in behalf of said City

of Bend and the holders of the said outstanding Bancroft bonds.

Sec. 5 WHEREAS, it is essential that the outstanding Bancroft bonds of the City of Bend which will mature August 1, 1934, be refunded, redeemed and retired on their due date without delay through sale of the aforesaid refunding bonds, or through exchange thereof for the matured bonds, and it is therefore necessary for the peace, health, safety and credit of the City of Bend, Oregon, that this ordinance take effect immediately, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Read for the first time July 16th., 1934
Read for the second time July 18th., 1934

Put upon its passage July 18th, 1934

Yeas 3

Nays 0

Submitted to and approved by the Mayor this 18th day of July, 1934.

J. F. Hosch
Mayor

ATTEST:

L. G. Reynolds

ORDINANCE NO. N.S. 204

An Ordinance providing for a City Planning Commission, adopting all State laws now in effect relating thereto and adopting and making a part of this ordinance all laws hereafter enacted by the State of Oregon, and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1.

The Mayor of the City of Bend is hereby authorized to appoint a City Planning Commission in accordance with the laws of the State of Oregon.

Section 11.

STATE LAW ADOPTED: The provisions of Chapter XVl, being Sections 56-1601 to 56-1611, both sections inclusive, Oregon Code, and also all acts amendatory thereof and supplementary thereto, relating to the appointment, creation and governing of a City Planning Commission, are hereby adopted by this ordinance in all the provisions thereof and as fully and completely as if the said laws were re-copied herein.

Section 111.

In as much as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend, in this: In order that the people of the City of Bend may have the services of and the benefits derived, or to be derived, through the appointment and operation of a City Planning Commission as provided for by the laws of the State of Oregon, therefore, an emergency is hereby declared to exist and this ordinance shall be in force and effect from and after its passage by the Commission and approval by the Mayor.

Read for the first time Aug 30 1934
Read for the Second time Sept 19 1934

Put upon its passage Sept. 19 1934
Yeas 3
Nays 2
Submitted to and approved by the Mayor this 19th day of Sept 1934.

ATTEST:

E. M. Raymond
Recorder

J. F. Hosch
Mayor

ORDINANCE NO. N.S. 205

AN ORDINANCE GRANTING THE RIGHT, PRIVILEGE AND FRANCHISE UNTO CONSUMERS GAS CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO LAY, CONSTRUCT AND EXTEND, AND THEREAFTER TO OPERATE AND MAINTAIN, REPAIR AND/OR REPLACE A SYSTEM OF CONDUITS AND PIPE LINES, TOGETHER WITH SUCH FIXTURES OR APPURTENANCES AS THE GRANTEE, ITS SUCCESSORS OR ASSIGNS, MAY DEEM NECESSARY OR CONVENIENT IN CONNECTION THEREWITH IN, UNDER, ALONG, OR ACROSS ALL PUBLIC STREETS, HIGHWAYS AND/OR ALLEYS OR OTHER PUBLIC PLACES IN THE CITY OF BEND, COUNTY OF DESCHUTES, STATE OF OREGON, FOR THE PURPOSE OF TRANSMITTING AND/OR DISTRIBUTING GAS TO THE PUBLIC FOR LIGHT, HEAT, FUEL, POWER OR ANY OTHER LAWFUL PURPOSE, FOR A TERM OF TWENTY (20) YEARS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. The right, privilege and franchise to lay, construct and extend and to thereafter operate and maintain, repair and/or replace a system of conduits and pipelines, together with such fixtures and appurtenances as the grantee, its successors or assigns, may deem necessary or convenient in connection therewith, in, under, along or across all public streets, highways, and/or alleys or other public places in the City of Bend, County of Deschutes, State of Oregon, for the purpose of transmitting and/or distributing gas to the public for light, heat, fuel, power or any other lawful purpose, for the term of twenty (20) years from and after the effective date of this ordinance, are hereby granted to Consumers Gas Corporation, its successors or assigns.

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

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

SECTION 4. That the grantee by its acceptance of this ordinance and franchise rights, privileges and authority hereby granted, for itself, its successors and/or assigns, covenants and agrees to and with the City of Bend at all times to protect and save harmless the said city from all claims, actions, suits, liability, loss, cost, expense or damage of every kind and description which may accrue and/or be suffered by any person or persons arising out of the neglect of the grantee in the erection, construction, reconstruction, relocation, replacement, readjustment, maintenance, operation, extension, repair or the use of the conduits, pipes and other facilities and appliances solely owned and operated by said grantee, its successors or assigns.

Amend 208

SECTION 5. Whenever the said CONSUMERS GAS CORPORATION, its successors or assigns, shall disturb any of the streets, alleys, avenues, roads, highways, thoroughfares, parking, bridges and/or sidewalks in said city, for the purposes aforesaid, it or they shall restore the same to good order and condition as soon as practicable and without unnecessary delay; and particularly any excavation or part of excavation made for the purpose of laying pipes or other apparatus or repair of same under this franchise in what is commonly known as the main business streets of said City of Bend, shall be permitted to remain open no longer than five (5) days after the excavation is made, except upon the written consent of the City Manager.

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

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

SECTION 8. The grantee of this franchise shall, prior to commencing construction work on the extension of any main pipe line in excess of one hundred (100) feet, file with the City Manager a map showing the size and location of all such pipes and extensions and the same must be approved by said City Manager before said construction work may be commenced.

SECTION 9. The grantee herein, for itself, its successors and assigns, covenants and agrees with the City of Bend, Oregon, a municipal corporation, that in consideration of the granting to it of the rights and privileges embraced in this ordinance, it will pay to the City of Bend, Oregon, one percent (1%) of the gross revenues derived from the operation of its distribution system and from services rendered to its patrons now or hereafter located within the City of Bend, Oregon, during the year 1934, and beginning with the first day of January, 1935, and continuing during the life of this franchise, the said grantee, for itself, its successors and assigns, covenants and agrees with the City of Bend, Oregon, a municipal corporation, that in consideration of the granting to it of the rights and privileges embraced in this ordinance, it will pay to the City of Bend, Oregon, two percent (2%)

Amend 208

of the gross annual revenues derived from services to its patrons now or hereafter located within the City of Bend, Oregon, such percentage to be paid in annual installments not less than sixty (60) days after the end of each calendar year and that it will furnish to the City of Bend, Oregon, at the end of each calendar year, a verified statement of its said gross earnings and that it will permit the inspection of its books at reasonable hours upon the demand of the Commission of the City of Bend, Oregon.

SECTION 10. In further consideration of this franchise, the grantee will with its acceptance, file with the City of Bend, Oregon, a surety bond in the amount of One Thousand Dollars ($1,000.00), conditioned upon the faithful performance of the terms and conditions of this ordinance, during the period of its existence.

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

Read the first time: April 18th. 1934.

Read the second time: Sept. 19-1934

YEAS: 3

NAYS: 0

ABSENT:

Submitted to and approved by the Mayor, this 19th day of September, 1934.

J. J. Hacker
Mayor.

Attest:
Ann Reynolds
City Recorder.

Mgmt 208

ORDINANCE NO. N.S. 206

An Ordinance to provide for the issuance of the City of Bend, Oregon, refunding Bancroft Bonds in the principal sum of $22,000.00; prescribing the form of said bonds and of the coupons attached thereto and for the sale or exchange of said bonds for the outstanding Bancroft Bonds of said City which will mature December 15, 1934, and declaring an emergency.

Whereas, on December 22nd, 1924, pursuant to Ordinance No. 246 passed by the Council and approved by the Mayor of the City of Bend on the 22nd of December, 1924, as authorized by the Charter of said City of Bend adopted November 22nd,1911, the said City of Bend issued $55,080.00 of Bancroft Bonds of the City of Bend, Oregon, 1924, and which said bonds were in denominations of $500.00 each and were numbered consecutively from 331 to 441 inclusive bearing interest at the rate of 6 per cent per annum, payable semi-annually on the 15th day of June and December of each and every year, and which said bonds ran for a period of 10 years from said date, and of which $22,000.00 will mature December 15th, 1934, and on which said date will be due and payable, and

Whereas, there are no funds on hand in the treasury of said City of Bend to apply in payment of the principal of any of said bonds, THEREFORE,

THE CITY OF BEND DOES ORDAIN

Sec. 1 That there be issued $22,000.00 of refunding bonds of the City of Bend, by virtue of this ordinance and as authorized by Chapter 156, Oregon Laws, 1933, for the purpose of refunding a like amount of Bancroft Bonds of said City issued on the fifteenth day of December, 1924, and which said bonds will become due and payable on the fifteenth day of December, 1934; the said refunding bonds shall be in the denomination of $500.00 each; shall be dated December 15, 1934; shall mature in istallments of $1,000.00 each of the years 1935, 1936, 1937, 1938, 1939 and 1940; $2,000.00 each of the years 1941, 1942, 1943, and 1944; and $4,000.00 each of the years 1945 and 1946, and bear interest at the rate of 5% per annum, payable semi-annually in June and December of each year. The said bonds shall be signed by the Mayor and City Recorder and the coupons attached thereto shall bear the facsimile signature of said officers. The principal of and the interest on such bonds shall be payable at the office of the City Treasurer of the City of Bend, and the bonds shall be numbered 1 to 44 inclusive and be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF OREGON
CITY OF BEND
REFUNDING BANCROFT BONDS

BOND

The City of Bend in the County of Deschutes and the State of Oregon, for value received hereby promise to pay to bearer the sum of Five Hundred Dollars on the 15th day of December, 19__ with interest thereon at the rate of five per cent per annum, payable semi-annually, upon presentation and surrender of the interest coupons therefore hereto attached as they respectively mature, both principal and interest being payable at the office of the City Treasurer in Bend, Oregon.

This bond is one of a series of like date and tenor, except as to maturity and issued as a part of a total issue of $22,000.00 of such bonds for the purpose of refunding a like amount of Bancroft bonds of said City due December 15th, 1934, which were issued by virtue and in pursuance of Ordinance No. 246 duly passed by the Council and approved by the Mayor on the 22nd day of December, 1924, and it is hereby certified that every requirement of the constitution and laws of the State of Oregon has been duly complied with in the issuance hereof, and that this bond is within every debt and other limitation prescribed by the constitution and laws of the State of Oregon and by the charter of said town.

IN WITNESS WHEREOF, the City of Bend, Oregon, has caused this bond to be signed by its Mayor and countersigned by its Recorder under the corporate seal of said City and the interest Coupons attached hereto to bear the engraved facsimile signature of said Mayor and Recorder, all as of the fifteenth day of December, 1934.

J. F. Hosch
Mayor.

Countersigned,

L G McReynolds
Recorder.

COUPON

No.____ $12.50

On the ___ day of _____, 193__ the City of Bend, Oregon will pay to bearer

Twelve and 50/100----Dollars

At the office of the City Treasurer in Bend, Oregon for six months interest then due on its refunding Bancroft bond.

Dated this 15th day of December, 1934.

L. G. McReynolds,
Recorder.

J. F. Hosch,
Mayor.

Sec. 2. That the Commissioners of the City of Bend levy a tax or provide other funds by law in 1935 and each year thereafter to and including the year 1946 for the payment of interest on, and principal of said bonds in amounts as follows:

	Principal	Interest
1935	$1,000.00	$1100.00
1936	1000.00	1050.00
1937	1000.00	1000.00
1938	1000.00	950.00
1939	1000.00	900.00
1940	1000.00	850.00
1941	2000.00	800.00
1942	2000.00	700.00
1943	2000.00	600.00
1944	2000.00	500.00
1945	4000.00	400.00
1946	4000.00	200.00

Sec. 3. The Recorder is hereby authorized and instructed to advertise said bonds for sale at a special meeting of the Commissioners to be held on the 14th day of December, 1934, by publication of notice of such sale once each week for two successive weeks immediately prior to said meeting in a newspaper of general circulation published in Bend, Deschutes County, Oregon, said notice to provide that the Bonds shall bear interest at the rate of five per cent per annum, payable semi-annually; that they shall be sold to the highest responsible bidder; that bids for the purchase of said bonds shall be accompanied by a certified check in favor of the City of Bend for two per cent of par value of said bonds and that the Commission reserves the right to reject any or all bids, or to sell all or any part of the bonds.

Sec. 4. In the event that the Commission does not receive a satisfactory bid, or bids, for said refunding bonds, the Mayor and Recorder shall, if possible, cause said bonds to be exchanged, par value for par value, for said Bancroft bonds maturing December 15, 1934 pursuant to agreements entered into between the said Mayor and Recorder acting in behalf of said City of Bend and the holders of the said outstanding Bancroft bonds.

Sec. 5. WHEREAS, it is essential that the outstanding Bancroft bonds of the City of Bend which will mature December 15, 1934, be refunded, redeemed and retired on their due date without delay through sale of the aforesaid refunding bonds, or through exchange thereof for the matured bonds, and it is therefore necessary for the peace, health, safety and credit of the City of Bend, Oregon, that this ordinance take effect immediately, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Read for the first time November 7th, 1934
Read for the second time November 21st, 1934

Put upon its passage November 21st, 1934

Yeas 3

Nays 0

Submitted to and approved by the Mayor this 21st day of November, 1934.

J. A. Hauck
Mayor.

ATTEST:

E. M. Reynolds
City Recorder.

ORDINANCE NO. N.S. 207

An Ordinance vacating the alley extending through Block 2, of North Addition to Bend, Oregon, said alley extending by lots 1 to 5 on the west and Lot 6 on the east, in said block.

WHEREAS, the owners of all lots and parcels of land located or adjacent to the alley extending through Block 2 of North Addition to Bend, Oregon-- said alley extending by lots 1 to 5 on the west and Lot 6 on the east, in said block, all in Bend, Deschutes County, Oregon, did file in the office of the Recorder of the City of Bend, Oregon, a petition praying for the vacation of the said alley as above described, and

WHEREAS, said petition was filed with the City Recorder on the 3rd day of October, 1934, and

WHEREAS, the said petition was considered by the Commissioners on Wednesday, the 3rd day of October, 1934, at a meeting held at said time, and no reason manifestly existing why said petition should not be allowed, and upon motion, duly seconded and carried, Wednesday the 7th day of November, 1934, at the hour of 8 o'clock P.M. in the Commissioners Chambers in the City Hall (Baird Bldg) Bend, Oregon, was the time and place fixed for a formal hearing on said petition, and

WHEREAS, in accordance with said motion the City Recorder on the 4th day of October, 1934, duly posted a notice ofthe proposed vacation of the said alley at each end thereof, to-wit: on the said alley at the south end thereof and on the said alley on the north end thereof and that the said notices were duly posted by tacking the same to a post for four consecutive weeks at said locations, and that said notices were likewise duly published for four consecutive weeks in The Bend Bulletin, the first publication being the 4th day of October, 1934, and that a copy of said notice as published and posted is duly on file in this proceeding together with the affidavit of such posting and publication, and

WHEREAS, it appears that the petitioners are the owners of all the real property adjacent to and immediately adjoining the said alley and are the only parties affected by the vacation of said alley, or any portion thereof, and

WHEREAS, upon the hearing of said petition by the commissioners of the City of Bend, Oregon, as set forth in said notice of vacation no objection was interposed to the vacation of said alley, and at this time no reason why the said petition should not be granted and the said alley vacated, appears, now, therefore,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1.

That the alley extending through Block 2 of North Addition to Bend, Oregon, said alley extending by lots 1 to 5 on the west and lot 6 on the east, in said block, be and the same hereby is vacated and that all portions of said alley lying in or extending through Block 2 of North Addition to Bend, Oregon, in all respects, from and after the passage of this ordinance shall be considered, and is private property, being the property of the adjacent owners, as made operative by State Law, and that henceforth the said alley shall in no way be a public thoroughfare

Read for the first time November 7, 1934.

Read for the second time November 21, 1934.

Put upon its passage November 21, 1934.

Ayes 3

Nays 0

Submitted to and approved by the Mayor November 21, 1934.

J D Starch
Mayor

ATTEST:

C M Reynolds
Recorder

Ord. Vacating the alley in Block 2, North Ad.

ORDINANCE NO. N. S. 208.

AN ORDINANCE GRANTING THE RIGHT, PRIVILEGE AND FRANCHISE UNTO CONSUMERS GAS CORPORATION, ITS SUCCESSORS AND ASSIGNS, TO LAY, CONSTRUCT AND EXTEND, AND THEREAFTER TO OPERATE AND MAINTAIN, REPAIR AND/OR REPLACE A SYSTEM OF CONDUITS AND PIPE LINES, TOGETHER WITH SUCH FIXTURES OR APPURTENANCES AS THE GRANTEE, ITS SUCCESSORS OR ASSIGNS, MAY DEEM NECESSARY OR CONVENIENT IN CONNECTION THEREWITH IN, UNDER, ALONG, OR ACROSS ALL PUBLIC STREETS, HIGHWAYS AND/OR ALLEYS OR OTHER PUBLIC PLACES IN THE CITY OF BEND, COUNTY OF DESCHUTES, STATE OF OREGON, FOR THE PurPOSE OF TRANSMITTING AND/OR DISTRIBUTING GAS TO THE PUBLIC FOR LIGHT, HEAT, FUEL, POWER OR ANY OTHER LAWFUL PURPOSE, FOR A TERM OF TWENTY (20) YEARS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. The right, privilege and franchise to lay, construct and extend and to thereafter operate and maintain, repair and/or replace a system of conduits and pipelines, together with such fixtures and appurtenances as the grantee, its successors or assigns, may deem necessary or convenient in connection therewith, in, under along or across all public streets, highways, and/or alleys or other public places in the City of Bend, County of Deschutes, State of Oregon, for the purpose of transmitting and/or distributing gas to the public for light, heat, fuel, power or any other lawful purpose, for the term of twenty (20) years from and after the effective date of this ordinance, are hereby granted to Consumers Gas Corporation, its successors or assigns.

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

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

SECTION 4. That the grantee by its acceptance of this ordinance and franchise rights, privileges and authority hereby granted, for itself, its successors and/or assigns, covenants and agrees to and with the City of Bend at all times to protect and save harmless the said city from all claims, actions, suits, liability, loss, cost, expense or damage of every kind and description which may accrue and/or be suffered by any person or persons arising out of the neglect of the grantee in the erection, construction, reconstruction, relocation, replacement, readjustment, maintenance, operation, extension, repair or the use of the conduits, pipes and other facilities and appliances solely owned and operated by said grantee, its successors or assigns; and further, to at all times, maintain any streets, alleys, pavement, walks, or other public ways including street curbes, where the same have been disturbed in any manner by reason of any construction work or repairs by grantee herein.

SECTION 5. Whenever the said CONSUMERS GAS CORPORATION, its successors or assigns, shall disturb any of the streets, alleys, avenues, roads, highways, thoroughfares, parking, bridges and/or sidewalks in said city, for the purposes aforesaid, it or they shall restore the same to good order and condition as soon as practicable and without unnecessary delay; and particularly any excavation or part of excavation made for the purpose of laying pipes or other apparatus or repair of same under this franchise in what is commonly known as the main business streets of said City of Bend, shall be permitted to remain open no longer than five (5) days after the excavation is made, except upon the written consent of the City Manager.

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

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

SECTION 8. The grantee of this franchise shall, prior to commencing construction work on the extension of any main pipe line, ~~in excess of one hundred (100) feet~~, file with the City Manager a map showing the size and location of all such pipes and extensions and the same must be approved by said City Manager before said construction work may be commenced.

SECTION 9. The grantee herein, for itself, its successors and assigns, covenants and agrees with the City of Bend, Oregon, a municipal corporation, that in consideration of the granting to it of the rights and privileges embraced in this ordinance, it will pay to the City of Bend, Oregon, one per cent (1%) of the gross revenues derived from the operation of its distribution system and from services rendered to its patrons now or hereafter located within the City of Bend, Oregon, to and including the year 1939, and beginning with the first day of January, 1940, and continuing during the life of this franchise, the said grantee, for itself, its successors and assigns, covenants and agrees with the City of Bend, Oregon, a municipal corporation, that in consideration of the granting to it of the rights and privileges embraced in this ordinance, it will pay to the City of Bend, Oregon

two per cent (2%) of the gross annual revenues derived from services to its patrons now or hereafter located within the City of Bend, Oregon, such percentage to be paid in annual installments not less than sixty (60) days after the end of each calendar year and that it will furnish to the City of Bend, Oregon, at the end of each calendar year, a verified statement of it s said gross earnings and that it will permit the inspection of its books at reasonable hours upon the demand of the Commission of the City of Bend, Oregon.

SECTION 10. In further consideration of this franchise the grantee will with its acceptance, file with the City of Bend, Oregon, a satisfactory bond in the amount of One Thousand Dollars ($1,000.00) conditioned upon the faithful performance of the terms and conditions of this ordinance, during the period of its existence. Such bond to extend for one year, and to be renewed annually and a failure to renew said bond annually shall operate as a termination and cancellation of this franchise.

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

Read the first time: January 2, 1935.

Read the second time: January 16, 1935.

YEAS: 3

NAYS: 0

ABSENT: None

Submitted to and approved by the Mayor, this 16th day of January, 1935.

H. S. Simpson
Mayor.

ATTEST:

Ann Reynolds
City Recorder

ORDINANCE NO. N.S. 209

An Ordinance to provide for the issuance of the City of Bend, Oregon, refunding Bancroft Bonds in the principal sum of $15,500.00; prescribing the form of said bonds and of the coupons attached thereto and for the sale or exchange of said bonds for the outstanding Bancroft Bonds of said City which will mature April 1, 1935, and declaring an emergency.

Whereas, on April 4th, 1925, pursuant to Ordinance No. 250 passed by the Council and approved by the Mayor of the City of Bend on the 4th of April, 1925, as authorized by the Charter of said City of Bend adopted November 22nd, 1911, the said City of Bend issued $35,025.19 of Bancroft Bonds of the City of Bend, Oregon, 1925, and which said bonds were in denominations of $500.00 each and were numbered consecutively from 442 to 512 inclusive bearing interest at the rate of 6 per cent per annum, payable semi-annually on the 1st day of April and October of each and every year, and which said bonds ran for a period of 10 years from said date, and of which $15,500.00 will mature April 1st, 1935, and on which said date will be due and payable, and

Whereas, there are no funds on hand in the treasury of said City of Bend to apply in payment of the principal of any of said bonds, THEREFOR,

THE CITY OF BEND DOES ORDAIN

Secw 1 That there be issued $15,500.00 of refunding bonds of the City of Bend, by virtue of this ordinance and as authorized by Chapter 156, Oregon Laws, 1933, for the purpose of refunding a like amount of Bancroft Bonds of said City issued on the 1st day of April, 1925, and which said bonds will become due and payable on the first day of April, 1935; the said refunding bonds shall be in the denomination of $500.00 each; shall be dated April 1, 1935; shall mature in installments of $1,000.00 each of the years 1936, 1937 and 1938; $500.00 each of the years 1939, 1940, 1941, 1942, 1943 and 1944; $1,000.00 of the year 1945; $2,000.00 of the year 1946; $3,000.00 of the year 1947; and $3,500.00 of the year 1948, and bear interest at the rate of 5% per annum, payable semi-annually in April and October of each year. The said bonds shall be signed by the Mayor and City Recorder and the coupons attached thereto shall bear the facsimile signature of said officers. The principal of and the interest on such bonds shall be payable at the office of the City Treasurer of the City of Bend, and the bonds shall be numbered 1 to 31 inclusive and be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF OREGON
CITY OF BEND
REFUNDING BANCROFT BONDS

BOND

The City of Bend in the County of Deschutes and the State of Oregon, for value received hereby promise to pay to bearer the sum of Five Hundred Dollars on the 1st day of April, 19__ with interest thereon at the rate of five per cent per annum, payable semi-annually, upon presentation and surrender of the interest coupons therefore hereto attached as they respectively mature, both principal and interest being payable at the office of the City Treasurer in Bend, Oregon.

This bond is one of a series of like date and tenor, except as to maturity and issued as a part of a total issue of $15,500.00 of such bonds for the purpose of refunding a like amount of Bancroft bonds of said City due April 1st, 1935, which were issued by virtue and in pursuance of O rdinance No. 250 duly passed by the Council and approved by the Mayor on the 4th day of April, 1925, and it is hereby certified that every requirement of the constitution and laws of the State of Oregon has been duly complied with in the issuance hereof, and that this bond is within every debt and other limitation prescribed by the constitution and laws of the State of Oregon and by the charter of said town.

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

IN WITNESS WHEREOF, the City of Bend, Oregon, has caused this bond to be signed by its Mayor and countersigned by its Recorder under the corporate seal of said City and the interest Coupons attached hereto to bear the engraved facsimile signature of said Mayor and Recorder, all as of the First day of April, 1935.

_____
Mayor.

Countersigned,

_____
Recorder.

COUPON

No.____ $12.50

On the ___ day of _____, 193_ the City of Bend, Oregon will pay to bearer

Twelve and 50/100----Dollars

at the office of the City Treasurer in Bend, Oregon for six months interest then due on its refunding Bancroft Bond.

Dated this 1st day of April, 1935.

L. G. McReynolds,
Recorder.

F. S. Simpson,
Mayor.

Sec. 2 That the Commissioners of the City of Bend levy a tax or provide other funds by law in 1935 and each year thereafter to and including the year 1948 for the payment of interest on, and principal of said bonds in amounts as follows:

	Principal	Interest
1935		$ 387.50
1936	$1000.00	750.00
1937	1000.00	700.00
1938	1000.00	650.00
1939	500.00	600.00
1940	500.00	587.50
1941	500.00	562.50
1942	500.00	537.50
1943	500.00	512.50
1944	500.00	487.50
1945	1000.00	462.50
1946	2000.00	400.00
1947	3000.00	275.00
1948	3500.00	87.50

Sec. 3 The Recorder is hereby authorized and instructed to advertise said bonds for sale at a special meeting of the Commissioners to be held on the ____ day of _____, 1935, by publication of notice of such sale once each week for two successive weeks immediately prior to said meeting in a newspaper of general circulation published in Bend, Deschutes County, Oregon, said notice to provide that the Bonds shall bear interest at the rate of five per cent per annum, payable semi-annually; that they shall be sold to the highest responsible bidder; that bids for the purchase of said bonds shall be accompanied by a certified check in favor of the City of Bend for two per cent of par value of said bonds and that the Commission reserves the right to reject any or all bids, or to sell all or any part of the bonds.

Sec. 4 In the event that the Commission does not receive a satisfactory bid, or bids, for said refunding bonds, the Mayor and Recorder shall, if possible, cause said bonds to be exchanged, par value for par value, for said Bancroft bonds maturing April 1, 1935 pursuant to agreements entered into between the said Mayor and Recorder acting in behalf of said City of Bend and the holders of the said outstanding Bancroft bonds.

Sec. 5. WHEREAS, it is essential that the outstanding Bancroft Bonds of the City of Bend which will mature April 1, 1935, be refunded, redeemed and retired on their due date without delay through sale of the aforesaid refunding bonds, or through exchange thereof for the matured bonds, and it is therefore necessary for the peace, health, safety and credit of the City of Bend, Oregon, that this ordinance take effect immediately, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Read for the first time February 20th, 1935.
Read for the second time March 6th, 1935.

Put upon its passage March 6th, 1935.

Yeas 3

Nays 0

Submitted to and approved by the Mayor this 6th day of March, 1935.

H. S. Simpson
Mayor.

ATTEST:

E. M. Reynolds
City Recorder.

Repealed by NS-241

ORDINANCE NO. N.S. 210

An ordinance to amend Section 2 of Ordinance No. N.S. 119

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That section 2 of Ordinance No. N.S.119 be and the same hereby is amended to read as follows:

Section 2, Awnings shall not be placed less than six and one-half feet above the sidewalk, provided that in cases where the framework of the awning is not less than seven feet above the sidewalk, it shall not be deemed a violation of this ordinance if a flexible flap or fringe shall extend six inches below said framework.

Read for the first time April 3rd 1935.

Read for the second time April 17th, 1935.

Put upon its passage Apr. 17th, 1935.

Ayes 3

Nays 0

Submitted to and approved by the Mayor April 17, 1935.

H. S. Simpson
Mayor

ATTEST

E. M. Reynolds
Recorder

ORDINANCE NO. N.S. 211

An ordinance amending Section 12 of Ordinance No. N.S. 178, regulating and limiting the rate of speed of vehicles on streets, alleys and public places of the City of Bend, defining the terms "park" and "parking" and regulating the parking of vehicles on the streets and alleys of Bend, providing the placing of stop signs and regulating vehicular traffic at stop signs, prohibiting U or reverse turns on certain streets and providing penalties for violation thereof.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Sec. 12 of Ordinance No. N.S. 178 be, and the same hereby is, amended to read as follows, to-wit:

"Sec. 12. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof in a municipal court shall be punished by a fine of not more than $200.00 or by imprisonment in the city jail, or some other jail, for a period of not more than 100 days, or by having his driver's license revoked for a period of 90 days within the City of Bend, or by both said fine and imprisonment and revocation of said license."

Sec. 13. Inasmuch as the City of Bend at this time has no adequate penalty for the violation of this ordinance wherein the regulation and operation of motor vehicles on the streets of the City of Bend are involved, and at this time there are innumerable accidents through reckless and careless driving, a special effort is being put forth to more thoroughly regulate such traffic within the City of Bend, it is deemed that this ordinance is necessary for the immediate preservation of the peace, health and safety of the City of Bend and that an emergency is hereby declared to exist, therefore this ordinance shall become immediately effective on its passage by the City Commission and its approval by the Mayor.

Read for the first time May 1, 1935.
Read for the second time May 15, 1935.
Put upon its passage May 15, 1935.

Yeas 3
Nays 0

Submitted to and approved by the Mayor this 15th day of May, 1935.

W. S. Simpson
Mayor

ATTEST:

City Recorder.

ORDINANCE N.S. 212

An ordinance to license, tax and regulate certain games and mechanical devices used therein designated as pin ball games, and prohibiting the use of dart games and other games of like character involving an element of skill.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Sec. 1. Wherever the word "person" in this ordinance appears it shall be known to mean and include a natural person, persons, firm, corporation or co-partnership, and the singular number shall include the plural.

Sec. 2. Definition of terms. PIN BALL GAMES. A pin ball game as that term is used and understood in this ordinance shall mean and include every machine, table or board of every kind and nature which is operated by the player inserting a coin or slug therein of the denomination or value which shall not exceed five cents, and which thereby permits said player to shoot a ball or balls for designated holes or openings in said machine with the view of compiling certain scores or obtaining certain combinations which entitles the player to prizes, and when so played shall be operated under circumstances requiring the exercise of skill on the part of the player.

Sec. 3. It shall be unlawful for any person to maintain, keep or operate on his premises, or the premises operated or controlled by him, any such pin ball game or games as hereinbefore described without first securing a license therefor from the City Recorder of the City of Bend as hereinafter provided.

Sec. 4. That the license fee for each pin ball game shall be the sum of $15.00 per quarter for each pin ball game so placed in operation. Such license fee shall be payable in advance and collected for the unexpired portion of the second quarter of the year 1935 on a pro-rating basis, and such license shall be not transferable to any other machine.

Sec. 5. It shall be unlawful for any person to permit or allow any such machine, mechanical device or game described as pin ball games, then in his possession or under his control to be played or operated by any minor under the age of 21 years, or any person of unsound mind, and the proprietor or person in charge of any place of business wherein any such game, machine or mechanical device is operated or displayed, shall be conclusively presumed to be the one in possession and control thereof.

Sec. 6. It shall be unlawful to operate any such pin ball game or games, mechanical device or devices, as herein provided for, within 600 feet of any public school.

Sec. 7. Any person desiring to place or locate for operation in the City of Bend any pin ball game or games shall make written application for such license so to do and file the same with the recorder of the City of Bend. Such applications shall show the name, address and place of business of the applicant with a description of the game to be operated sufficient to identify the same, and the total number of such games desired to be covered by the application. Such application shall also set forth the address and location of the place where the applicant desires to locate or place such pin ball game or games, and the said application shall be accompanied by a deposit of the quarterly license fee for each and every game covered

by the application. Such application shall be by the City Recorder referred to the City Commissioners and the said City Commissioners shall investigate the applicant and the games desired to be licensed and the places the applicant desires to place or locate such game or games, and upon investigation, if the said City Commission shall approve the granting of the license applied for, the City Commissioners, or a majority thereof, shall return the application to the City Recorder with its endorsement of approval, and the Recorder shall thereupon issue the necessary license and sticker or stickers, label or labels, provided for herein. However, the said City Commission may, in its discretion, approve such application for a lesser number of games than the number applied for and called for in said application, and in such case shall return the application to the recorder with its approval endorsed thereon and the statement of the number of games approved, and thereupon the City Recorder shall issue a license and sticker or stickers, label or labels, accordingly. Provided further, that in case the applicant does not desire a license for the reduced number of games as applied for, the deposit by him made at the time of filing his application shall be returned to him by the City Recorder, if he so desires, and the Recorder in any event shall return to him any sum or sums so deposited and not covered by the City Commissioners' approval. When any application is rejected or disapproved by the City Commission, or a majority thereof, it shall return the application to the Recorder with its endorsement of disapproval and the Recorder shall thereupon return to the applicant his deposit, and the said City Commission may, in its discretion, reject any and all applications for any reason or cause deemed sufficient by a majority of the said City Commission.

Sec. 8. The City Commission of the City of Bend, or a majority thereof, shall at all times have the right to revoke any and all licenses issued hereunder, at its discretion, either with or without notice to the licensee. Provided that if said revocation is made for reasons undisclosed by the City Commission, and such revocation may be so made when they deem it advisable, the unexpired portion of the license fees theretofore paid shall be refunded or shall be deposited to the ~~Recorder's other~~ credit of the said licensee; but this Section shall not be understood to mean that in case such licensee is convicted for a violation of this ordinance that such license fees shall be so returned. And it is further provided that any conviction and violation of this ordinance shall automatically revoke said licensee's license covered by this ordinance, and that the said licensee shall thenceforth be not entitled to a renewal thereof unless the City Commission shall first approve a new application and new fees be paid.

Sec. 9. That no boosters or cappers shall be permitted on the sidewalk or the doorway, or in or about the premises where any of the games herein licensed shall be in operation.

Sec. 10. That the game designated as a dart game, and other games of like character, involving an element of skill and as described in Chapter 369 of the 1935 laws of the State of Oregon are hereby prohibited.

Sec. 11. Any violation of this ordinance shall be punished by a fine of not to exceed $200.00 or by imprisonment in the City Jail not to exceed 100 days, or by both such fine and imprisonment.

12A

Sec. 12. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend in this, that at the present time pin ball games as herein

defined are being operated in the City of Bend and that the said games should be licensed and controlled as provided for in this ordinance, and an emergency is, therefore, hereby declared to exist, and this ordinance shall be in force and effect from and after its passage by the Commission and approval by the Mayor.

Read for the first time April 3, 1935.
Read for the second time May 20. 1935
Put upon its passage May 20. 1935
Yeas 3
Nays 0

Submitted to and approved by the Mayor this 20th day of May, 1935.

ATTEST: E. B. Reynolds
RECORDER.

F. S. Simpson
Mayor

Geo. Hove

ORDINANCE NO. N.S. 213

An Ordinance amending Section 1 of Article XXI of Ordinance N.S. 140, as amended by Ordinance N.S. 147, as amended by Ordinance N.S. 161, as amended by Ordinance N.S. 164, as amended by Ordinance N.S. 180 and as amended by Ordinance N.S. 186.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Section 1 of Article XXI of Ordinance N.S. 140 as amended by Ordinance N.S. 147, as amended by Ordinance N.S. 161, as amended by Ordinance N.S. 164, as amended by Ordinance N.S. 180, and as amended by Ordinance N.S. 186, be and the same hereby is amended to read as follows:

Sec. 1, Article XXI:

The fees for all licenses as provided by this Ordinance shall be as follows:

Astrologers, etc. per day	$100.00
Billiard, Card and/or Pool Rooms, per quarter or fraction thereof	10.00
Billiard, Card and/or Pool rooms, for each table over one, per quarter	2.50
Bowling Alleys, for each Alley per quarter or fraction thereof	2.50
Food Establishments, per quarter or fraction thereof	1.50
Hawkers, Class 1, per day or fraction thereof	4.00
" Class 11, per day, or fraction thereof	3.00
Hotels, Lodging Houses and/or Rooming houses, per year or fraction thereof	5.00
Second Hand Dealers, per quarter or fraction thereof	2.50
Junk Dealers, per quarter or fraction thereof	5.00
Moving Picture Shows, per seat per quarter or fraction thereof	.02
Milk Dealers, per year, distributing less than 25 quarts per day	1.00
From 25 to 50 quarts per day	3.00
From 50 to 100 quarts per day	5.00
From 100 to 300 quarts per day	8.00
From 300 to 500 quarts per day	12.00
From 500 to 700 quarts per day	25.00
From 700 to 900 quarts per day	37.50
From 900 quarts, upwards, per day	50.00
Peddlers, per day, Class 1, (Any fraction of a day is day)	3.00
Class 11,	5.00
Class 111,	7.50
Class 1V	10.00
Class V	15.00
Shooting Galleries, per quarter or fraction thereof	10.00
Photograph Salesmen, per day or fraction thereof	5.00
Solicitors, per day or fraction thereof	3.00
Transfer Vehicles, per year or fraction thereof	10.00
Vehicles for Hire, per year or fraction thereof	10.00
Transient Merchants, per month or fraction thereof	100.00
Wood Saws, per annum	25.00
Circus, each performance	100.00
Carnivals, per day	150.00
Plus $25.00 for each concession therewith, concession fee to be paid once only.	
Operatic and Dramatic Shows, per day	20.00
Auctioneers, Special, per day	25.00
" General, per day	5.00

Read the first time, May 15, 1935.
Read the second time June 5, 1935
Put upon its passage June 5, 1935
Yeas. 3
Nays. 0

Amended By N.S. 236

Submitted to and approved by the Mayor this 5th day of June, 1935

ATTEST:

E M Reynolds Recorder #213

C L Simpson Mayor

Exhibit

ORDINANCE N.S. 214

An ordinance providing for a special election to be held for the purpose of submitting at said election the question as to whether or not the City Commission of the City of Bend shall adopt a system of civil service for its full time paid fire fighters and to make all the necessary provisions therefor.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Sec. 1. The City of Bend shall hold an election for the purpose of submitting to the people of the City of Bend the question as to whether or not the City of Bend through its City Commissioners shall adopt a system of civil service for its full time paid fire fighters and make all the necessary provisions therefor.

Sec. 2. That the said question to be placed before the voters shall be as follows: "Shall the City Commissioners of the City of Bend adopt a system of civil service for its full time paid fire fighters and make all the necessary provisions therefor?"

Sec. 3. That the said question be submitted to the voters of the City of Bend on the date of the next general or special election to be held in ~~said City of Bend~~ the State of Oregon.

Read for the first time June 21, 1935.
Read for the second time July 2, 1935.
Put upon its passage July 8, 1935.

Yeas 3
Nays 0

Submitted to and approved by the Mayor the 8th day of July, 1935.

V. L. Simpson
Mayor.

ATTEST:
Recorder.

ORDINANCE N.S. 215

An ordinance to repeal Ordinance N. S. 202, regulating and controlling the sale of, traffic in, and use of alcoholic liquors within the City of Bend, Oregon, and providing penalties for the violation thereof.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Sec. 1. That Ordinance N.S. 202 be and the same hereby is repealed.

Read for the first time June 21, 1935.
Read for the second time July 8, 1935.
Put upon its passage July 8, 1935.
Yes 3
Nays 0

Submitted to and approved by the Mayor the 8th day of July, 1935.

V. L. Simpson
Mayor.

ATTEST:
Recorder.

#215

ORDINANCE NO. N.S. 216

An Ordinance amending Section 7 of Ordinance No. N.S. 113, enlarging the duties of the Chief of the Fire Department of the City of Bend, providing for the registration of persons, firms and corporations engaged in the installing of electrical appliances, and to regulate wiring in or on buildings, awnings or additions to any building within the corporate limits of the City of Bend, and providing a penalty for the violation hereof.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That Section 7 of Ordinance No. N.S. 113 be and the same hereby is amended to read as follows, to-wit:

"Sec. 7 The City shall receive, as compensation for the work herein provided to be done, the same to be paid by the person, firm or corporation taking out the permit herein provided, and the same shall be paid and collected by the said inspector, when the final certificate of inspection is issued. The fees to be paid for and collected for such work shall be as follows, to-wit:

All concealed, open, moulding and conduit work	
1 to 5 outlets	$ .50
6 to 10 outlets	1.00
11 to 30 outlets	1.50
31 to 50 outlets	2.00
51 to 100 outlets	2.50
101 to 200 outlets	3.00
201 and more outlets	5.00
Motors, 1 machine	1.00
Each additional machine	.50
Rectifiers	1.00
Electric signs	1.00
Electric Range and	[illegible]
Electric Water Heater, or either thereof	1.00"

Read for the first time June 21, 1935
Read for the second time July 8, 1935
Put upon its passage July 8, 1935.

Yeas 3
Nays 0

Submitted to and approved by the Mayor this 8th day of July, 1935.

J. F. Simpson
Mayor.

ATTEST:
[illegible]
City Recorder.

ORDINANCE NO. N.S. 217

An Ordinance to privide for the issuance of the City of Bend, Oregon, refunding Bancroft Bonds in the principal sum of $31,500.00; prescribing the form of said bonds and of the coupons attached thereto and for the sale or exchange of said bonds for the outstanding Bancroft Bonds of said City which will mature Novemberl, 1935, and declaring an emergency.

WHEREAS, on November 1, 1925, pursuant to Ordinance No. 261 passed by the Council and approved by the Mayor of the City of Bend on the 17th day of November, 1925 as authorized by the charter of said City of Bend adopted November 22, 1911, the said City of Bend issued $36,242.43 of Bancroft Bonds of the City of Bend, Oregon, 1925, and which said bonds were in denominations of $500.00 each and were numbered consecutively from 21 to 373 inclusive, bearing interest at the rate of 6 per cent per annum, payable semi-annually on the 1st day of May and November of each and every year, and which said bonds ran for a period of 10 years from said date, and of which $31,500.00 will mature on November 1, 1935, and on which said date will be due and payable, and

WHEREAS, there are no funds on hand in the treasury of said City of Bend to apply in payment of the principal of any of said bonds, THEREFORE,

THE CITY OF BEND DOES ORDAIN

Sec. 1 That there be issued $31,500.00 of refunding bonds of the City of Bend, by virtue of this ordinance and as authorized by Chapter 156, Oregon Laws, 1933, as amended by Chapter 208, Oregon Laws, 1935, and pursuant to ordinance number N.S. 217, for the purpose of refunding a like amount of Bancroft Bonds of said City issued on the first day of November 1925, and which said bond will become due and payable on the first day of November 1935; the said refunding bonds shall be in the denomination of $500.00 each; shall be dated November 1, 1935; shall mature in installments of $2000.00 each of the years 1937, 1938, 1939, 1940, 1941, 1942, and 1943 and $2500.00 each of the years 1944, 1945, 1946, 1947, 1948, 1949, and 1950 and bear interest at the rate of 5% per annum, payable semi-annually in May and November of each year. The said bonds shall be signed by the Mayor and City Recorder, and the coupons attached thereto shall bear the facsimile signature of said officers. The principal of and the interest on such bonds shall be payable at the office of the City Treasurer of the City of Bend, and the bonds shall be numbered 1 to 63 inclusive and be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF OREGON
CITY OF BEND
REFUNDING BANCROFT BONDS

BOND

The City of Bend in the County of Deschutes and the State of Oregon, for value received hereby promises to pay to bearer the sum of Five Hundred Dollars on the 1st day of November, 19__ with interest thereon at the rate of five per cent per annum, payable semi-annually, upon presentation and surrender of the interest coupons therefore hereto attached as they respectively mature, both principal and interest being payable at the office of the City Treasurer in Bend, Oregon.

This bond is one of a series of like date and tenor, except as to maturity and issued as a part of a total issue of $31,500.00 of such bonds for the purpose of refunding a like amount of Bancroft bonds of said City due November 1, 1935, which were issued by virtue and in pursuance of Ordinance No. 261 duly passed by the Council and approved by

the Mayor of the 17th day of November, 1925, and it is hereby certified that every requirement of the constitution and laws of the State of Oregon has been duly complied with in the issuance hereof, and that t his bond is within every debt and other limitation prescribed by the constitution and laws of the State of Oregon and by the charter of said town.

For the punctual payment of the principal hereof and the interest hereon, the full faith and credit of the City of Bend are hereby irrevocably pledged.

IN WITNESS WHEREOF, the City of Bend, Oregon, has caused this bond to be signed by its mayor and countersigned by its Recorder under the corporate seal of said City and the interest Coupons attached hereto to bear the engraved facsimile signature of said Mayor and Recorder, all as of the first day of November, 1935.

F. S. Simpson
Mayor.

Countersigned,
L. G. McReynolds
Recorder.

COUPON

No.____ $12.50

On the __ day of _____, 193____ the City of Bend, Oregon will pay to bearer

Twelve and 50/100----------DOLLARS

At the office of the City Treasurer in Bend, Oregon for six months interest then due on its refunding Bancroft bond.

Dated this 1st day of November, 1935.

L. G. McReynolds, Recorder.

F. S. Simpson, Mayor.

Sec. 2. That the Commissioners of the City of Bend levy a tax of provide other funds by law in 1936 and each year thereafter to and including the year 1950 for the payment of interest on, and principal of said bonds in amounts as follows:

	Principal	Interest
1936	$	$1575.00
1937	2000.00	1575.00
1938	2000.00	1475.00
1939	2000.00	1375.00
1940	2000.00	1275.00
1941	2000.00	1175.00
1942	2000.00	1075.00
1943	2000.00	975.00
1944	2500.00	875.00
1945	2500.00	750.00
1946	2500.00	625.00
1947	2500.00	500.00
1948	2500.00	375.00
1949	2500.00	250.00
1950	2500.00	125.00

Sec. 3. The Recorder is hereby authorized and instructed to advertise said bonds for sale at a special metting of the Commissioners to be held on the 20th day of November, 1935, by publication of notice of such sale once each week for two successive weeks immediately prior to said meeting in a newspaper of general circulation published in Bend, Deschutes County, Oregon, said notice to privide that the Bonds shall bear interest at the rate of five per cent per annum, payable semi-annually; that they shall be sold to the highest responsible bidder; that bids for the purchase of said bonds shall be accompanied by a certified check in favor of the City of Bend for two per cent of par value of said bonds and that the Commission reserves the right to reject any or all bids, or to sell all or any part of the bonds.

Sec. 4. In the event that the Commission does not receive a satisfactory

bid, or bids, for said refunding bonds, the Mayor and Recorder shall, if possible, cause said bonds to be exchanged, par value for par value, for said Bancroft bonds maturing November 1, 1935 pursuant to agreements entered into between the said Mayor and Recorder acting in behalf of said City of Bend and the holders of the said outstanding Bancroft Bonds.

Sec. 5. WHEREAS, it is essential that the outstanding Bancroft bonds of the City of Bend which will mature November 1, 1935, be refunded, redeemed and retured on their due date without delay through sale of the bonds, and it is therefore necessary for the peace, health, safety and credit of the City of Bend, Oregon, that this ordinance take effect immediately, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Read for the First time October 16th., 1935
Read for the Second time November 1st., 1935

Put upon its passage November 1st., 1935

Yeas 3

Nays 0

Submitted to and approved by the Mayor this 1st. day of November, 1935.

H. S. Simpson
Mayor

ATTEST:
L. G. McReynolds
Recorder

ORDINANCE NO. N.S. 218

An Ordinance to amend Sections 4, 5 and 11 of Ordinance No. N.S. 197, defining the term "alcoholic liquor", declaring the possession, transportation, sale, disposal, use, purchase or any other acquisition or disposal of alcoholic liquor, as in said Ordinance defined, contrary to the laws of the State of Oregon or the United States of America or the duly promulgated rules and regulations of the Oregon Liquor Control Commission, to be unlawful, declaring certain other acts and things relative to the purchase, possession and sale of alcoholic liquor to be unlawful, providing a penalty for the violation thereof, and repealing all ordinances and parts of ordinances in conflict therewith, and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Sections 4, 5 and 11 of Ordinance No. N.S. 197 be, and the same are hereby amended to read as follows:

"Section 4. Licensee's Hours of Sale. No licensee holding a state license for the sale or disposal of alcoholic liquor not over 17% of alcohol by weight shall directly or indirectly sell, give away, dispose of, deliver, solicit the sale of, or otherwise dispose of any alcoholic liquor or permit the serving of or consumption of alcoholic liquor on his premises during the time the polls are open on the day of any general, special or primary election of the State of Oregon or on any National election, or between the hours of 1 A.M. and 7 A.M. of any day.

Section 5. Places of Business Requirements. It shall be unlawful for any licensee holding a state license for the sale or disposal of alcoholic liquor not over 17% of alcohol by weight, to permit drunkenness, lewd or disorderly conduct or unreasonable or excessive noise in the place of business where the said alcoholic liquor is sold, and the said licensee shall be held responsible for any violation of this section.

Section 11. Age Limit of Purchasers. No alcoholic liquor as herein defined shall be sold, served or given to any intoxicated person, or to any interdicted person, or to an Indian, and it shall be unlawful for any person, other than a parent, guardian or other responsible relative, to sell, serve or give any alcoholic liquor to any person under the age of 21 years, and it shall be unlawful for any person to misrepresent by statements, actions or writings his or her age or the age of another to induce any licensee or other person to sell, serve or give liquor to any person under the age of 21 years."

Read for the first time, December 4, 1935.
Read for the second time, December 18, 1935.
Put upon its passage, December 18, 1935.
Yeas 3
Nays 0

Submitted to and approved by the Mayor this 18th day of December, 1935.

V. S. Simpson
Mayor.

ATTEST:
City Recorder.

ORDINANCE NO. N.S. 219

An ordinance to amend Section 4 of Ordinance N. S. 197 as amended by Ordinance N. S. 218, defining the term "alcoholic liquor", declaring the possession, transportation, sale, disposal, use, purchase or any other acquisition or disposal of alcoholic liquor as in said ordinance defined contrary to the laws of the State of Oregon or the United States of America or the duly promulgated rules and regulations of the Oregon Liquor Control Commission, to be unlawful, declaring certain other acts and things relative to the purchase, possession and sale of alcoholic liquor to be unlawful, providing a penalty for the violation thereof and repealing all ordinances and parts of ordinances in conflict therewith.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Section 4 of Ordinance N.S. 197, as amended by Ordinanace No. N.S. 218, be and the same hereby is amended to read as follows:

"Section 4. Licensee's hours of sale. No licensee, holding a state license for the sale or disposal of alcoholic liquor containing not over 17% of alcohol by weight, shall directly or indirectly sell, give away, dispose of, deliver, solicit the sale of, or otherwise dispose of any alcoholic liquor, or permit the serving or consumption of alcoholic liquor on his premises during the time the polls are open on the day of any general, special or primary election of the State of Oregon, or any National election day, or between the hours of 1 A.M. and 12 Noon of any Sunday and 1 A.M. and 7 A.M. on any other day of the week, except that when the Fourth of July falls on a Sunday, sale may be made on such Sunday at all times except between the hours of 1 A.M. and 7 A.M.

Read for the first time January 15, 1936.
Read for the second time ~~February 5~~ 1936.
Put upon its passage ~~February 5~~ 1936.

Yeas 3
Nays 0

Submitted to and approved by the Mayor this 5th day of February, 1936.

F. S. Simpson
Mayor.

ATTEST:
City Recorder.

ORDINANCE N.S. NO. 220

An ordinance to amend Section 4 of Ordinance N.S. 212, being an ordinance to license, tax and regulate certain games and mechanical devices used, therein designated as pin ball games, and prohibiting the use of dart games and other games of like character involving an element of skill.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Section 4 of Ordinance N.S. 212 be, and the same hereby is amended to read as follows:

"Section 4. That the license fee for each pin ball game shall be the sum of $60.00 per quarter for each pin ball game so placed in operation. Such license fee shall be payable in advance and collected for the unexpired portion of the first quarter of the year 1936 on a pro-rating basis, and such license shall be not transferable to any other machine."

Section 12. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend in this, that at the present time pin ball games, as herein defined, are being operated in the City of Bend on a rental basis much too inadequate, and that said games should be licensed and controlled as provided for in ordinance amended herein, and an emergency is, therefore, hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage by the Commission and approval by the Mayor.

Read for the first time February 5, 1936.
Read for the second time February 19, 1936.
Put upon its passage February 19, 1936.

Yeas 3
Nays 0

Submitted to and approved by the Mayor this 19th day of February, 1936.

C. F. Simpson
Mayor.

ATTEST:
Recorder.

ORDINANCE NO. N.S. 221

An Ordinance to provide for the issuance of the City of Bend, Oregon, Refunding Bancroft Bonds in the principal sum of $30,000.00; prescribing the form of said bonds and of the coupons attached thereto and for the sale or exchange of said bonds for the outstanding Bancroft Bonds of said City which will mature May 1, 1936, and declaring an emergency.

WHEREAS, on May 1, 1926, pursuant to Ordinance No. 269 passed by the Council on May 7, 1926 and approved by the Mayor of the City of Bend on the 8th day of May, 1926 as authorized by the charter of said City of Bend adopted November 22, 1911, the said City of Bend issued $31,072.70 of Bancroft Bonds of the City of Bend, Oregon, 1926, and which said bonds were numbered consecutively from 513 to 575 inclusive and were in denominations of $500.00 each excepting Bond #513 which was for $72.70, bearing interest at the rate of 6 per cent per annum, payable semi-annually on the 1st day of May and November of each and every year, and which said bonds ran for a period of 10 years from said date, and of which $30,000.00 will mature May 1, 1936, and on which said date will be due and payable, and

WHEREAS, there are no funds on hand in the treasury of said City of Bend to apply in payment of the principal of any of said bonds, THEREFORE,

THE CITY OF BEND DOES ORDAIN

Section 1. That there be issued $30,000.00 of refunding bonds of the City of Bend, by virtue of the Ordinance and as authorized by Chapter 156, Oregon Laws, 1933, as amended by Chapter 208, Oregon Laws, 1935, and pursuant to this Ordinance for the purpose of refunding a like amount of Bancroft Bonds of said City issued on the first day of May 1926, and which said bond will become due and payable on the first day of May, 1936; the said refunding bonds shall be in the denomination of $500.00 each; shall be dated May 1, 1936; shall mature in installments of $2000.00 each of the years 1937 to 1951 inclusive and bear interest at the rate of 5% per annum, payable semi-annually in May and November of each year. The said bonds shall be signed by the Mayor and City Recorder, and the coupons attached thereto shall bear the facsimile signature of said officers. The principal of and the interest on such bonds shall be payable at the office of the City Treasurer of the City of Bend, and the bonds shall be numbered 1 to 60 inclusive and be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF OREGON
CITY OF BEND
REFUNDING BANCROT BONDS

BOND

The City of Bend in the County of Deschutes and the State of Oregon, for value received hereby promimes to pay to bearer the sum of Five Hundred Dollars on the 1st day of May, 19__ with interest thereon at the rate of five per cent per annum, payable semi-annually, upon presentation and surrender of the interest coupons therefore hereto attached as they respectively mature, both principal and interest being payable at the office of the City Treasurer in Bend, Oregon.

This bond is one of a series of like date and tenor, except as to maturity and issued as a part of a total issue of $30,000.00 of such bonds for the purpose of refunding a like amount of Bancroft Bonds of said City due May 1, 1936, which were issued by virtue and in pursuance of Ordinance No. 269 duly passed by the Council and approved by the Mayor on the 8th day of May, 1926, and it is hereby certified that every requirement of the constitution and laws of the State of Oregon has been duly complied with in the issuance hereof, and that this bond is within every debt and other limitation prescribed by the constitution and laws of the State of Oregon and by the charter of said town.

Section 3. Said bonds will be issued at the option of the City Commissioners with the right and privilege contained therein to call or redeem unmatured bonds in serial order on and after three years from the date off issue; such privilege of call or redemption to be noted on the bond, which privilege shall be exercised by giving a published notice at least 30 days prior to such redemption date, such notice to be published at least one issue of a newspaper, printed and published in Deschutes County, Oregon, and said redemption or call date shall be on an interest paying date, and after such date interest on said call bonds shall cease.

For the punctual payment of the principal thereof and the interest hereon, the full faith and credit of the City of Bend are hereby irrevocable pledged.

IN WITNESS WHEREOF, the City of Bend, Oregon, has caused this bond to be signed by its mayor and countersigned by its Recorder under the corporate seal of said City and the interest Coupons attached hereto to bear the engraved facsimile signature of said Mayor and Recorder, all as of the first day of May, 1936.

F. S. Simpson
Mayor

Countersigned,

L. G. McReynolds
Recorder.

COUPON

GLACIER BOND

No._____ $12.50

On the___ day of_____, 193___the City of Bend, Oregon will pay to bearer

Twelve and 50/100----------Dollars

At the office of the City Treasurer in Bend, Oregon for six months interest then due on its refunding Bancroft bond.

Dated this 1st day of May, 1936.

L. G. McReynolds,
Recorder.

F. S. Simpson,
Mayor.

Section 2. That the Commissioners of the City of Bend levy a tax of provide other funds by law in 1937 and each year thereafter to and including the year 1951 for the payment of interest on, and principal of said bonds in amounts as follows:

	Principal	Interest
1936	$	$750.00
1937	2000.00	1450.00
1938	2000.00	1350.00
1939	2000.00	1250.00
1940	2000.00	1150.00
1941	2000.00	1050.00
1942	2000.00	950.00
1943	2000.00	850.00
1944	2000.00	750.00
1945	2000.00	650.00
1946	2000.00	550.00
1947	2000.00	450.00
1948	2000.00	350.00
1949	2000.00	250.00
1950	2000.00	150.00
1951	2000.00	50.00

Callable on May 1/39

Section 3. The Recorder is hereby authorized and instructed to advertise said bonds for sale at a special meeting of the Commissioners to be held on the 15th day of May, 1936, by publication of notice of such sale once each week for two successive weeks immediately prior to said

meeting in a newspaper of general circulation published in Bend, Deschutes County, Oregon, said notice to provide that the Bonds shall bear interest at the rate of five per cent per annum, payable semi-annually; that they shall be sold to the highest responsible bidder; that bids for the purchase of said bonds shall be accompanied by a certified check in favor of the City of Bend for two per cent of par value of said bonds and that the Commission reserves the right to reject any or all bids, or to sell all or any part of the bonds.

Section 4. In the event that the Commission does not receive a satisfactory bid, or bids, for said refunding bonds, The Mayor and Recorder, if possible, cause said bonds to be exchanged, par value for par value, for said Bancroft Bonds maturing May 1, 1936 pursuant to agreements entered into between the said Mayor and Recorder acting in behalf of said City of Bend and the holders of the said outstanding Bancroft Bonds.

Section 5. WHEREAS, it is essential that the outstanding Bancroft bondsof the City of Bend which will mature May 1, 1936, be refunded, redeemed and retired on their due date without delay through sale of the bonds, and it is therefore necessary for the peace, health, safety and credit of the City of Bend, Oregon, that this ordinance take effect immediately, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Read for the First time March 17, 1936
Read for the Second time April 1, 1936

Put upon its passage April 1, 1936

Yeas 3

Nays 0

Submitted to and approved by the Mayor this 1st day of April, 1936.

T. S. Simpson
Mayor

ATTEST:

E. M. Reynolds
Recorder

ORDINANCE NO. N.S. 222

An ordinance to amend Section 2 of Ordinance N.S. 212, as amended by Ordinance N.S. 220, being an ordinance to license, tax and regulate certain games and mechanical devices used therein designated as pin ball games and prohibiting the use of dart games and other games of like character involving an element of skill, and by adding a new section thereto designated as Section 12-a.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Section 2 of Ordinance N.S. 212 be, and the same hereby is amended to read as follows:

"Sec. 2. Definition of terms. PIN BALL GAMES. A pin ball game as that term is used and understood in this ordinance shall mean and include every machine, table or board of every kind and nature which is operated by the player inserting a coin therein of the denomination or value of which shall not exceed five cents, and which thereby permits said player to shoot a ball or balls for designated holes or openings in said machine with the view of compiling certain scores or obtaining certain combinations which entitles the player to prizes, and when so played shall be operated under circumstances requiring the exercise of skill on the part of the player."

Sec. 12-a. Any person who with intent to cheat or defraud the owner, lessee, licensee or other person entitled to the contents of any coin box or other receptacle, depository or contrivance designated to receive lawful coins of the United States of America in connection with the sale, use or enjoyment of property or service, or who shall place in any machine herein designated as a pin ball game any slug or other article instead of lawful money of the United States in order to play said pin ball game, shall be deemed guilty of a violation of this ordinance and upon conviction thereof shall be punished as in Section 11 herein provided for.

Sec. 12. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend in this, that at the present time players of pin ball games herein licensed are using slugs and counterfeit coins in the operation of the pin ball games herein licensed, and in order to prevent and prosecute such practice, it is necessary that this ordinance go into effect as soon as possible, and an emergency is therefore hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage by the Commission and approval by the Mayor.

Read for the first time April 1, 1936.
Read for the second time April 15, 1936.
Put upon its passage April 15, 1936.

Yeas 3
Nays 0

Submitted to and approved by the Mayor this 15th day of April, 1936.

W. S. Simpson
Mayor.

ATTEST:

Carl Rapsch
City Recorder.

222

ORDINANCE NO. N.S. 223

An ordinance to prevent the practice of persons going in and upon private property or calling at residences in the City of Bend, Oregon, by solicitors, pedlers, hawkers, itinerant merchants, transient vendors of merchandise and transient photograph solicitors, not having been requested or invited so to do by the owner or owners, occupant or occupants of said private residence, declaring such practice to be a nuisance, providing a penalty for the violation hereof, and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The practice of persons of going in and upon private property or calling at residences in the City of Bend, Oregon, by solicitors, pedlers, hawkers, itinerant merchants, transient vendors of merchandise and transient photograph solicitors, not having been requested or invited so to do by the owner or owners, occupant or occupants of said private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise and/or for the purpose of disposing of and/or pedling or hawking the same, or soliciting orders for photographs, is hereby prohibited and declared to be a nuisance and punishable as such nuisance as a misdemeanor.

Section 2. The Chief of Police and Police Officers of the City of Bend are hereby required and directed to suppress the same and to abate any such nuisance as is described in the first section of this ordinance.

Section 3. Any person convicted of perpetrating a nuisance as described and prohibited in the first section of this ordinance, upon conviction thereof, shall be punished by a fine of not to exceed $200.00, or by imprisonment in the city jail not exceeding 100 days, or by both such fine and imprisonment.

Section 4. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend, in this, that the residents and inhabitants of the City of Bend are continuously bothered with agents and pedlers of merchandise, and to eliminate such nuisance it is deemed necessary that an emergency be, and the same hereby is declared to exist, and this ordinance shall be in force and effect from and after its passage by the Commission and approval by the Mayor.

Read for the first time April 1, 1936.
Read for the second time April 15, 1936.
Put upon its passage April 15, 1936.

Yeas 3
Nays 0

Submitted to and approved by the Mayor this 15th day of April, 1936.

W. S. Simpson
Mayor.

ATTEST:
E. M. Reynolds
City Recorder.

ORDINANCE N.S. No. 224

An ordinance to amend Section 5 of Ordinance N.S. No. 111, being an ordinance regulating the construction, erection, raising, lowering, altering, repairing and use of buildings, and to provide for the protection against fire and to definitely establish the fire limits of the City of Bend and providing for a penalty for violations thereof.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Section 5 of Ordinance N.S. 111 be and the same hereby is amended to read as follows:

"Section 5. All property lying within the boundaries in this section set forth is hereby declared to lie within the fire limits within the City of Bend, Oregon, to-wit:

Commencing at a point on Division Street where the same is intersected by the alley in Block 25 of the Original Town of Bend; thence Westerly along the center line of said alley to its intersection with Harriman Street; thence South along Harriman Street to its intersection with Irving Avenue; thence Westerly on Irving Avenue to its intersection with the center line, extended, of the alley in Block 15 of the Original Town of Bend; thence Southwesterly along said alley to its intersection with Louisiana Avenue; thence Westerly on Louisiana Avenue to an intersection with the center line, extended, of the alley in Block 5 of the Original Town of Bend; thence along said alley to an intersection with the Southwesterly line of Oregon Avenue; thence Northwesterly along the Southwesterly boundary line of Oregon Avenue to the South corner of Lot 6 in Block 2 of the Original Town of Bend; thence Northeasterly along the Northwesterly side of Brooks Street to the Easterly corner of said Lot 6; thence Northwesterly along the Northeasterly side of said Lot 6 in a straight line and extending to the Deschutes River; thence Northerly along said River to Greenwood Avenue; thence Southeasterly along Greenwood Avenue to its intersection with Wall Street; thence Northeasterly on Wall Street to its intersection with Vermont Place; thence along Vermont Place to its intersection with Hill Street; thence South on Hill Street to Kearney Avenue; thence Easterly on Kearney Avenue to Division Street; thence Southerly on Division Street to the point of beginning. Unless otherwise specified the center line of the streets, alleys and/or public ways above mentioned are intended in all cases.

Section 16. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend in this, that a proper building restriction with reference to fire hazzards should be maintained at all times within the City of Bend, and that a change in the present fire limits is necessary, an emergency is therefore hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the Commission and approval by the Mayor.

Read for the first time March 4, 1936.
Read for the second time May, 6th, 1936.
Put upon its passage May 6th, 1936.
Yeas 3
Nays 0

Submitted to and approved by the Mayor this 6th day of May March, 1936.

ATTEST:

W. L. Simpson
Mayor.

Recorder.

224

ORDINANCE NO. N.S. 225

An ordinance to amend Sections 5 and 8 of Ordinance N.S. 178, being an ordinance regulating and limiting the rate of speed of vehicles on the streets, alleys and public places of the City of Bend; defining the terms "park" and "parking" and regulating the parking of vehicles on the streets and alleys of the City of Bend; providing for the placing of stop signs and regulating vehicular traffic at stop signs; prohibiting U or reverse turns on certain streets; providing penalties for violations hereof; repealing Ordinance N.S. 175, and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Sections 5 and 8 of Ordinance N.S. 178 be, and the same hereby are amended to read as follows:

"Section 5. Except as otherwise herein provided, parking upon any of the following described parts of public streets within the City of Bend between the hours of 2 o'clock A.M. and 7 o'clock P.M. shall be limited to a period of one hour, to-wit: That portion of Wall Street lying between Franklin Avenue and Greenwood Avenue; that portion of Bond Street lying between Franklin Avenue and Greenwood Avenue; that portion of Minnesota Avenue lying between Wall Street and Bond Street, and that portion of Oregon Avenue lying between Wall Street and Bond Street.

Section 8. The City Manager, with the approval of the City Commission, shall have authority to designate such parking areas in the business section of the City of Bend as he may deem expedient, for the purpose of reserving such areas for the use of Peace Officers in the performance of their duties as such, for the purpose of loading or unloading freight, and for the purpose of ingress to or egress from buildings, and for the purpose of tourist parking; such areas shall be plainly marked by police marking strips and/or by "no parking" signs; it shall be unlawful for any person to park a motor vehicle on any such areas except for the purposes above designated."

Section 14. Inasmuch as the City of Bend at this time has an ordinance extending the one hour parking time to a different hour, and as the City Manager has no authority for designating tourist parking spaces, and for the further convenience of all traffic upon the streets and alleys within the City of Bend, it is deemed that this ordinance is a measure for the immediate preservation of the peace, health and safety of the City and that an emergency, therefore, exists, and such emergency is hereby declared to exist; therefore, this ordinance shall become immediately effective upon its passage by the Commission and approval by the Mayor.

Read for the first time April 15, 1936.
Read for the second time May 6, 1936.
Put upon its passage May 6, 1936.

Yeas 3
Nays 0

Submitted to and approved by the Mayor this 6th. day of May, 1936.

H. L. Simpson
Mayor.

ATTEST:
City Recorder.

ORDINANCE N.S. No. 226

An ordinance to amend Section 4 of Ordinance N.S. 178 and to amend Section 5 of said Ordinance N.S. 178, as amended by Section 5 of Ordinance N.S. 225, being an ordinance regulating and limiting the rate of speed of vehicles on streets, alleys and public places of the City of Bend; defining the terms "park" and "parking" and regulating the parking of vehicles on the streets and alleys of the City of Bend; providing for the placing of Stop Signs and regulating vehicular traffic at Stop Signs; prohibiting U or reverse turns on certain streets; providing penalties for violations thereof, repealing Ordinance N.S. 175 and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Section 4 of Ordinance N.S. 178 and also Section 5 of Ordinance N.S. 178, as amended by Ordinance N.S. 225, be and the same hereby are amended to read as follows:

"Section 4. All parking is hereby prohibited at all times along the curb immediately adjoining to and in front of any theater or moving picture theater; all parking is hereby prohibited along the curb adjacent to and immediately in front of the main entrance to a building used as a place of public worship or of public amusement or entertainment, other than a theater or moving picture theater, during the time such building is being used and occupied for such purpose; all parking is prohibited on the following streets, to-wit: on both sides of Brooks Street from its intersection at Oregon Avenue to its intersection with Greenwood Avenue; on the Northerly side of Greenwood Avenue from its intersection with the Westerly side of Wall Street to a point 100 feet West of its intersection with the Westerly side of Brooks Street extended Northerly; on both sides of Minnesota Avenue from the alley between Bond Street and Lava Road to said Lava Road.

Section 5. Except as otherwise herein provided, parking upon any of the following described parts of public streets within the City of Bend between the hours of 2 o'clock A.M. and 7 o'clock P.M. shall be limited to a period of one hour, to-wit: That portion of Wall Street lying between Franklin Avenue and Greenwood Avenue; that portion of Bond Street lying between Franklin Avenue and Greenwood Avenue; that portion of Minnesota Avenue lying between Wall Street and the alley between Bond Street and Lava Road, and that portion of Oregon Avenue lying between Wall Street and Bond Street."

Section 15. Inasmuch as the City of Bend at this time has an ordinance extending the one hour parking time in certain localities and it has been found that additional one hour parking space should be included in said ordinance for the purpose of eliminating congestion of the traffic on said streets and making it possible that the City Fire Department be not hampered in movement of its fire apparatus from the Fire Station, it is deemed that this ordinance is a measure for the immediate preservation of the peace, health and safety of the City of Bend, and that an emergency, therefore, exists, and such emergency is hereby declared to exist. Therefore, this ordinance shall become immediately effective upon its passage by the Commission and approval by the Mayor.

Read for the first time June 17, 1936.
Read for the second time July 1, 1936.
Put upon its passage July 1, 1936.
Yeas 3
Nays 0

Submitted to and approved by the ~~Mayor~~ this 1st day of July, 1936.

T. S. Simpson
Mayor.

ATTEST:

City Recorder.

ORDINANCE NO. NS. 227

An ordinance authorizing the use of white canes exclusively by pedestrians wholly or partially blind, and providing protection against street accidents to such persons.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That, for the purpose of guarding against accidents in traffic on the public thoroughfares, it shall be unlawful for any person except persons wholly or partially blind to carry or use on the streets, highways and public places of the City any canes or walking sticks which are white in color, or white with read end or bottom. Such canes or walking sticks may be used on the streets and other public places of the City by persons wholly or partially blind as a means of protecting them and for the purpose of identifying them by drivers of vehicles, operators of motor driven vehicles and other pedestrians with whom they come in contact on such streets, highways and public places.

Section 2. Any driver of a vehicle, operator of a motor driven vehicle, or pedestrian who is not wholly or partially blind, who approaches or comes in contact with a person wholly or partially blind carrying a cane or walking stick white in color, or white with red end, shall immediately come to a full stop and take such precautions before proceeding as may be necessary to avoid accident or injury to the person so carrying a white cane or walking stick.

Section 3. Any person who shall carry a cane or walking stick such as is described in Section 1 hereof contrary to the provisions of this ordinance, or who shall fail to heed the approach of a person so carrying a white cane or walking stick or one white with red end, or who shall fail to come to a stop upon approaching or coming in contact with a person so carrying such a cane or walking stick, or who shall fail to take precautions against accident or injury to such a person after coming to a stop as provided for herein, shall be fined not less than one dollar nor more than one hundred dollars for each offense.

Read for the first time August 5, 1936.
Read for the second time August 19, 1936.
Put upon its passage August 19, 1936.

Yeas 3
Nays 0

Submitted to and approved by the Mayor this 19th day of August, 1936.

F. S. Simpson
Mayor.

ATTEST:

[illegible] Reynolds
City Recorder

ORDINANCE NO. N.S. 228

An ordinance amending Ordinance N. S. 133, being an ordinance providing a penalty for the violation of quarantine regulations imposed by the City Physician in the case of communicable diseases, of any disease conclusive, subject to appeal to the State Board of Health, providing for the appointment of guards to enforce the quarantine regulation and providing for a penalty for the violation of this ordinance, by adding a new section to said ordinance to be known as Section 5.

THE CITY OR BEND DOES ORDAIN AS FOLLOWS:

That Ordinance N.S. 133 be, and the same hereby is amended by adding a new section thereto, to be known as Section5, and which said Section 5 reads as follows, to-wit:

" Section5. It shall be unlawful for any person having charge, custody or control of any minor or incompetent person, as parent, guardian or otherwise, to permit such minor or other person under his or her control, care and custody to come in contact or mingle are attending or to go upon the streets of the City of Bend while afflicted with a communicable disease."

Section 6. Inasmuch as the City of Bend at this time has no adequate remedy for compelling persons in charge of minors to refrain from permitting said minors to mingle with other persons where said minors are afflicted with a communicable disease and the future health and safety of the public is thereby jeopardized, it is, therefore, deemed necessary that this ordinance be enacted and go into effect as soon as possible in order to preserve the peace, health and safety of the City of Bend, that an emergency, therefore, exists become immediately effective upon its passage by the commission and its approval by the Mayor.

Read for the first time August 5, 1936
Read for the Second time September 2, 1936
Put upon its passage September 2, 1936

Yeas 3
Nays 0

Submitted to and approved by the Mayor this 2nd day of September, 1936.

F. S. Simpson
Mayor.

ATTEST:
[illegible]
City Recorder.

ORDINANCE NO. N.S. 229

An Ordinance prohibiting the use of apparatus causing radio interference, appointing a city inspector, providing a penalty for the violation thereof, and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. It shall be unlawful for any person or persons to operate or permit or cause to be operated within the City of Bend, Oregon, any device, apparatus or instrument of any kind whatsoever, generating or causing high frequency oscillations, the operation of which shall cause reasonable preventable electrical interference with radio reception, broadcast, transmission or receiving apparatus.

Section 2. There is hereby added to the duties of the Chief of the Fire Department the powers and duties of city inspector as required by this ordinance, and the said city inspector shall be and he hereby is authorized to appoint deputies or assistants in carrying out the provisions of this ordinance, and the said city inspector, or any of his authorized deputies or assistants, shall have the right to enter into and upon any premises at all reasonable hours for the purpose of inspecting the installation and/or operation of electrical apparatus, and it shall be unlawful for any person to interfere with said city inspector, his deputies or assistants, in any such inspection, or to refuse to permit said city inspector, his deputies or assistants, to enter the premises for such purposes.

Section 3. Any person or persons who shall violate any of the terms or provisions of this ordinance shall, upon conviction thereof in the Municipal Court, be punished by a fine of not to exceed $100.00 or by confinement in the City Jail not to exceed 50 days, or by both such fine and imprisonment.

Section 4. Inasmuch as there is at the present time certain apparatus in the City of Bend, Oregon, causing unnecessary interference with radio reception, and it is necessary that such interference be eliminated at as early a date as possible, and that such elimination is necessary for the immediate preservation of the public health, peace and safety of the City of Bend. Therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the Commission and approval by the Mayor.

Read for the first time October 21, 1936.
Read for the second time November 4, 1936.
Put upon its passage November 4, 1936.

Yeas 3
Nays 0

Submitted to and approved by the Mayor this 14th day of November, 1936.

F. S. Simpson
Mayor.

ATTEST:

City Recorder

ORDINANCE NO. N.S. 230

An ordinance regulating the deposit of city funds; repealing Ordinance No. N.S. 139, and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The provisions of Chapter 438 of the 1933 Oregon Laws and Chapter 30 of the 1935 Oregon Laws and also all acts hereafter amendatory thereof and supplementary thereto and which may hereafter amend said laws which regulate and designate the manner and method of treasurers of municipalities handling municipal funds, be and the same hereby are adopted as the method of handling municipal funds by the City Treasurer of the City of Bend.

Section 2. Ordinance No. N.S. 139 be, and the same hereby is repealed.

Section 3. Inasmuch as the City of Bend at this time has an ordinance regulating and designating the manner in which municipal funds of the City of Bend shall be handled with reference to bank deposits, and which ordinance is in conflict with the laws of the State of Oregon regulating the handling of such funds, it is, therefore deemed necessary that the said ordinance now in existence be repealed and that the City of Bend adopt the regulations required by the laws of the State of Oregon. It is, therefore, deemed necessary that the City follow the State law at as early a date as possible and the immediate preservation of the public health, peace and safety of the City of Bend should be preserved; therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the Commission and approval by the Mayor.

Read for the first time November 4, 1936.
Read for the second time November 18, 1936.
Put upon its passage November 18, 1936.

Yeas 3
Nays 0

Submitted to and approved by the Mayor this 18th day of November, 1936.

F. S. Simpson
Mayor.

ATTEST:

City Recorder.

ORDINANCE N. S. 231

An Ordinance to amend Section 1 of Ordinance N. S. 189 and declaring an emergence.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Section 1 of Ordinance N. S. 189 by and the same hereby is amended to read as follows:

Section 1. It shall be unlawful for any person owning or having, charge, care or control of any dog, male or female, of the age of eight months, to permit or allow the same to run at large upon any street, alley, lot, or public place within the cooperate limits of the City of Bend, unless there shall be attached to such dog a collar on which there shall be a tag with an appropriate number, to be obtained from or through the County Clerk of Deschutes County, Oregon, as hereinafter provided; and it shall be unlawful for any person to imitate or conterfeit such tag and place the same on any such dog within the City and in no case shall any dog or pup, regardless of age, be permitted to run at large during the time from March 20th to May 30th, both dates inclusive, of any year.

Section 10. In as much as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend in this; that during the times herein designated in which it shall be unlawful for any dog to be running at large, the federal migratory birds are collecting and raising their young, which birds are disturbed and destroyed by dogs permitted and allowed to roam at large and it is the intention and desire to preserve such wild life collecting within the City limits of the City of Bend, therefore, an emergency is hereby declared to exist and this ordinance shall be in force and effect immediately from and after its passage by the Commission and approval by the Mayor.

Read for the first time March 16, 1937.

Read for the second time April 7, 1937.

Put upon its passage April 7, 1937.

Yeas 3

Nays 0

Submitted to and approved by the Mayor this 7th day of Apr. 1937

V. S. Simpson
Mayor

ATTEST

City Recorder

#231

ORDINANCE N. S. 232

An Ordinance to amend article 18 of Ordinance N. S. 140, as amended by Ordinance N. S. 172, being an ordinance regulating private business and licensing the same and providing a penalty for the violation thereof.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Article 18 of Ordinance N. S. 140, as ammended by Ordinance N. S. 172, be and the same hereby is amended to read as follows:

ARTICLE XVIII.

WOOD SAWS AND WOOD DEALERS.

Section 1. A wood yard shall be defined to be a place where fire wood is kept for sale, regardless of the amount or quantity stored thereat.

Section 2. A wood dealer as herein defined shall be any person who maintains and operates a wood yard as herein defined.

Section 3. It shall be unlawful for any person, persons, firm or corporation to operate a woodsaw, the motive power of which shall be steam, electricity, gasoline or other mechanical force, on any street, alley, park or other public place in the City of Bend, or to transport such woodsaw on or over any street or alley for the purpose of operating the same within the City of Bend, without having first obtained a license therefor, said license not to be issued for less than one year. No license shall be issued until the applicant shall make a showing, satisfactory to the City Manager, that such woodsaw is in good mechanical condition and can and will be operated and transported with safety to the general public, and that any such wood saw shall, at all times be fully covered with protecting device, or devices, while being transported over the streets or alleys of the City of Bend, to the satisfaction of the City Manager.

Section 4. That any person, firm or corporation desiring to operate a wood yard, within the City of Bend, shall make application to the City Commission for a license therefor, and such application shall give the exact location of the proposed yard and shall be accompanied by the annual license fee of $15.00; such license fee shall be for the fiscal year ending December 31st of the year in which licensed, and all such wood yards shall secure a new license beginning the first of the new year; no license shall be granted for less than one year.

Section 5. Upon said application being filed with the recorder of the City of Bend, the Chief of the Fire Department shall be notified of such application, who shall make an investigation of the proposed location and interview the property owners of the property where the said wood yard is to be located, as well as property owners in the locality of the proposed wood yard, together with any and all persons affected thereby.

Section 6. After such investigation and report, the matter of said application shall be referred to the City Commission, and if said application is approved, the applicant shall post and maintain a cash bond of $50.00, with the City of Bend, as a guarantee that the operators of said wood yard shall keep the premises so used in a clean condition and satisfactory to the Chief of the Fire Department, as in his judgment, from a fire hazard, or unsightly condition, may be necessary. Said Cash bond so deposited with the City of Bend, to be released and paid over to the party depositing the same, without interest, upon full compliance with the provisions of this secion, at the expiration of said license and upon the termination of the operation of said wood yard.

Section 7. If the application be rejected by the City Commission, the license fee shall be returned to the applicant.

Section 8. No license fee shall be required for the operator of a stationary wood saw permanently located on premises either owned or controlled by the operator, but that any and all wood saws either used on premises as stationary wood saws or otherwise shall not be operated except between the hours of 7 A.M. and 7 P.M. during the six working days of the week, and that no wood shall be sawed on the day commonly known as Sunday.

Section 9. It shall be unlawful to store wood on any street or alley, except in case of unloading, and then for such purpose for no longer period than 24 hours, and in no case shall unloading of wood block traffic or ingress and egress to private property.

Section 10. It shall be unlawful for any person, or persons, to deposit sawdust, debris, or other wood product upon any street or alley without cleaning up the same immediately upon leaving the job and in no case shall it be left on the street or alley over night.

Section 11. It shall be unlawful for any person, or persons, to deposit sawdust, debris or other wood product upon private property and permit the same to remain thereon for a period of five days, or longer.

Section 12. That all wood dealers operating within the City of Bend at the time this ordinance goes into effect shall immediately cause their premises to comply with this ordinance within a period of ten days from the date of its passage.

Read for the first time March 16th 1937.

Read for the second time 7th. April 1937.

Put upon its passage.....April 7th....1937.

Yeas 3
Nays 0

Submitted to and approved by the Mayor this 7th. day of April, 1937.

F. E. Simpson
Mayor

ATTEST:

Elmo Reynolds
City Recorder

ORDINANCE NO. N. S. 233

An Ordinance vacating that portion of Idaho Street, between the west boundary line of Broadway Street and the east boundary line of the alley running in the northerly and southerly direction between Broadway Street and Congress Street, Bend, Oregon, reserving therein, however, to the City of Bend and the general public the right to use said street, so vacated, for the purpose of a pedestrian lane and declaring an emergency.

WHEREAS, the owners of all the lots and parcels of land located on or adjacent to Idaho Street, lying between Broadway Street and the east boundary line of the alley running in a northerly and southerly direction between Broadway Street and Congress Street, Bend, Oregon did file in the office of the Recorder of the City of Bend, a petition praying for the vacation of the said Idaho Street and that said petition likewise contains the other required property owners signature, and

WHEREAS, the said petition was filed with the City Recorder on the first day of April, 1937, and

WHEREAS, the said petition was considered by the Commissioners on Wednesday, the 7th day of April, 1937, at a meeting held at said time and no reason manifestly existing why said petition should not be allowed, and upon motion, duly seconded and carried, Wednesday the 19th day of May, 1937, at the hour of 8 o'clock P. M. in the Commissioners' Chambers in the City Hall (Baird Building), Bend, Oregon, was the time and place fixed for a formal hearing on said petition, and

WHEREAS, in accordance with said motion the City Recorder did on the 9th day of April, 1937, duly post a notice of street vacation at each end of the street proposed to be vacated, to-wit: on Idaho Street, at the intersection of Broadway Street and Idaho Street, and at the intersection of said Idaho Street with the alley and the east line of the alley running northerly and southerly between Broadway and Congress Streets, both in Bend, Oregon; and that the said notices were duly posted by nailing the same to a telephone post located at such points; and that the said notice was likewise duly published in the Bend Bulletin for four consecutive weeks, the first publication being the 9th day of April, 1937 and the last publication being the 30th day of April, 1937; and that a copy of said notice as published and posted is duly on file in this proceeding, together with the affidavit of such posting and publication, and

WHEREAS, it appears that the petitioners are the owners of all the real property adjacent to and immediately adjoining the said Idaho Street, between Broadway and the east boundary line of the alley running in a northerly and southerly dirrection between Broadway Street and Congress Street; and are the only parties effected by the vacation of any portion of the street, and

WHEREAS, upon the hearing of said petition by the Commissioners of the City of Bend, as set forth in said notice of street vacation no objections were interposed to the vacation of said street and at this time no reason existing why the said petition should not be granted, save and except that there should be a reservation to the City of Bend, and the general public, of a right to use said street, so vacated, for the purpose of a pedestrians lane, and the balance of said street to be vacated as prayed for in said petition, now, therefore,

THE CITY OF BEND DOES ORDAIN as follows:

Section 1. That Idaho Street, between the west boundary line of Broadway Street and the east boundary line of the alley running in a northerly and southerly dirrection between Broadway Street and Congress Street, Bend, Oregon, be and the same hereby is vacated, save and except that the right to the City of Bend and the general public is hereby

reserved to use said street,so vacated, for the purpose of a pedestrian lane; and that said street, after the passage of this ordinance shall be considered, as the private property of adjacent owners and henceforth the said street shall in no way be a public thoroughfare, save and except for the purpose hereintofore outlined.

Section 2. Inasmuch as the vacation of Idaho Street between the west boundary line of Broadway Street and the East boundary line of the alley running an a northerly and southerly dirrection between Broadway Street and Congress Street is necessary for the purpose of permitting the adjacent property owners to land-scape and improve the same and thereby further beautify the City of Bend, and that particularl locality of said street, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from its passage by the Commission and its approval by the Mayor

Read for the first time May 19, 1937.
Read for the second time June 2, 1937.
Put upon its Passage June 2, 1937.

Yeas 3
Nays 0

Submitted to and approved by the Mayor this 2nd day of May, June, 1937.

F. S. Simpson
Mayor

ATTEST:

Recorder.

ORDINANCE N. S. 234

An Ordinance to amend Section 1 of Ordinance N.S. 189 as ammended by Ordinance N.S. 231 and by adding a new Section to Ordinance N.S. 189 and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Section 1 of Ordinance N.S. 189, as amended by Section 1 of Ordinance NS. 231, be and the same hereby is amended to read as follows:

Section 1. It shall be unlawful for any person owning or having charge care or control of any dog, male or female, of the age of eight months, to permit or allow the same to run at large upon any street, alley, lot, or public place within the cooperate limits of the City of Bend, unless there shall be attached to such dog a collar on which there shall be a tag with an appropriate number, to be obtained from or through the County Clerk of Deschutes County, Oregon, as hereinafter provided; and it shall be unlawful for any person to imitate or counterfeit such tag and place the same on any such dog within the City; and in no case shall any dog or pup, regardless of age, be permitted to run at large during the time from March 20th to June 30, both dates inclusive, of any year.

Section 10. It shall be unlawful for any person owning or having charge, care or control of any dog of any age to permit or allow the said dog to trespass upon any property of another without consent of such other person; or to permit such dog to molest, bark at, or run after any person or vehicle upon any street or alley within the City of Bend, Oregon.

Section 11. In as much as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend, in this; that during the times herein designated in which it shall be unlawful for any dog to be running at large, the federal migratory birds are collecting and rassing their young, which birds are disturbed and destroyed by dogs permitted and allowed to roam at large and it is the intention and desire to preserve such wild life collecting within the City limits of the City of Bend; and to further prevent such dogs from interferring with persons and vehicular traffic as herein defined of which such practice is annoying and liable to cause accident and injury to persons, therefore, an emergency is hereby declared to exist and this ordinance shall be in force and effect immediately from and after its passage by the Commission and approval by the Mayor.

Read for the first time May, 19 1937.

Read for the second time June 2nd. 1937.

Put upon its passage June 2nd 1937.

Yeas

Nays

Submitted to and approved by the Mayor this 2nd day of June 1937.

G. L. Simpson
Mayor

ATTEST

Ann Reynolds
City Recorder

#234

ORDINANCE NO. N.S. 235

An Ordinance providing for the regulation and operation of bicycles within the City of Bend, Oregon, fixing a penalty for the violation thereof and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. No person shall ride or operate any bicycle upon any street, alley or public place within the corporate limits of the City of Bend during the period from a half hour after sunset to a half hour before sunrise, and all times when fog or other atmospheric conditions render the operation of said bicycle dangerous to traffic or the use of the streets, or at any other time when there is not sufficient light to render clearly discernible any person on the streets a distance of two hundred feet ahead without having a lighted lamp affixed on the front of said bicycle visible under normal atmospheric conditions from a distance of at least three hundred feet in front of said bicycle and also a reflex mirror or lighted lamp on the rear of said bicycle exhibiting a red light visible under like conditions from a distance of at least two hundred feet to the rear of such bicycle.

Section 2. No person shall operate or ride on any bicycle upon any street, alley or public place in the City of Bend with two or more persons upon the same bicycle; provided, however, that this restriction shall not apply to tandem bicycles or other bicycles equipped for two or more riders.

Section 3. No person while riding or operating a bicycle on any street, alley or public place in the City of Bend shall hold on to any other vehicle.

Section 4. No person shall ride or operate any bicycle on any sidewalk in the City of Bend, or foot-bridge in the City of Bend.

Section 5. Every person riding or operating a bicycle on any street, alley or public place in the City of Bend shall keep said bicycle on the extreme right of the traffic lane, and it shall be unlawful for two or more operators of bicycles to travel abreast on any street, alley or public place in the City of Bend or to operate said bicycles on traffic lanes otherwise than in single file.

Section 6. Every person riding or operating a bicycle on any street, alley or public place in the City of Bend shall be subject to all provisions of the laws of the State of Oregon and the ordinances of the City of Bend, applicable to the drivers of vehicles, except the provisions thereof that by their very nature can have no application.

Section 7. It shall be unlawful for any person or persons to run or engage or cause to run or be engaged in any bicycle race on any street, alley or public place within the corporate limits of the City of Bend, except under permit from and under the supervision of the Chief of Police of said City.

Section 8. Any person who shall violate any of the provisions of this ordinance shall upon conviction thereof in the Municipal Court of the City of Bend, be punished by a fine of not more than $100.00, or by imprisonment in the City Jail for not more than ten days, or by both such fines and imprisonment, and in addition to such penalty, the Municipal Judge may in lieu of or in addition to such fine and imprisonment, prohibit the operation upon the streets, alleys and public places of the City of Bend for a period not to exceed 90 days of the bicycle so used in such violation, and in which event the bicycle so used in such violation shall be impounded with the Chief of Police, and retained by him for the period that the operation thereof is prohibited, and in addition thereto, the Municipal Judge may in his dis-

cretion likewise, prohibit the person convicted of violating this ordinance, from operating any other bicycle during the time the said bicycle, out of which a violation of this ordinance was brought about, is impounded.

Section 9. In as much as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend in this, that at the present time bicycles are being operated upon sidewalks, and other walks exclusively intended for use of pedestrians, and that such use of said walks of pedestrians ways by said bicycles and bicycle riders is greatly endangering the life or lives of pedestrians and such practice should be stopped immediately, an emergency is therefore, hereby delcared to exist and this ordinance shall be in full force and effect from and after its passage by the Commission and approval by the Mayor.

Read for the first time, August 18, 1937.

Read for the second time, September 1, 1937.

Put upon its passage September 1, 1937.

Yeas 3

Nays 0

Submitted and approved by the Mayor this 1st day of September, 1937.

F. S. Simpson
Mayor.

ATTEST:

City Recorder.

#235

ORDINANCE NO. N.S. 936

An ordinance to amend section 2 of article 12 of ordinance N.S. 140, and further amending ordinance N.S. 140, by amending section 1 of article 21 thereof, as amended by section 1 of article 21 of ordinance N.S. 147, as amended by section 1 of article 21 of ordinance N.S. 161, as amended by section 1 of article 21 of ordinance N.S. 164, as amended by section 1 of article 21 of ordinance 180, as amended by section 1 of article 21 of ordinance N.S. 186, and as amended by section 1 of article 21 of ordinance N.S. 213; The same being an ordinance regulating private business and licensing the same and providing a penalty for the violation thereof.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That section 2 of article 12 of ordinance N.S. 140, be and the same hereby is amended to read as follows:

Section 2. That application for such licenses shall be made in writing to the City Commission and such application shall contain a list of the attractions proposed to be shown, stating the location of the said show and the date or dates it is intended to hold the same. The City Commission shall consider said application and either allow or disallow the same; if the application is allowed the said City Commission shall then fix the license fee to be charged the said applicant.

That section 1 of article 21 of Ordinance N.S. 140, as amended by section 1 of article 21 of Ordinance N.S. 147 as amended by section 1 of article 21 of Ordinance N.S. 161 as amended by section 1 of article 21 of ordinance N.S. 164, as amended by section 1 of article 21 of ordinance N.S. 180, as amended by section 1 of article 21 of ordinance N.S. 186 as amended by section 1 of article 21 of ordinance N.S. 213, be and the same hereby is amended to read as follows:

Section 1. The fees for all licenses as provided by this Ordinance shall be as follows:

Astrologers, etc. per day	$100.00
Billiard, Card and/or Pool Rooms, per quarter or fraction thereof	10.00
Billiard, Card and/or Pool rooms, for each table over one, per quarter	2.50
Bowling Alleys, for each Alley per quarter or fraction thereof	2.50
Food Establishments, per quarter or fraction thereof	1.50
Hawkers, Class 1, per day, or fraction thereof	4.00
" Class 11, per day, or fraction thereof	3.00
Hotels, Lodging Houses and/or Rooming houses per year or fraction thereof	5.00
Second Hand Dealers, per quarter or fraction thereof	2.50
Junk Dealers, per quarter or fraction thereof	5.00
Moving Picture Shows, per seat per quarter or fraction thereof	.02
Milk Dealers, per year, distributing less than 25 quarts per day	1.00
From 25 to 50 quarts per day	3.00
From 50 to 100 quarts per day	5.00
From 100 to 300 quarts per day	8.00
From 300 to 500 quarts per day	12.00
From 500 to 700 quarts per day	25.00
From 700 to 900 quarts per day	37.50
From 900 quarts, upwards, per day	50.00

Peddlers, per day, Class 1, (Any fraction of a day is day)	$ 3.00
Class II, ...	5.00
Class III, ...	7.50
Class IV, ...	10.00
Class V, ...	15.00
Shooting Galleries, per quarter or fraction thereof	10.00
Photograph Salesmen, per day or fraction thereof	5.00
Solicitors, per day or fraction thereof	3.00
Transfer Vehicles, per year or fraction thereof	10.00
Vehicles for Hire, per year or fraction thereof	10.00
Transient Merchants, per month or fraction thereof	100.00
Wood Saws, per annum	25.00
Circus, each performance	100.00
X-Carnivals, fees to be fixed by City Commission at time of approval of application.	
Operatic and Dramatic Shows, per day	20.00
Auctioneers, Special, per day	25.00
" General, per day	5.00

Section IA. That whereas the license fee and the manner of securing permission by applicants, who desire to conduct carnivals in the City of Bend, are entirely out of harmony with the desires and wishes of such applicants, and such applicants are able to establish their shows immediately adjacent and on the outside of the City limits, where no license fee will be paid or Police regulation of said show had, therefore this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend in this: that if said shows should be established outside the City limits and immediately adjacent thereto, there would be no police regulation of the same and such regulation is necessary, therefore an emergency is hereby declared to exist and this ordinance shall be in full force and affect from and after its passage by the Commission and approved by the Mayor.

Read for the first time, August 18, 1937.
Read for the second time, September 1, 1937.
Put upon its passage, September 1, 1937.

Yeas. 3
Nays. 0

Submitted to and approved by the Mayor this 1st. day of September, 1937

ATTEST:

Recorder

T. S. Simpson
Mayor

Amended

#936

ORDINANCE NO. N.S. 237

An ordinance governing the installation and operation of oil burning equipment, including stove or range oil burners and oil storage in connection therewith, providing for a license fee for such installation and inspection, designating such inspector and providing for a penalty for the violation hereof.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the City of Bend hereby adopts the suggested ordinance regulating oil burning equipment, stove or range oil burners as endorsed by American Oil Burners Association and Distillate Burner Manufacturer's Association and adopted by the National Fire Protection Association and the National Board of Fire Underwriters, hereby adopting ~~said ordinance in its~~ said suggested ordinance in full, relating to such regulations, installations, etc., as the same are applicable to the City of Bend and as contained in the pamphlet attached hereto, which said pamphlet is referred to and made a part of this ordinance.

SECTION 2. That the approval of oil burning equipment described in Section 2 shall be approved by the Chief of the Fire Department of the City of Bend and that certificate of such approval may be revoked by the City Commissioners as provided in said Section 2. That any and all such installations shall be done in accordance with the said ordinance, rules and regulations as now adopted or which may hereafter be adopted.

SECTION 3. That the application for issuance for certificate of approval described in Section 3 shall be made to the Recorder of the City of Bend and that Paragraph B of said Section shall require the Chief of the Fire Department to test said installation before such a certificate of approval shall be issued.

SECTION 4. That the installations provided for in Section 4 shall be reported to the Recorder of the City of Bend.

SECTION 5. License Fees. A license fee shall be charged for each installation in the sum of $1.00 for stoves and $2.50 for other equipment, which shall be paid to the Recorder of the City of Bend, and permit issued before such installation shall be made.

SECTION 6. It shall be unlawful for any person, firm or Corporation to install any oil burning equipment unless they shall have been issued a license so to do as herein provided for, and it shall likewise be unlawful for any oil burning equipment to be put in use before a certificate of approval has been received from the Chief of the Fire Department of the City of Bend.

SECTION 7. In as much as the City of Bend at this time have no ordinance regulating the installation of oil burners of any name or nature or the installation of the oil storage tanks for operation of said oil burners and in view of the fact that unless such oil burners and storage tanks are installated according to approved methods, the same are likely to increase fire hazards and in order to eliminate any possible chance of such fire hazards, and in view of the fact that a number of oil burners and storage tanks in connection therewith, have been installed recently and others are about to be installed, it is necessary that such fire hazards be eliminated and such eliminations are necessary for the immediate preservation of the public health, peace and safety of the City of Bend, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the Commission and approved by the Mayor.

Read for the first time, September 15, 1937; read for the second time, October 6, 1937; put upon its passage, October 6, 1937.

Yeas---3

Nays---0

Submitted to and approved by the Mayor this 6th day of October, 1937.

F. S. Simpson

Mayor

ATTEST:

Recorder of the City of Bend.

ORDINANCE N.S. 238

An ordinance specifying the hours of night after which it shall be unlawful for any person, either as a foot passenger or by operation of an automobile or other vehicle, to be on any public walk, public thorough-fare or any grounds within the City of Bend, providing the means for the enforcement thereof, providing a penalty for the violation of this ordinance and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. It shall be unlawful for any person to be on any street, alley, side walk, public grounds or any other grounds within the City of Bend, either as a pedestrian, or in an automobile or other vehicle, after the hour of one o'clock A. M. and before five o'clock A. M., unless the business or employment of such person makes it necessary that he or she be on said grounds, alleys, side walks or public ways, during the hours specified and prohibited herein.

SECTION 2. Any person violating the provisions of this ordinance shall, upon conviction thereof be punished by a fine of not more than $100.00 or 100 days in jail, or both such fine and imprisonment.

SECTION 3. In as much as there are various and numerous persons roaming about the City of Bend during the hours prohibited by this ordinance and such persons requiring the attention of Police Officers, in determining their business, if any they have for keeping such hours, in order to facilitate more adequately the Police supervision of the City of Bend, an emergency is therefore, hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the Commission and its approval by the Mayor.

Read for the first time, December 1, 1937.

Read for the second time, December 15, 1937.

Put upon its passage, December 15, 1937.

Yeas 3

Nays 0

Submitted to and approved by the Mayor this 15th day of December, 1937.

H. T. Simkson
Mayor

ATTEST:

Clark Reynolds
Recorder of the City of Bend

ORDINANCE NS 239

An Ordinance to amend Ordinance NS 212 as amended by Ordinance NS 220 and as amended by Ordinance NS 222, being an Ordinance to license, tax and regulate certain games and mechanical devices used therein, designated as pin ball games and prohibiting the use of dart games and other games of like character, involving an element of skill by amending Section 10 of said Ordinance.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Section 10 of Ordinance NS 212 be and the same hereby is amended to read as follows:

"SECTION 10. That the game designated as a dart game and other games of like character involving an element of skill and described in Chapter 369, of the 1935 laws of the State of Oregon, are hereby prohibited, but that any other game or games where, in the discretion of the City Commission, an element of skill is involved, and the City Commission ~~author~~ authorizes the licensing of the same, that the said other game or games may be operated when so licensed and that the license fees therefore shall be the same license fees as is provided for pin ball games and that said machines, apparatus or games, and the manner of securing a license therefor, shall be governed by all of the rules and regulations made applicable to the said pin ball games where the same will apply."

SECTION 12. In as much as this Ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend in this, that at the present time there are other games operating or proposed to be operated differing from pin ball games, which should be licensed and regulated and in order to so license and regulate such other games, it is necessary that this Ordinance go into effect as soon as possible, an emergency is therefore, hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Read for the first time 15th, December, 1937.

Read for the second time 15th, December, 1937.

Put upon its passage 15th., December, 1937.

Yeas 3

Nays 0

Submitted to and approved by the Mayor this 15th day of December, 1937.

F. S. Simpson
Mayor

ATTEST:

Recorder of the City of Bend.

ORDINANCE NS 240

An Ordinance defining shooting galleries and providing for the regulation, operation and licensing of shooting galleries: Providing a penalty for the violation hereof, repealing Article 13 of Ordinance NS 140 and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. DEFINITION OF SHOOTING GALLERY: Shooting Galleries shall be divided into two classes as follows:

CLASS A. Is a shooting gallery where the manner of operation consists of shooting at a target, where a prize or money jack-pot may be obtained, depending upon the skill and accuracy of the person doing the shooting, such shooting gallery is one consisting of a metal contraption tank or box, wherein is located a target consisting of a paper on which figures or letters are set out as the particular target to be shot at, the said tank or box usually being ten or twelve feet long, wholly incased in metal and that such metal construction of said tank or box shall be of at least 16 gage steel; that all shots fired, be fired in the said tank or box and the point or end of said tank or box at which the bullets are shot or are permitted to strike shall be sufficiently protected so that bullets so fired can not pass through said tank or box.

The manner of operating said Class A shooting gallery is to be as follows: The operator or operators thereof shall place a sum of money in a fund which shall hereafter be referred to as the jack-pot; that the said jack-pot shall be increased by 20 per cent of the moneys expended by the person doing the shooting and that when the accuracy of the person doing the shooting is such that within a given number of shots, he shall have qualified for the jack-pot, the said jack-pot shall be turned over to him and a new jack-pot started; that the amount of said jack-pot shall always be exhibited and visible to the person doing the shooting, so that he knows the amount of the same; that the said jack-pot may be raised by the owner or operator of said shooting gallery but that the same can not be depleted by him or them, as long as said jack-pot is $100.00 or less. It being within the discretion of the operator, or operators to cease adding to or increasing said jack-pot after the same has reached $100.00. That the cards used in said Class A shooting gallery shall be purchased from the City of Bend and no other cards shall be used in said machine other than those so obtained and cards once so purchased from the City of Bend shall not be transferable by the party purchasing the same and no refund thereon shall be made by the City of Bend in case the said cards are not used by the party or parties purchasing the same; that said cards be numbered consecutively as the Recorder of the City of Bend may designate and that each of said cards shall be identified by the City Recorder. That said cards furnished by the City of Bend shall be purchased from the said City at a cost of 10 per cent of the gross shooting value thereof, which said sum shall be paid to the Recorder of the City of Bend at the time the said cards are delivered to the operator or operators and such cards shall be used beginning with the smallest number and continue thereafter consecutively.

CLASS B. A Class B shooting gallery shall be every other place or building where guns or pistols are kept for shooting at targets, whether for hire or not, but for the purpose of this Ordinance shall be considered a shooting gallery and that such Class B shooting gallery shall have no jack-pot.

SECTION 2. No person shall discharge any fire arm in any shooting gallery within the City of Bend where the noise resulting therefrom can be heard further than a distance of 300 feet from such shooting gallery and all shooting galleries must be securely enclosed in such manner that persons outside thereof shall not be endangered in

any way by the discharge of fire arms therein.

SECTION 3. LICENSE FEES. That the license fees for a Class A shooting gallery shall be ten per cent of the gross receipts obtained by the operators thereof, payable in advance by and through the purchase of the cards described in Section 1 hereof.

That the license fees for a Class B shooting gallery shall be $15.00 per quarter or fraction thereof, payable in advance and no refund will be made for any unused portion of a license once paid.

SECTION 4. It shall be unlawful for any person, firm or corporation to use any unfair or questionable methods in operating a shooting gallery, or conduct a shooting gallery as hereinbefore defined within the City limits of the City of Bend, without first securing a license therefore from the Recorder of the City of Bend so to do.

SECTION 5. PENALTY. Any person or persons violating any of the provisions of this ordinance shall upon conviction thereof, be punished by a fine not to exceed $300.00 or be imprisoned in the City Jail for not more than Ninety days or by both such fine and imprisonment in the discretion of the Municipal Judge, and in addition thereto, the operator's license may be revoked, either temporarily or permanently.

SECTION 6. That Article 13, of Ordinance NS 140 be, and the same hereby is repealed.

SECTION 7. Inasmuch as there is no Ordinance at the present time regulating Class A shooting galleries as herein defined and inasmuch as the Ordinance herein is required for the immediate preservation of the public health and peace of the City of Bend, an emergency is therefor, hereby declared to exist and this Ordinance shall be in full force and effect immediately from and after its passage by the Commission and approval by the Mayor.

Read for the first time, November 17, 1937.
Read for the second time, December 15, 1937.
Put upon its passage, December 15, 1937.

Yeas 3
Nays 0

Submitted and approved by the Mayor this 15th day of December, 1937.

F. S. Simpson
Mayor.

ATTEST:

Recorder of the City of Bend.

ORDINANCE NS 241

An Ordinance regulating the construction of awnings within the City of Bend, providing a license fee therefor, a penalty for the violation thereof, and repealing Ordinances NS 119 and Ordinance NS 210.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Sec. 1 All awnings, on any building within the city limits, shall be constructed and erected in accordance with the provisions of this ordinance.

Sec. 2 Awnings shall not be placed less than six and one-half feet above the sidewalk, provided that in cases where the framework of the awning is not less than seven feet above the sidewalk, it shall not be deemed a violation of this ordinance if a flexible flap or fringe shall extend six inches below said framework.

Sec. 3 The outer edge of all metallic awnings, commonly called and known as "Marquise", hereafter constructed in the City of Bend shall be at least two feet inside the curb line.

Sec. 4 Any person, firm or corporation putting an awning on any building within the City shall make application to the Recorder for a permit therefor; which application shall state the size of the awning, kind and distance to be placed above the sidewalk, and when the showing so made shall conform to the provisions of this ordinance, the Recorder shall issue to such person, firm or corporation, a permit to put up such an awning, upon payment of a license fee of $1.00.

Sec. 5 It shall be the duty of the Chief of Police to immediately notify all owners of awnings within the city, which do not conform to the requirements of this ordinance, to replace, readjust or remove such awnings within thirty days from notification.

Sec. 6 Any person violating any of the provisions of this ordinance, shall upon conviction thereof be punished by a fine of not more than One Hundred Dollars, or by imprisonment in the City Jail for not more than thirty days, or by both such fine and imprisonment.

Sec. 7 Ordinances NS 119 and NS 210 are hereby repealed.

Read for the first time, December 15, 1937.

Read for the second time, December 29, 1937.

Put upon its passage, December 29, 1937.

Yeas 3

Nays 0

Submitted to and approved by the Mayor this 29th day of December, 1937.

F. S. Simpson
Mayor

ATTEST:

Recorder of the City of Bend.

ORDINANCE NS 242

An Ordinance to amend Section 1 of Ordinance NS 111, being an ordinance regulating the construction, erection, raising, lowering, altering, repairing and use of buildings, and to provide for the protection against fire, and to definitely establish the fire limits of the City of Bend, and providing a penalty for the violation thereof.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Any person, firm, company or corporation desiring to construct any building in the City of Bend, or to lower, raise, alter or repair any building or structure, including wooden buildings, before commencing such work shall file with the Recorder a copy of the plans and specification of such proposed construction, raising, lowering, altering or repairing, as the case may be, and shall present therewith an application, in writing, for permission to do such work. Such application shall designate the location of such building or proposed structure, and with the plans and specifications shall be referred to the building inspector by the recorder. If the plans and specifications be for the construction of a building and the building inspector shall find the same to comply with the terms of this ordinance, he shall endorse his approval thereon, and if the plans and specifications be for the raising, lowering, altering or repairing of a building, he shall endorse his approval thereon, provided, that such plans and specifications do not show that the work to be done is of a character calculated to increase its inflamability, sanitation or amount to a substantial rebuilding of the same or increase the fire risk to adjacent property. Permission shall be withheld in all cases where the building or structure, proposed to be altered, raised, lowered or repaired, as aforesaid, is supported by an unsubstantial foundation, or where its roof, frame, walls, or studding have become impaired or decayed from long use, neglect, exposure or damage by fire or otherwise, to the extent of at least 40% of the cost of erection and construction of a new building, or structure, of identical character of such building. A separate permit shall be required for each building and the Recorder shall keep a record of such permits, and report the number issued each month, such report to be made to the City Commission at its first regular meeting of each month. The Recorder shall, before issuing any building permit, collect the following fees from the party or parties to whom such permit is issued:

$1.00 for each permit where the cost of the proposed building does not exceed $500.00.
$1.50 where the cost exceeds $500.00 but does not exceed $1000.00.
$2.50 where the cost of the proposed building exceeds $1000.00 and does not exceed $2000.00.
$3.50 where the cost of the proposed building exceeds $2000.00 and does not exceed $3000.00.
$5.00 where the cost of the proposed building exceeds $3000.00 and does not exceed $5000.00.
$15.00 where the cost of the proposed building exceeds $5000.00.

Amended by NS. 259

Read for the first time, December 15, 1937.
Read for the second time, December 29, 1937.
Put upon its passage, December 29, 1937.

Yeas 3
Nays 0

Submitted to and approved by the Mayor this 29th day of December, 1937.

ATTEST:

Recorder of the City of Bend

C. D. Simpson
Mayor

ORDINANCE NS. 243

An Ordinance to amend Article XI of Ordinance NS 140, as amended, being an Ordinance regulating private business and licensing the same, providing for a penalty for the violation thereof, repealing any and all Ordinances or parts of Ordinances in conflict herewith and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Article XI of Ordinance NS 140 be, and the same hereby is amended to read as follows:

"ARTICLE XI

MOVING PICTURE SHOWS

SECTION 1. It shall be unlawful for any person, firm or corporation to operate or conduct a moving picture show within the City of Bend without first having obtained a license so to do from the Recorder of the City of Bend.

SECTION 2. The Recorder of the City of Bend shall issue, to any person applying therefor, a license, upon the payment of the fee hereinafter set forth, to-wit:

Moving picture shows where no bank night is conducted or operated, per seat per quarter or fraction thereof_____.02

Moving picture shows operating and conducting what is known and designated as "Bank Night" or similar methods or manner of operating per seat per quarter or fraction thereof, two cents, and $5.00 per night for each and every theatre when the said "Bank Night" method is so conducted, payable quarterly in advance on January 1, April 1, July 1, and October 1, of each year. No license shall be granted for less than on a quarterly basis, except when first applying the licensee shall pay for the balance of any quarter in which application is made, and license fees once paid shall not be refunded.

SECTION 3. Inasmuch as the City of Bend, at this time, has no provision for licensing theaters operating what is commonly now known as "Bank Night" or similar methods or manner of operating moving picture shows and inasmuch as such shows are now being operated within the City of Bend, it is therefor deemed necessary that an Ordinance be enacted and go into effect as soon as possible.

Therefor an emergency is hereby declared to exist for the purpose of preserving the peace, health and safety of the City of Bend, and this Ordinance shall become immediately effective upon its passage by the Commission and its approval by the Mayor.

Read for the first time, December 1, 1937.
Read for the second time, December 29, 1937.
Put upon its passage, December 29, 1937. —

Yeas 3
Nays 0

Submitted to and approved by the Mayor, this 29th day of December, 1937.

ATTEST:

E. S. Simpson
Mayor

RECORDER OF THE CITY OF BEND (343)

ORDINANCE NS 244

An ordinance to amend article 18 of ordinance NS 140 as amended by ordinance NS 172, and as amended by ordinance NS 232, by adding a new section to said ordinance NS 232, which section shall be known as section 13 and further amending said ordinance NS 140 by amending section one of article 21 thereof as amended by section one of article 21 of ordinance NS 143; as amended by section one of article 21 of ordinance NS 147, as amended by section one of article 21 of ordinance NS 161, as amended by section one of article 21 of ordinance NS 164, as amended by section one of article 21 of ordinance NS 180, as amended by section one of article 21 of ordinance NS 186, as amended by section one of article 21 of ordinance NS 213, and as amended by section one of article 21 of ordinance NS 236; the same being an ordinance regulating private business and licensing the same and providing a penalty for the violation thereof, and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That article 18 of ordinance NS 140, as amended by ordinance NS 172 and as amended by ordinance NS 232, be and the same hereby is amended by adding a new section thereto, which section shall be known as section 13.

Sec. 13 All other persons, firms or corporations who sell or deliver wood in the City of Bend, save and except a regular farmer whose principal business is farming and who cuts wood for sale and sells the same within the City of Bend off his own farm, where he resides or does his farming, shall pay a license fee of $7.50 per year or any fractional year, so operating.

That section one of article 21 of Ordinance NS 140 as amended by section one of Article 21 of ordinance NS 143, as amended by section one of article 21 of ordinance NS 147, as amended by section one of article 21 of ordinance NS 161, as amended by section one of article 21 of ordinance NS 164, as amended by section one of article 21 of ordinance NS 180, as amended by section one of article 21 of ordinance NS 186, as amended by section one of article 21 of ordinance NS 213, and as amended by section one of article 21 of ordinance NS 236, be and the same hereby is amended to reas as follows:

Sec. 1 The fees for all licenses as provided by this ordinance shall be as follows:

Astrologers, etc., per day	$100.00
Billiard, Card and/or Pool Rooms, per quarter or fraction thereof	10.00
Billiard, Card and/or Pool Rooms, for each table over one, per quarter	2.50
Bowling Alleys, for each Alley per quarter or fraction thereof	2.50
Food Establishments, per quarter or fraction thereof	1.50
Hawkers, Class 1, per day, or fraction thereof	4.00
Hawkers, Class 11, per day, or fraction thereof	3.00
Hotels, Lodging Houses and/or Rooming houses per year or fraction thereof:	
Hotels with meals	15.00
Hotels without meals	10.00
Lodging and rooms	5.00
Ice Cream Wagons, per week	10.00
Second Hand Dealers, per quarter or fraction thereof	2.50
Junk Dealers, per quarter or fraction thereof	5.00
Wood Yard and Dealer ..per.year.or.fraction.thereof	15.00
* Wood Delivery... per year or fraction thereof	7.50

Moving Picture Shows, per seat per quarter or fraction thereof...	$ .02
Milk Dealers, per year, distributing less than 25 quarts per day	1.00
From 25 to 50 quarts per day	3.00
From 50 to 100 quarts per day	5.00
From 100 to 300 quarts per day	8.00
From 300 to 500 quarts per day	12.00
From 500 to 700 quarts per day	25.00
From 700 to 900 quarts per day	37.50
From 900 quarts, upwards, per day	50.00
Peddlers, per day, Class 1, (Any fraction of a day is a day)	3.00
Class II	5.00
Class III	7.50
Class IV	10.00
Class V	15.00
Shooting Galleries, per quarter or fraction thereof	10.00
Photograph Salesmen, per day or fraction thereof	5.00
Solicitors, per day or fraction thereof	3.00
Transfer Vehicles, per year or fraction thereof	15.00
Garbage Trucks, per quarter or fraction thereof	7.50
Vehicles for Hire, per year or fraction thereof	10.00
Taxi with street stand	25.00
Taxi without street stand	15.00
Transient Merchants, per month or fraction thereof	100.00
Wood Saws, per annum	25.00
Circus, each performance	100.00
Carnivals, fees to be fixed by City Commission at time of approval of application.	
Operatic and Dramatic Shows, per day	20.00
Auctioneers, Special, per day	25.00
Auctioneers, General, per day	5.00

Sec. 1B That whereas the license fees on some of the various industries should be changed due to the fact that certain thereof, that such license fees should be raised, therefor this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend in this: That beginning with January 1, 1938 said license fees should be effective as established herein, therefor an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the commission and approval by the Mayor.

Read for the first time December 15, 1937.

Read for the second time, December 29, 1937.

Put upon its passage, December 29, 1937.

Yeas 3

Nays 0

Submitted to and approved by the Mayor this 29th day of December, 1937.

F. S. Simpson
Mayor

ATTEST:

Recorder of the City of Bend.

ORDINANCE NO. N. S. 245

An ordinance to regulate the registry of dogs, to provide for the taking up, impounding and killing of dogs not properly licensed, providing for the licensing of all dogs and regulating and prohibiting dogs from running at large at certain seasons; providing for the execution of a contract with the County Court and the employment of a deputy charged with the enforcement of this ordinance and providing for a penalty for the violation hereof, and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SEC. 1. It shall be unlawful for any person, owning or having charge, care or control of any dog, male or female, over the age of eight months, within the corporate limits of the CIty of Bend, unless there shall be attached to such dog, a collar on which there shall be a tag with an appropriate number, to be obtained from or through the County Clerk of Deschutes County, Oregon or the Recorder of the City of Bend, as hereinafter provided, and it shall be unlawful for any person to imitate or counterfeit such tag and place the same on any such dog within the City of Bend, and in no case shall any dog or pup, regardless of age, be permitted to run at large within the limits of the City of Bend during the time from March 20 to June 30, both dates inclusive, of any year.

SEC. 2. The City Manager is hereby empowered, to make application to the County Court of Deschutes County, Oregon, for an agreement between said Court and the City of Bend whereby such City of Bend shall undertake to diligently enforce the collection of licenses imposed under this ordinance within the City limits of the City of Bend and in a manner which shall not conflict with the laws of the State of Oregon as now in force.

SEC. 3. It shall be the duty of the Chief of Police, or any person whom the City Manager may appoint as deputy Pound Master to carry out the provisions of this ordinance, and to cause any dog found running at large, or upon the streets of the City, not having a collar around his or her neck with such tag as in this ordinance provided, to be taken up and impounded, and if such dog shall not be redeemed as hereinafter provided within seven days after the impounding thereof, it shall be the duty of the Chief of Police, or such deputy Pound Master, to sell, or cause to be sold such dog, or kill or cause to be killed such dog, and have the same buried outside the limits of the City. The Chief of Police or deputy Pound Master shall receive from any person, any dog running at large, contrary to the provisions of this ordinance, and all dogs, whether taken by said Chief of Police or deputy Pound Master, or delivered to them, shall be safely restrained by them. If any impounded dog be not reclaimed by the owner thereof, within seven days such dog shall be offered for sale by the officer having such dog in charge, and if no bid is made for such dog at such sale, such dog shall be killed and buried. If sold the proceeds of such sale shall be paid to the City Treasurer and by him deposited in the General Fund. No dog so impounded shall be delivered to the owner or purchasor thereof until a tag is purchased for said dog and a pound fee of $1.00 plus ten cents per day for keeping such dog during the time it has been impounded, is paid to the City Treasurer, provided that in case where a dog has been impounded for which the owner has purchased a tag and attached the same to a collar and the same has been lost or stolen, on proof thereof, such dog shall be released upon a substitute tag being attached. Immediately after taking up any dog as provided for herein the Pound Master shall use his best efforts to ascertain the person entitled to the possession of such dog and if ascertained shall thereupon notify him of the impounding of the same. In case any impounded dog shall not be claimed by any person within two days

after he shall have received notice of such impounding, or in case the pound master, after diligent search and inquiry, is unable to locate such person, the pound master shall, not less than seven days after the impounding of said dog, sell the same at public auction to satisfy the costs and expenses of impounding and keeping said dog, and before selling any such dog or before any such dog shall be killed as hereinbefore provided for, the pound master shall give notice thereof by at least one publication in a newspaper published in the City of Bend, at least five days before such sale, or before said dog shall be killed. Said notice shall contain a brief description of the animal, provided however, that a reasonably accurate description of the said dog will be sufficient.

SEC. 4. The tag to be attached to the collar of the dog as herein provided for shall be obtained by the owner from the County Clerk of the County of Deschutes, State of Oregon, or from his duly authorized deputy, or from the Recorder of the City of Bend, and the fee, or charges to be collected annually from the owner in a sum not greater than $2.00 for each male or each spayed bitch dog, and not greater than $3.00 for each female dog over the age of eight months, and that such fees and charges shall be annual fees based on a year, or any fraction thereof, ending December 31st.

SEC. 5. Any person owning or having charge, control or care of any fierce, dangerous or mischievous dog shall, when ordered so to do by any Police Officer, securely muzzle said dog before permitting it to run at large within the City limits, and in case of failure to forthwith obey orders of such officer, such person shall be deemed guilty of a violation of this ordinance.

SEC. 6. It shall be unlawful for any person or persons to hinder or molest any person, or persons, engaged in seizing or killing any dog, in conformity with the provisions of this ordinance, or to release any dog when impounded with the authority of such Chief of Police or Deputy Pound Master.

SEC. 7. No mad dog, or female dog in time of heat, shall be permitted to run at large within the City limits, and it shall be lawful for any person to kill any mad dog running at large, whether it is wearing a license or not, provided, however, that any person killing such dog shall immediately notify the health officer of the City, who shall immediately take charge of the body and examine the head thereof for rabies, and if such examination fails to disclose that such dog was mad, the person killing it shall not be protected by the provisions of this section, and any owner allowing a mad dog, or female dog in heat, to run at large shall be guilty of a violation of this ordinance and punished accordingly.

SEC. 8. Any person or persons violating the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than Fifty Dollars, or by imprisonment in the City jail for not more than twenty days, or by both such fine and imprisonment.

Ordinance NS 189, 190, 231 and 234 are hereby repealed.

Read for the first time, January 5, 1938.
Read for the second time, January 19, 1938.
Put upon its passage, January 19, 1938.

Yeas 3
Nays 0

Submitted to and approved by the Mayor this 19th day of January, 1938.

ATTEST:

RECORDER OF THE CITY OF BEND

F. S. Simpson
Mayor

ORDINANCE NO. NS 246

An ordinance to amend ordinance NS 178 as amended by ordinance NS 211; as amended by ordinance NS 225 and as amended by ordinance NS 226, being an ordinance regulating and limiting the rate of speed of vehicles on the streets, alleys and public places of the City of Bend, defining the terms park and parking and regulating the parking of vehicles on the streets and alleys of the City of Bend, providing for the placing of stop signs and regulating vehicular traffic at stop signs; prohibiting U or reverse turns on certain streets and providing a penalty for the violations thereof, by amending said ordinance by adding two new sections thereto, which shall be known as Section 11-A and Section 11-B.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That ordinance NS 178, as amended by ordinance NS 211; as amended by ordinance NS 225 and as amended by ordinance NS 226, be and the same hereby is amended by adding two new sections thereto to be known as sections 11-A and 11-B.

SECTION 11-A. That it shall be unlawful for any person to operate a motor vehicle of any description on or over South 3rd Street, between Miller Avenue and the South City limits and on or over North First Street and Tumalo Road, between Seward Avenue, if extended, and the North City limits, at a greater rate of speed than 35 miles per hour, and it shall be unlawful for any person to operate a motor vehicle of any description on or over East Greenwood Avenue, between East 5th Street and the East City limits, at a greater rate of speed than 45 miles per hour.

SECTION 11-B. It shall be unlawful for any person or persons to park any motor vehicle upon any of the streets or alleys, or portions thereof, leaving the same unattended for a period of three days or longer, or to park any motor vehicle upon any vacant property, located in the City of Bend, leaving the same unattended for a period of ten days or longer, and any Police Officer is hereby authorized and directed to move or cause to be moved, any motor vehicle found upon any of the streets or alleys or any portions thereof of the City of Bend, or upon any vacant property, located therein. When it appears to the said Police Officer that said motor vehicle has been abandoned or permitted to so remain for a period of at least ten days without the same being moved or attended by its owner or person lawfully in charge thereof and the said Police Officer is authorized and directed to so move said vehicle or cause the same to be moved and placed in charge of a garage operator or another person for the purpose of storing the same and that any and all charges for towage and storage, or either thereof, shall be a lien against said motor vehicle and that the garage or person towing and storing the said motor vehicle shall have a right to sell and dispose of the said motor vehicle for such storage and towage charges, or either thereof, on and after thirty days from the date of such storage and that sale thereof shall be held and conducted in accordance with Chapter 5 of the Oregon Code, of Title 51, being Sections 51-501 to and including Sections 51-507, as the said Code sections have been amended or may hereafter be amended and as may be authorized by any other laws of the State of Oregon, either in existence at this time or which hereafter may be promulgated.

SECTION 11-C. Inasmuch as the City of Bend at this time has no ordinances increasing the rate of speed permissible on the various highways leading into the City of Bend and inasmuch as such highways are partially settled and a higher rate of speed, than the ordinary 25 miles per hour, could be maintained in safety and inasmuch as the City of Bend has no ordinance at this time regulating the disposition of

motor vehicles left in streets and alleys and on vacant property, and inasmuch as there are now motor vehicles standing in the streets and alleys and vacant property in the City of Bend, unattended and abandoned, an emergency is therefore, hereby declared to exist and this ordinance shall become immediately effective on its passage, by the City Commission and its approval by the Mayor.

Read for the first time, January 5, 1938.

Read for the second time, January 19, 1938.

Put upon its passage, January 19, 1938.

Yeas 3

Nays 0

Submitted to and approved by the Mayor this 19th day of January, 1938.

F. S. Simpson
Mayor

ATTEST:

Recorder of the City of Bend.

ORDINANCE NO. NS 247

An ordinance repealing ordinance NS 148 and ordinance NS 159.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION I. That ordinances NS 148 and NS 159 be, and the same hereby are repealed.

SECTION II. Inasmuch as Ordinance NS 148, as amended by Ordinance NS 159 provide for certain regulations before a gasoline filling station can be installed, and inasmuch as it is the desire of the City of Bend to permit construction of filling stations without complying with the regulations outlined in said ordinance as amended, and inasmuch as there are at the present time several proposed filling stations to be constructed without delay, it is necessary that this ordinance become effective immediately in order to permit such construction, and this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend, therefor an emergency is hereby declared to exist and this ordinance shall become effective and be in full force from and after its passage by the commission and approval by the Mayor.

Read for the first time, February 2nd, 1938.

Read for the Second time, February 16th, 1938.

Put upon its passage February 16th, 1938.

Yeas 3

Nays 0

Submitted to and approved by the Mayor this 16th day of February, 1938.

V. S. Simpson
Mayor

ATTEST:

Recorder of the City of Bend

247

ORDINANCE NO. NS 248

An ordinance regulating and licensing novelty machines and other devices and games operated as amusement games only, providing a penalty for the violation hereof and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION I. DEFINITION OF THE TERM "PERSON". The word Person whereever used in this ordinance shall mean and apply to persons, firms, individuals or corporations.

SECTION 2. DEFINITION OF THE TERM "NOVELTY MACHINE". By a novelty machine shall be meant any device, machine or mechanism operated for pleasure or amusement only, where a coin or slug is inserted or deposited for the purpose of permitting the depositor to so play or operate the same under conditions such as do not constitute gambling or a lottery.

SECTION 3. DEFINITION OF THE TERM "OTHER DEVICES AND GAMES". By any other devices and games is meant and herein described to be any other device not covered by Section 2, and which the City Commission may authorize to be operated by issuing a license therefor upon application and under conditions hereinafter enumerated: the same to be operated under conditions such as do not constitute gambling or a lottery.

Amended by NS 263

SECTION 4. Any of the devices or games, or machines described in Section 2 hereof shall pay a license fee of $20.00 per month, payable monthly in advance, on the first day of each and every month, and any license fee so paid shall not be refunded.

Any ~~licence~~, device or apparatus described in Section 3 hereof, shall pay a license fee of $20.00 per month, payable on the first day of each and every month, and any license fee so paid shall not be refunded.

SECTION 5. That licenses provided for herein shall be obtained by the person desiring to obtain such a license to operate or maintain such device, game or apparatus, by making application therefor to the recorder of the City of Bend, describing the machine, apparatus or device to be licensed, stating where the same is to be so operated or maintained, which application shall be accompanied with the license fee hereinbefore provided for. Said application shall be investigated by the City Commission and if approved, the recorder of the City of Bend shall issue a license therefor. If the said application is disapproved by the City Commission, the license fee accompanying said application shall be returned to the applicant.

SECTION 6. That it shall be unlawful to operate any of the games, devices or apparatus hereinbefore described unless a license has been issued therefor.

SECTION 7. Upon the approval of such application as hereinbefore provided for, the Recorder of the City of Bend shall issue to such applicant a sticker license, which shall be securely pasted by the applicant on each such machine during the period for which the same is licensed and such license so issued shall not be transferred

from one machine to another and it shall be unlawful for any person to display any such machine in his place of business upon which any such license is not attached as herein provided for and it shall be the duty of the Chief of Police to seize any such machine upon which no license is attached and such machine shall be subject to confiscation by the City of Bend.

SECTION 8. It shall be unlawful for any person to suffer, allow or permit any individual under the age of 21 years to operate, play or manipulate any game, machine or device provided for herein.

SECTION 9. All machines involving an element of chance or which violates the gambling or lottery laws of the State of Oregon are hereby prohibited.

SECTION 10. Any person violating any of the provisions of this ordinance shall, upon conviction thereof in the Municipal Court of the City of Bend, be punished by a fine not exceeding $200.00 or by imprisonment in the City Jail for a period not to exceed 100 days, or by both such fine and imprisonment, and further; any game, machine or device as herein described, which shall be operated or displayed for operation without a license, or where such licensee shall violate any of the provisions of this ordinance, shall in the discretion of the Municipal Judge be ordered confiscated in addition to the penalties hereinbefore imposed.

SECTION 11. That Ordinances NS 212, NS 220, NS 222, and NS 239 be, and the same hereby are repealed.

SECTION 12. Inasmuch as the City of Bend has no ordinance regulating and licensing games, machines, devices and mechanisms as in this ordinance described, and inasmuch as such machine should be regulated, this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend, an emergency is therefor, hereby declared to exist and this ordinance shall become immediately effective upon its passage by the City Commission and its approval by the Mayor.

Read for the first time, February 2nd, 1938.

Read for the second time, February 16th, 1938

Put upon its passage, February 16th, 1938

Yeas 3

Nays 0

Submitted to and approved by the Mayor this 16th day of February, 1938.

E. D. Simpson
Mayor

ATTEST:

Recorder of the City of Bend.

948
24

ORDINANCE NS 249

An ordinance providing for the removal of obstructions on side-walks, cleanliness of streets, alleys and premises within the City of Bend, repealing ordinance NS 103, declaring an emergency and providing a penalty for the violation hereof.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. No person or persons shall allow any empty boxes, barrels, rubbish, trash, waste paper, excelsior, or other like combustible matter, to be placed upon any side-walk, alley or street.

SECTION 2. No person or persons shall be allowed to place ashes in any box, barrel, or other wooden container in any building.

SECTION 3. No person shall keep, or permit to be kept on the premises, any oily waste or oily rags, unless at all times when not actually in use, such waste or rags be kept in a metal can, standing on metal legs that raise the bottom of the container or can at least five inches above the floor.

SECTION 4. All owners or occupants of buildings are required to permit the Chief of the Fire Department to inspect such buildings, to see that the provisions of this ordinance are complied with and it shall be the duty of such Chief to make such an inspection whenever or wherever he may suspect a violation of this ordinance.

SECTION 5. It shall be unlawful for any person, persons, firm, or corporation to deposit or cause to be deposited, on any side-walk, street or alley of the City of Bend, any grass, leaves, saw-dust, refuse, or other rubbish of any nature whatsoever.

SECTION 6. It shall be unlawful for any person, persons, firm or corporation to deposit, or cause to be deposited on any side-walk or on any park way, between the side walk and street, any obstruction of any kind or character, which would in any manner obstruct said side walk or park way from the free use and enjoyment thereof by pedestrians or other traffic, or which might in any way be in the nature of an obstruction.

SECTION 7. Any person in charge of any real estate, in front of which any accumulation or obstruction, as hereinbefore prohibited, shall be responsible for such obstruction.

SECTION 8. Any person found guilty of a violation of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed $25.00.

SECTION 9. That ordinance NS 103 be, and the same hereby is repealed.

SECTION 10. Inasmuch as the City of Bend has no ordinance regulating obstructions on side walks, and between side walks or the curb, or street, and as there are various places within the City of Bend, where obstructions are placed, and that such obstruction or obstructions are a menace to the pedestrian traffic, and that this ordinance requires

such obstructions to be removed, and is necessary for the immediate preservation of the public health, peace and safety of the City of Bend, an emergency is therefor, hereby declared to exist and this ordinance shall become immediately effective upon its passage by the City Commission and its approval by the Mayor.

Read for the first time, March 16, 1938

Read for the second time, April 6, 1938

Put upon its passage, April 6, 1938

Yeas 3

Nays 0

Submitted to and approved by the Mayor this 6th day of April, 1938.

E. S. Simpson
Mayor

ATTEST:

E. M. Reynolds
Recorder of the City of Bend

ORDINANCE NO. NS 250

An Ordinance to amend Article 10 of Ordinance NS 140, being an Ordinance regulating private business and licensing the same, and providing a penalty for the violation thereof.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Article 10 of Ordinance NS 140 be, and the same hereby is amended to read as follows:

ARTICLE 10

JUNK AND SECOND HAND DEALERS

SECTION 1. It shall be unlawful for any person to engage in the business of buying or selling old lead, old metal, second hand sacks, rubber or any other article usually found in a junk shop or second hand store, including second hand furniture of any kind, within the City of Bend without first securing a license therefore, for each place of business so operated.

SECTION 2. The owner and/or driver of any cart, delivery wagon or other vehicle, which he shall use in the buying or selling of any article of second hand merchandise, shall place the words, "Junk Dealer", together with the number of his vehicle, as shown in his license, upon each side of such vehicle in a neat and legible manner, with letters and figures not less than 3 inches long, and proportionately wide, and such words and figures shall not be changed or removed while the said vehicle is used in such business. The owner and/or driver of every such vehicle, when not connected with a second hand store or junk shop, within the City of Bend, shall pay the same license as a junk and second hand dealer.

SECTION 3. All persons carrying on the business of keeping a junk shop or second hand store, or which use a vehicle in buying and, or selling junk or second hand merchandise of any kind, shall keep a register, in which shall be entered in legible writing, a complete description of all property purchased, whether new or old, together with the name and residence, including street number, of the person or persons from whom such property was purchased or received, together with the signature of the seller, or sellers, as well as a complete description of seller or sellers, and the date of purchase, as well as the amount paid therefor: such register shall be purchased from the City of Bend and shall be kept in the English language, and that a complete description shall be entered in said book of each and every article so purchased, including any number or numbers on such articles of personal property, and which book shall at all times be subject to examination by any Peace Officer of the City of Bend: and that said record in the said book shall be made in duplicate, the original copy of which shall be deposited with the Chief of Police of the City of Bend, before 12 o'clock noon of the next legal business day following purchase, and that when any such article is so purchased, the said dealer shall retain the same for a period of at least 3 days from the date of his purchase, before selling or disposing of said article or articles, and when any article or articles as defined herein are purchased from any person or persons, under the age of 21 years, the purchaser sahll require a written statement from the parents or guardian of such person or persons, in which it shall be stated that the said minor or minors are the owner or owners of said personal property, and in case the said minor shall have purchased said articles of personal property, then such statement from the said parents or guardian shall also give the name and resident address of the party from whom the same was purchased, together with the date thereof.

SECTION 4. That any junk and/or second hand dealer shall not be required to furnish the description of any property purchased from Manufacturing or Wholesale dealers having an established place of business, or of any purchases in the open market or secured from any person doing business and having an established place of business in the City of Bend, such sale of said goods must be accompanied by a bill of sale, however, or other evidence of legitimate purchase, which must be shown to the Chief of Police or any other member of the Police Department of the City of Bend, upon demand being made therefor.

SECTION 5. No second hand personal property purchased by any junk or second hand dealer, shall be re-sold without the said dealer taking the purchaser's name and address, including his street number.

SECTION 6. Whenever the Chief of Police or any member of the Police Department of the City of Bend, shall notify any such second hand dealer or junk dealer not to sell any property so received by said junk or second hand dealer, said property shall not be sold until such time as may be determined by the Chief of Police, but that such time shall not exceed 15 days from the date of the Notice to withhold sale of the same, unless the Chief of Police give a second notice extending said time for a further period of 15 days.

SECTION 7. Any Peace Officer of the City of Bend shall have authority at all reasonable hours to examine the register, as set forth in Section 3 hereof, and all articles kept in such shop or store, and any refusal to permit such examination upon the part of the owner or operator shall be deemed a violation of this Ordinance.

SECTION 8. Any person engaged in the business of junk or second hand dealing, as herein defined, who shall refuse, fail or neglect to comply with this Ordinance shall, upon conviction thereof, be punished by a fine of not more than $100.00 or by imprisonment in the City Jail for not more than 10 days, or by both such fine and imprisonment, and in addition thereto, in the discretion of the Municipal Judge, shall forfeit any license he may have to operate such business.

SECTION 9. Inasmuch as the present Ordinance of the City of Bend, regulating and licensing junk and second hand dealers is inadequate and a stricter regulation of such dealers should be had in order that illegal sales of personal property to such dealers by persons not legally authorized to sell and dispose of the same, and that such illegal sales to such dealers should be eliminated, this Ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend, an emergency is therefor declared to exist and this Ordinance shall become immediately effective upon its passage by the City Commission and its approval by the Mayor.

Read for the first time, April 6, 1938

Read for the second time, April 20, 1938

Put upon its passage, April 20, 1938

Yeas 3

Nays 0

Submitted to and approved by the Mayor this 20th day of April, 1938.

C. S. Simpson
Mayor

ATTEST:

RECORDER OF THE CITY OF BEND

ORDINANCE NO. N.S. 251

An ordinance vacating a strip 10 feet in width from each side of that certain street lying between blocks 5 and 6 of Pinelyn Park, an addition in Bend, Oregon, and which street was formerly known as a part of Drake Road and re-named and now known as a part of Dohema Road. Said strips of 10 feet each to extend from the northeasterly side of what is now known as Drake Road to Newport Avenue, thereby reducing said portion of said street to 20 feet in width.

WHEREAS, the City of Bend, is now the owner of Block 6 of Pinelyn Park, an addition to the said City of Bend, Oregon, and

WHEREAS, the lots located in Blocks 5 and 6 of said addition are very much lower than the grade of Newport Avenue on which said blocks abut on the northeasterly side of said blocks, and

WHEREAS, there is a dead-end street extending between said blocks from which there is no exit on the northeasterly end and which said street is now known as a portion of Dohema Road, and was formerly known as a portion of Drake Road, and

WHEREAS, the said portion of said Dohema Road, extending from the Northeasterly side of what is now Drake Road, to Newport Avenue has never been used as a street, and cannot be so used by reason of its topography, elevations, and location, as the same extends over a very low spot and where it connects onto Newport Avenue, there is an abrupt rise of some 10 to 15 feet, thereby creating a dead end, and

WHEREAS, under authority of section 6 of chapter 259 of the general laws of the State of Oregon, for 1931, the City Commission on its own initiative, by resolution, duly adopted June 1, 1938, proposed to vacate a portion of said street, and

WHEREAS, after due consideration, the City Commissioners of the City of Bend, duly adopted said resolution of intention, and directed that notice of said intention be published and posted, as required by law, and that a public hearing be had on said resolution, and which said public hearing was to be held at 7;30 p.m. in the Commission Chambers, (Baird Building) Bend, Oregon, on the 6th day of July, 1938, at which time any objections to said resolution would be considered, and

WHEREAS, no objections to said resolution having been filed or submitted, now, therefore,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That a strip 10 feet in width from each side of that certain street lying between blocks 5 and 6 of Pinelyn Park, an addition in Bend, Oregon, and which street was formerly known as part of Drake Road and re-named and now known as a part of Dohema Road. Said strips of 10 feet each to extend from the northeasterly side of what is now known as Drake Road to Newport Avenue, thereby reducing said portion of said street to 20 feet in width, be and the same hereby is vacated.

Read for the first time July 6, 1938
Read for the second time July 20, 1938
Put upon its passage, July 20, 1938

Yeas 2
Nays 0

Submitted to and approved by the Mayor this 20th day of July, 1938.

C. D. Simpson
Mayor

Chas. B. Reynolds
City Recorder of the City of Bend, Oregon

251

ORDINANCE N.S. 252

An ordinance repealing section four of article eight of ordinance N. S. 140.

The City of Bend does ordain as follows:

Section 1. That section four of article eight of ordinance N. S. 140 be, and the same hereby is repealed.

Read for the first time June 15, 1938
Read for the second time July 20, 1938
Put upon its passage July 20, 1938

Yeas 2
Nays 0

Submitted to, and approved by the Mayor, this 20th day of July, 1938.

ATTEST:

E. S. Simpson
Mayor

City Recorder of the City of Bend, Oregon

ORDINANCE # NS 253

An ordinance vacating a portion of Railroad Street, Fifth Street, Sixth Street, Shady Drive, and portion of the unnamed street situate between blocks 63 and 64, Bend Park, and declaring an emergency.

WHEREAS, the City of Bend is now the owner of blocks 63 and 64 and lots 2 to 11, both inclusive, of block 40, and lots 4 to 18, both inclusive, of block 27, of Bend Park, according to the official plat, and

WHEREAS, said property is desired as a stock yard location by the Great Northern Railroad Company, and

WHEREAS, in order to make such a move of the said stock yards from their present location, it is proposed to locate the same on a portion of the property located in Bend Park, and described as lots 14 to 18, inclusive, of block 27, lots 2 to 11 both inclusive, of block 40, and lots 1, 2, 3, and 4 of block 64, and lots 1 to 8, both inclusive, of block 63, and

WHEREAS, the streets adjacent to said property are in the rough and wild state, and have never been used as streets, and are wholly unimproved, and

WHEREAS, a resolution was heretofor, and on or about the 26th day of July, 1938, duly adopted by the City Commission, under, and by virtue of the authority vested in them by section six of chapter 259 of the General Laws of the State of Oregon for 1931, it was proposed to vacate certain streets as hereinbefore outlined, and

WHEREAS, the said resolution was duly adopted, and directed notice of said intention be published and posted, as required by law, and that a public hearing be had on said resolution, designating the hour of 10:30 a. m., and the Commission chambers in the City Hall (Baird Building), Bend, Oregon, on the 27th day of August, 1938, as the time and place for hearing any objections to the said resolution and said vacation, and

WHEREAS, said notice of street vacation was duly published and posted, as required by law, and

WHEREAS, no objections to said resolution having been filed or submitted, now therefore

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Sec. 1 That East Railroad Street, extending Northwesterly, from a line drawn from the Northeast corner of Lot 8, block 63, to the Southwest corner of Lot 12, in Block 40, Bend Park to its intersection with the West line of Fifth Street, also

Fifth Street from the Northeasterly line of Block 64, North, to a line being a westerly extension of the North line of lot 14 of Block 27, also

All that portion of the unnamed street, situate between blocks 63 and 64, Bend Park, also

All that part of the West half of Sixth Street lying Easterly and Southeasterly of lots 16, 17, and 18, of Block 27, also

That part of the South half of Shady Drive, lying Northerly, Northwesterly, and westerly, of lots 2, 3, 4, and 5, of block 40.

All situated in Bend Park, according to the official plat, and in the City of Bend, Oregon, be and the same hereby are vacated.

Sec. 2 Inasmuch as the vacation of the streets, as hereinbefore described, is necessary for the purpose of permitting and allowing the present stock yards in the City of Bend to be moved from their present location, which said location is objectionable to residents within a more thickly populated section of the city, and inasmuch as a move to the property in and about the streets herein vacated would lessen the objectionable features of a stock yard, and that such change and removal is advisable and necessary, this ordinance is, likewise, necessary for the immediate preservation of the public health, peace, and safety of the City of Bend.

An emergency is, therefore, hereby declared to exist, and this ordinance shall become immediately effective upon its passage by the Commission and its approval by the Mayor.

Read for the first time August 29, 1938.
Read for the second time September 21st., 1938.
Put upon its passage, September 21st, 1938.

Yeas------3
Nays------0

Submitted to, and approved by the Mayor this 21st. day of September, 1938.

F. S. Simpson
MAYOR

ATTEST:

Recorder of the City of Bend

ORDINANCE NO. N. S. 254

An ordinance regulating the operation of what is known as History Question Games and other games of like nature providing for a license fee for the operation of such games; providing a penalty for the violation of this ordinance and declaring an emergency.

WHEREAS, various games such as "History Question Games" are in use and operation in a number of the cities of the State of Oregon, and

WHEREAS, such games are operated in the interest of trade and industry, and

WHEREAS, such games are proposed to be operated in the City of Bend, and

WHEREAS, in case any such games are so operated in the City of Bend, it is the judgment and opinion of the City Commission that such games should be regulated and licensed; now, therefore,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Wherever the word "person" is used in this ordinance it shall be known to mean and include a natural person, persons, firm, corporation or partnership, and the singular number shall include the plural.

SECTION 2. Definition of the term "History Question Game"; History Question Game is such a game as may be played by the use of a board and questions received from said board and when operated and skillfully played may award the player by a prize, such game being conducted, in all respects, so as not to in any way violate the laws of the State of Oregon.

SECTION 3. History Question Game or games may be, and the same hereby is, understood to include games operated under other names when operated on a plan similar to the History Question Game.

SECTION 4. Before any History Question Game, or game of like nature provided for herein, shall be operated the same must have a serial number attached thereto; be approved by the City Commission of the City of Bend and a license obtained to operate such game from the Recorder of the City of Bend.

SECTION 5. The license fee for History Question Game and games of similar character approved by the City Commission shall be six per cent of the gross yield of the said board.

SECTION 6. It shall be unlawful for any person to operate a History Question Game or games of like character without first obtaining a license from the Recorder of theCity of Bend to so operate the same.

SECTION 7. It shall be unlawful for any person to operate a History Question Game or games of like character where the prizes offered consist of merchandise not sold or offered for sale in the establishment of the operator.

SECTION 8. The license for operating a History Question Game or games of like character issued by the Recorder of the City of Bend shall be pasted, attached to or stamped on the said game and at all times subject to inspection by the Police or other officers of the City of Bend,

SECTION 9. Any violation of this ordinance shall be punished by fine not to exceed $200.00 or by imprisonment in the City Jail not to exceed 100 days or by both such fine and imprisonment.

SECTION 10. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety for the City of Bend in this: That at the present time History Question Game or games of like character are about to be introduced in various of the business establishments in the City of Bend, and that such games should be regulated as provided for in this ordinance, an emergency is therfore hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the Commission and approval by the Mayor.

Read for the first time March 15th, 1939.
Read for the second time April 5th, 1939
Put upon its Passage April 5th, 1939.

Yeas 3
Nays 0

Submitted to and approved by the Mayor this 5th day of April, 1939.

W. L. Simpson
Mayor

ATTEST:

Recorder of the City of Bend

ORDINANCE NO. N. S. 255

An ordinance to amend Section 1 of Article 17 of Ordinance N.S. 140 and amending Section 1 of Article 20 of Ordinance N.S. 140 and amending Section 1 of Article 21 of Ordinance N.S. 140, as amended, being an ordinance regulating private business and licensing the same, providing a penalty for the violation thereof, and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Section 1 of Article 17 of Ordinance N.S. 140 be, and the same hereby is, amended to read as follows, to-wit:

SECTION 1. The term "transient merchant", as used herein, shall mean and include every person engaged or participating in a temporary or transient business of selling or exhibiting for sale goods, wares or merchandise of any name or nature in the City of Bend whether such transient merchant be established with a local dealer or not, unless such temporary business be continued upon the premises regularly occupied by such local dealer, but does not include the class of peddlers, hawkers or street vendors described in Section 1 of Article 3 of Ordinance N.S. 140 as amended.

That Section 1 of Article 20 of Ordinance N.S. 140 be, and the same hereby is, amended to read as follows, to-wit:

SECTION 1. All licenses shall be subject to the regulations now or hereafter imposed by the City, and nothing in this Ordinance shall be construed to create the vested right in any person to a license in the first instance or to the assignment, renewal, reissuance or continuance of any license, and the right shall be and remain at all times vested in the Commission, and the Commission may refuse to grant any license or may revoke and cancel any license procured by any misrepresentation, or for a violation of any of the provisions of this, or any other, Ordinance of the City of Bend, or any State or Federal Statute, or for any conduct or act of the licensee, or employee when permitted by him, or when committed on the premises where such business is conducted, or in connection therewith, tending to render such business, or the premises where the same is conducted, a public menace, or a menace to the health, business or general welfare of said City; or whenever in the judgment of the Commission the public interest demands they refuse to grant a requested license or may revoke any such license already issued.

That Section 1 of Article 21 of Ordinance N.S. 140, as heretofore amended, be, and the same hereby is, amended to read as follows, to-wit:

SECTION 1. The fees for all licenses as provided by this ordinance shall be as follows:

Astrologers, etc., per day	$100.00
Billiard, Card and/or Pool Rooms, per quarter or fraction thereof	10.00
Billiard, Card and/or Pool Rooms, for each table over one, per quarter	2.50
Bowling Alleys, for each Alley, per quarter or fraction thereof	2.50
Food Establishments, per quarter or fraction thereof	1.50
Wood Yard and Dealer...per year or fraction thereof	15.00
Wood Delivery... per year or fraction thereof	7.50

Hawkers, Class I, per day, or fraction thereof.	$ 4.00
Hawkers, Class II, per day, or fraction thereof.	3.00
Hotels, Lodging Houses and/or Rooming Houses per year or fraction thereof:	
Hotels with meals.	15.00
Hotels without meals.	10.00
Lodging and rooms.	5.00
Ice Cream Wagons, per week.	10.00
Second Hand Dealers, per quarter or fraction thereof.	2.50
Junk Dealers, per quarter or fraction thereof.	5.00
Moving Picture Shows, per seat, per quarter or fraction thereof	.02
Milk Dealers, per year, distributing less than 25 quarts per day	1.00
From 25 to 50 quarts per day.	3.00
From 50 to 100 quarts per day.	5.00
From 100 to 300 quarts per day.	8.00
From 300 to 500 quarts per day.	12.00
From 500 to 700 quarts per day.	25.00
From 700 to 900 quarts per day.	37.50
From 900 quarts, upwards, per day.	50.00
Peddlers, per day, Class I, (Any fraction of a day is a day)	3.00
Class II, " " " " " " "	5.00
Class III " " " " " " "	7.50
Class IV " " " " " " "	10.00
Class V " " " " " " "	15.00
Shooting Galleries, per quarter or fraction thereof.	10.00
Photograph Salesmen, per day or fraction thereof.	5.00
Solicitors, per day or fraction thereof.	3.00
Transfer Vehicles, per year or fraction thereof.	15.00
Garbage Trucks, per quarter or fraction thereof. .	7.50
Vehicles for Hire, per year or fraction thereof.	10.00
Taxi with street stand.	25.00
Taxi without street stand.	15.00
Transient Merchants, per month or fraction thereof.	200.00
Wood Saws, per annum.	25.00
Circus, each performance.	100.00
Carnivals, per day.	100.00
Operatic and Dramatic Shows, per day.	20.00
Auctioneers, Special, per day.	25.00
Auctioneers, General, per day.	5.00

SECTION 1B. That whereas the license fees of some of the various industries should be changed due to the fact that some of such license fees should be raised, therefore this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend in this: That by reason of the enactment of legislation in the State of Oregon, since the passage of the previous ammendment, a law has been passed wherein certain of the industries regulated herein require the changes enumerated in Section 1 hereof, therefore an emergency is hereby declared to exist and this ordinance **shall** be in full force and effect from and after its passage by the Commission and approval by the Mayor.

Read for the first time March 15th, 1939.
Read for the second time August 16th, 1939.
Put upon its passage August 16th, 1939.

Yeas 3
Nays 0

Submitted to and approved by the Mayor this 16th day of August, 1939.

ATTEST:

Recorder of the City of Bend.

V. L. Simpson
Mayor

ORDINANCE N.S. NO. 256

An ordinance to amend Section 5 of Ordinance N.S. 111 as amended by Ordinance N.S. 224, being an ordinance regulating the construction, erection, raising, lowering, altering, repairing and use of buildings and to provide protection against fire, and to definitely establish the fire limits of the City of Bend, and providing for a penalty for the violations thereof, and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Section 5 of Ordinance N.S. 111, as amended by Ordinance N.S. 224, be and the same hereby is amended to read as follows:

SECTION 5. All property lying within the boundaries in this Section set forth is hereby declared to lie within the fire limits within the City of Bend, Oregon, to-wit:

Commencing at a point on Division Street where the same is intersected by the alley in Block 25 of the Original Town of Bend; thence Westerly along the center line of said alley to its intersection with Harriman Street; thence South along Harriman Street to its intersection with Irving Avenue; thence Westerly on Irving Avenue to its intersection with the center line, extended, of the alley in Block 15 of the Original Town of Bend; thence Southwesterly along said alley to its intersection with Louisiana Avenue; thence Westerly on Louisiana Avenue to an intersection with the center line, extended, of the alley in Block 5 of the Original Town of Bend; thence along said alley to an intersection with the Southwesterly line of Oregon Avenue; thence Northwesterly along the Southwesterly boundary line of Oregon Avenue to the South corner of Lot 6 in Block 2 of the Original Town of Bend; thence Northeasterly along the Northwesterly side of Brooks Street to the East corner of Lot 1 of Block 2 of Bend, which is the Southwest corner of Brooks Street and Greenwood Avenue; thence Southeasterly along Greenwood Avenue to its intersection with Wall Street; thence Northeasterly on Wall Street to its intersection with Vermont Place; thence along Vermont Place to its intersection with Hill Street; thence South on Hill Street to Kearney Avenue; thence Easterly on Kearney Avenue to Division Street; thence Southerly on Division Street to the point of beginning. Unless otherwise specified the center line of the streets, alleys and/or public ways above mentioned are intended in all cases.

SECTION 16. Inasmuch as this Ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend in this, that a proper building restriction with reference to fire hazards should be maintained at all times within the City of Bend, and that a change in the present fire limits is necessary, an emergency is therefore hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage by the Commission and approval by the Mayor.

Read for the first time September 6, 1939.
Read for the second time September 20, 1939.
Put upon its passage September 20, 1939.
Yeas 3
Nays 0

Submitted to and approved by the Mayor this 20th day of September, 1939.

F. S. Simpson
Mayor

ATTEST:

Recorder of the City of Bend

256

ORDINANCE NO. N. S. 257

An ordinance vacating that portion of the alley extending north and south through Block 24 of the re-subdivision of Block 24 of Bend, lying east and adjacent to Lot 19 of said Block.

WHEREAS, Deschutes County, Oregon, is now the owner of Lots 12 to 22, both inclusive, and Lot 3 in Block 24 of Bend, and

WHEREAS, said property is used as a warehouse location and storage yards for Deschutes County property, and

WHEREAS, it is convenient and desirable on the part of the said Deschutes County, Oregon, to fence its said warehouse and Lots for the protection of said property stored therein, and

WHEREAS, no inconvenience to other property owners, by reason of said proposed vacation, is apparent, and

WHEREAS, by reason of the foregoing, it is desirable that that portion of the alley extending north and south through Block 24 of the re-subdivision of Block 24, Bend, lying east and adjacent to Lot 19 of said Block should be vacated, and

WHEREAS, under authority of Section 6 of Chapter 259 of the General Laws of the State of Oregon for 1931 and the authority vested in the City Commission of the City of Bend, bu virtue of the City Charter, the City Commission on its own initiative through application of said Deschutes County, Oregon, by resolution duly adopted July 19th, 1939, propose to vacate the hereinbefore described portion of said alley, and

WHEREAS, after due consideration, the City Commission of the City of Bend duly adopted said resolution of intention and directed that notice of said intention be published and posted, as required by law, and that a public hearing be had on said resolution on Wednesday, the 6th day of September, 1939, at 8 o'clock in the afternoon in the Commission Chambers in the City Hall, Bend, Oregon, at which time any objections to said resolution would be considered, and

WHEREAS, notice of said street vacation was duly published and posted, as required by law, and

WHEREAS, no objections to said resolution having been filed, now, therefore

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That that portion of the alley extending north and south through Block 24 of the re-subdivision of Block 24, Bend, lying east and adjacent to Lot 19 of said Block be, and the same hereby is, vacated.

Read for the first time September 6th, 1939.
Read for the second time September 20th, 1939.
Put upon its passage September 20th, 1939.

Yeas: 3
Nays: 0

Approved by the Mayor this 20th day of September, 1939.

ATTEST:

Recorder of the City of Bend.

Mayor

ORDINANCE NO. N.S. 958

An Ordinance Providing a System of Civil Service for Paid Firefighters.

THE CITY OF Bend DOES ORDAIN AS FOLLOWS:

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

Section 2. Commission-Appointment-Term of Office-Vacancy - There is hereby created a civil service commission which shall be composed of three persons. Said members of said commission shall be 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 such office shall be for the unexpired term of the office wherein such vacancy occurs, and further except that in determining the terms of office of the first three commissioners herein appointed, one commissioner shall be appointed for the term of office expiring on the first day of January, 1942, one commissioner for the term expiring on the first day of January, 1944, and one commissioner for the term of office expiring on the first day of January, 1946.

Section 3. Commission-Qualification and Removal - No person shall be appointed or qualified as a member of said commission who is not a citizen of the United States of America, a resident of the city for at least three years immediately preceding such appointment and an elector of Deschutes County. The common council may by resolution remove any member of said commission from office for incompetency, incompatability, dereliction of duty, or malfeasance in office, or other good cause, after giving to said commissioner a copy of the charges against him and an opportunity to be heard in person or by counsel upon not less than ten days notice.

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

Section 5. Commission-Duties - It shall be the duty of the civil service commission:

(a) To devote due time and attention to the discharge of the duties imposed upon it by the provisions of this ordinance,

(b) To make suitable rules and regulations not inconsistent with the provisions of this ordinance, which shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made, and it may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this ordinance, or which may be found to be in the interest of good personnel administration.

Such rules and regulations may be changed from time to time. They may be printed, mimeographed or multigraphed for free distribution.

(c) The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this ordinance, and the rules and regulations prescribed thereunder, inspect all institutions and departments, offices, places, positions and employments affected by this ordinance, and ascertain whether this ordinance and all such 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 make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting out in concise language in writing the necessity for such investigation. In the course of such investigation the commission or designated commissioner shall have the power to 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 manner prescribed by law for such depositions in civil suits of the United States; and the oaths administered hereunder shall have the same force and effect as the oaths administered by the circuit judge in his judicial capacity; and the failure to comply with the provisions of this ordinance shall be deemed a violation of the ordinance and punishable as such.

(d) All hearings and investigations before the commission, or designated commissioner, shall be governed by this ordinance and the rules of practice and procedure to be adopted by the commission, and in the conduct thereof, neither the commission or designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission; provided however, that no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever, unless and until concurred in by at least one other member of the commission.

(e) To hear and determine complaints respecting the administration of personnel, allocation of positions, examination rejections, and all other matters referred to the commission.

(f) To establish and maintain in card index or other suitable form a roster of officers and employees of the fire department.

(g) To provide for, formulate and hold competitive tests, or to 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 thereby eligible lists for the various classified positions. To provide that men laid off because of curtailment of expenditures, reduction in force, and for like causes shall be the last man or men, including probationers, that have been appointed to said fire department. Such removal shall be accomplished by suspending in numerical order, commencing with the last men appointed to the fire department, all recent appointees to said fire department, until such reductions necessary shall have been accomplished; provided further, that in the event the said fire department shall again be increased in numbers the said firemen suspended under the terms of this act shall be reinstated before any new appointments to said fire department shall be made.

(h) When a vacant position is to be filled, to certify to the appointing authority, on written request, the names of the three persons highest on the eligible list for the class. If there are no such lists, to authorize a provisional or temporary appointment list of such class. Such temporary or provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year.

(i) To keep such records as may be necessary for the proper administration of this act.

Section 6. Secretary - The City Recorder is hereby designated and appointed as secretary to said commission. It shall be his duty to attend all meetings of said commission, to keep a record of its proceedings, to preserve all reports made to it and all applications filed with him as such secretary, and to perform such other duties as the commission may prescribe.

Section 7. Those subject to Civil Service - The civil service herein created shall apply to and be 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 appointments to and promotions in such department 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 this Ordinance.

Section 8. Adoption and Induction of Incumbents into Civil Service - For the benefit of the public service and to prevent delay, injury, or interruption therein by reason of the enactment of this act, all persons holding a position in the fire department, including the chief thereof, when this takes effect, who shall have served continuously in such position for a period of at least six months immediately prior thereto are hereby declared eligible for permanent appointment under civil service to the offices, places, positions or employments which they shall then hold, respectively, without examination or other act on their part, and not on probation; and every such person is hereby automatically adopted and inducted permanently into civil service, into such office, place, position or employment which such person then holds as completely and effectually to all intents and purposes as if such person had been permanently appointed thereto under civil service after examination and investigation.

Section 9. Residence.-Whenever any person shall be appointed to any position in the classified paid fire fighters civil service of the city he shall be or become and continue to be a resident within the city limits of the city, from the date of said appointment.

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

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

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

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

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

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

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

Section 11. Removal - No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provision of this act, shall be removed, suspended, demoted or discharged except for a cause, and only upon the written accusation of the appointing power, or any citizen or taxpayer, a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. The chief of the fire department may suspend a member pending the confirmation or rejection of the suspension by the regular appointing power under this ordinance, which must be within thirty days thereafter. Any person so removed, suspended, demoted or discharged may within ten days from the time of his removal, suspension, demotion or discharge, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. All investigations made by the commission pursuant to the provisions of this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his defense. The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith for cause. After such investigation the commission may affirm the removal, or if it shall find that the removal, suspension, or demotion was made for political or religious reasons or was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. The commission upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge 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 shall be forthwith enforced by the appointing power.

Section 12. Duties of All Officers and Employes to Assist the Commission - It shall be the duty of all officers and employes of any such city to aid in all proper ways of carrying out the provisions of this act, and such rules and regulations as may, from time to time, be prescribed by the commission thereunder and to afford this commission, its members and employes, all reasonable facilities and assistance to inspect all books, papers, documents and accounts applying or in any way appertaining to any and all offices, places, positions and employments, subject to civil service, and also to produce said books, papers, documents and accounts, and attend and testify, whenever required so to do by the commission or any commissioner.

Section 13. Appointments to Vacant Positions; Certification from Lists - Whenever a position in the classified service becomes vacant, the appointing power, shall make requisition upon the commission for the name and address of a person eligible for appointment thereto. 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 is 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 said 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 forthwith appoint one such person to each such vacant position.

Whenever requisition is to be made, or whenever a position is held by a temporary appointee and an eligible list for the class of such position exists, the commission shall forthwith certify the names of three persons eligible for appointment to the appointing power, and said appointing power shall forthwith appoint one of the persons so certified to said 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.

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 such 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 deems him unfit or unsatisfactory for service in the position to be filled. Whereupon the appointing power shall choose a person certified on the eligible list provided and such person shall likewise enter upon said duties, and selection shall proceed in such manner until some person is found who satisfactorily meets the tests and requirements of the probationary period provided therefore, whereupon the appointment, employment or promotion shall be deemed to be complete.

Section 14. Creation of Employment and Fixing of Compensation - All offices, places, positions and employments coming within the purview of this act, shall be created by the person or group of persons who, acting singly or in conjunction, as a mayor, city manager, chief, common council, commission, or otherwise, is or are vested by law and prior to the taking effect of this act, with power and authority to select, appoint, or employ any person coming within the purview of this act, and nothing herein contained shall infringe upon the power and authority of any such person or group of persons, or appointing power, to fix the salaries and compensation of all employes employed hereunder.

Section 15. Certification of Payrolls - No treasurer, auditor, comptroller or other officer or employe of any city, town or municipality in which this act is effective, shall approve the payment of or be in any manner concerned in paying, auditing or approving any salary, wage or other compensation for services, to any person subject to the jurisdiction and scope of this act, unless a payroll, estimate or account for such salary, wage or other compensation, containing the names of the persons to be paid, the amount to be paid to each person, the services on account of which same is paid, and any other information which, in the judgment of the civil service commission, should be furnished on such payroll, bears the certificate of the civil service commission or its secretary or other duly authorized agent, that the persons named in such payroll, estimate or account have been appointed or employed in compliance with the terms of this act and with the rules of the commission, and that the said payroll, estimate or account is, so far as known to the said commission, a true and accurate statement. The commission shall refuse to certify the pay of any public officer or employe whom it finds to be illegally or improperly appointed, and may further refuse to certify the pay of any public officer or employe who shall wilfully or through culpable negligence violate or fail to comply with this act or with the rules of the commission.

Section 16. Leave of Absence - Leave of absence, with or without pay, may be granted by any appointing power to any person under civil services; provided, that the recorder shall give notice of such leave to the commission. All temporary employment caused by leaves of absence shall be made from the eligible list of the classified civil service.

Section 17. Civil Suits - It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this act and of the rules of the commission. The commission shall be represented in such suits by the chief legal officer of the city, but said commission may in any case be represented by special counsel to be appointed by it after first obtaining authorization as to appointment and compensation therefor from the common council.

Section 18. False Marking, Grading, Etc. Prohibited - No commissioner or any other person, shall by himself or in cooperation with one or more persons defeat, deceive, or obstruct any person in respect of his right of examination or registration according to the rules and regulations provided by this ordinance or the rules of the civil service commission thereunder, or falsely mark, grade, estimate or report upon the examination of proper standing of any person examined, registered or certified pursuant to the provisions of this ordinance and said rules and regulations, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special information for the purpose of improving or injuring the prospects or chances of any person so examined, registered, or certified or persuade any other person, or permit or aid in any manner any other person to personate him, in connection with any examination or registration or application or request to be examined or registered.

Section 19. Political Services 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 whatsoever, and 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.

Section 20. Definition of Terms - As used in this act, the following mentioned terms shall have the following described meanings;

The term "commission" means the civil service commission herein created, and the term "commissioner" means any one of the three commissioners of that commission.

The term "appointing power" includes every person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or 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.

The term "appointment" includes all means of selection, appointing or employing any person to hold any office, place, position or employment subject to civil service.

Section 21. Constitutionality of Ordinance - If any section, subsection, subdivision, sentence, clause or phrase of this act, shall for any reason be held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 22. Repeal of Conflicting Ordinances - All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict with the provisions of this ordinance.

Section 23. Violation of This Ordinance a Misdemeanor, Penalty - Any person who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Recorder's Court shall be punished by a fine of not less than $ 5.00 nor more than $200.00 and upon default in the payment of said fine or any part thereof shall be imprisoned in the city jail for a period determined at the rate of one day for each two dollars of said fine unpaid.

Passed by the Common Council this 6th. day of Dec. 1939.

Approved by the Mayor this 6th. day of Dec 1939.

Read for first time Dec. 18, 1938
Read for second time Dec. 6, 1939

F. L. Simpson
Mayor

Attest: Chas. Reynolds
Recorder

ORDINANCE N. S. 259

An ordinance regulating the construction, erection, raising, lowering, altering, repairing, moving, and the use of buildings, and to provide for the protection against fire and to definitely establish the fire limits of the City of Bend, providing a penalty for the violation hereof, and repealing Ordinances N.S. 111, N.S. 114, N.S. 142, N.S. 224, N.S. 256, and all other ordinances or parts of ordinances in conflict herewith, and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Any person, firm, company or corporation desiring to construct any building in the City of Bend, or to lower, raise, alter or repair any building or structure, before commencing such work shall file with the Recorder of the City of Bend a copy of the plans and specifications of the same, and shall present therewith an application, in writing, for permission to do such work, and secure a permit therefor. The fees for such permit shall be as follows:

$1.00 for each permit where the cost of the proposed building does not exceed $500.00.

$1.50 where the cost exceeds $500.00 but does not exceed $1000.00.

An additional fee of $1.00 for each additional $1000.00, or fraction thereof, over $1000.00 up to a total valuation of and including $50,000.00.

An additional fee of 50¢ for each additional $1000.00, or fraction thereof, over a total valuation of $50,000.00.

$2.00 for moving any building, as provided for in Section 2.

The City, County, State, School District, or any church organization, duly organized as such, for the construction of any church, or the United States of America in the construction of any buildings shall be exempt from paying of any fee for any building permit, but, however, any such construction shall not be commenced before plans and specifications therefor shall have been filed with the Recorder of the City of Bend. Provided, however, that this shall not be construed to exempt any of the excepted classes from complying with all other provisions of this ordinance and the requirements enforced for construction of other buildings.

The Recorder of the City of Bend shall keep a permanent, accurate account of all fees and other moneys collected and received under this Code and give the names of the persons upon whose account the same were paid, the date and amount thereof, together with location of the building or premises to which they relate.

SECTION 2. No building within the City of Bend shall be moved without the permission of the Building Inspector. No permission shall be given to move any building into or within the fire limits unless such building shall comply with the fire proof construction as required by this ordinance. Whenever any building is to be moved either inside or outside of the fire limits, the person, firm or corporation making application for such removal shall first give such security as the Building Inspector deems necessary that they will leave the street or streets over which said building is to be moved in as good order and condition as the same was before such moving, and further, that such moving shall be continuous day by day with the least possible obstruction to the public ways thus used, and further, that said person, firm or corporation shall pay or discharge any damage caused to third parties by reason of such removal and thereby save the City harmless for and on account thereof, and no such removal of any building shall be commenced until a permit therefor has been granted.

SECTION 3. No person shall hereafter construct, lease

or occupy any building, within the corporate limits of the City of Bend, as a public service station, or any building in connection therewith, unless the same be a fireproof building. There shall at all times be maintained in every building used for the purpose aforesaid, and for any public garage, one chemical fire extinguisher of not less than two and one-half gallons capacity where the floor space is less than two thousand square feet, and one additional chemical fire extinguisher for every additional two thousand square feet of floor space or any fraction thereof, used for any of such purposes.

SECTION 4. PUBLIC GARAGES shall be constructed in accordance with the provisions of the Uniform Building Code, except where provisions of this Ordinance or the Laws of the State of Oregon modifies or changes the manner in which such garages shall be constructed, used or occupied.

SECTION 5. Fire Proof Building Defined: All floors to be of concrete or other non-combustible material. All foundations and wall to be of brick or other non-combustible material. Partitions may be constructed of wooden studs, insulated with metal lath and cement plaster or other non-combustible material or insulation. Ceiling and all covering over gas pumps must be insulated with metal lath and cement plaster or other non-combustible material. All window openings to be of metal sash. Where exposures are less than ten feet, wire glass to be used unless said opening is within ten feet of the property line, when wire glass must be used, provided, however, that temporary permission may be given during the time that no exposure exists for use of ordinary glass. The top roof covering shall be of fire resisting material.

SECTION 6. No smoking shall be allowed inside any room used as a public garage, and a notice in large letters, "NO SMOKING", shall be displayed in a conspicious place and manner on each floor and at all entrances thereto.

SECTION 7. Sand shall be kept in iron buckets in all garages. Every public garage of two thousand square feet of area, or less, shall have on hand at all times at least one barrel of clean sand, and one additional barrel for every four thousand square feet, or fraction thereof, of additional floor space, the same to be placed on different parts of the main floor and repair shop; each barrel to contain an iron scoop, to be used on any gasoline or oil fire and for absorbing waste oils that may fall upon the floor; such sand when saturated shall be removed from the building. The use of sawdust for absorbing oil is hereby prohibited.

SECTION 8. All waste and rubbish of any kind must be kept in a metal receptacle fitted with a tight cover.

SECTION 9. No gasoline shall be put into, or taken out of, any automobile where there is an open light. All lamps on the automobile must be extinguished before filling any tank thereon with gasoline.

SECTION 10. Only electricity shall be used in any public garage for illiminating purposes.

SECTION 11. No gasoline shall be used for motive power to supply any engine or machinery of any kind used or run by any public garage.

SECTION 12. No stove, forge torch or other furnace, flame or fire shall be allowed within any room occupied as a public garage.

SECTION 13. All electric motors, not actually a part of an automobile, shall be located at least four feet above the floor.

SECTION 14. All repair shops shall be kept clean and floor free from oily waste or rags; all such waste or rags shall be kept in metal cans or receptacles covered with tight fitting covers.

SECTION 15. No oils, gasoline or other inflammable material shall be allowed to be stored or kept in any lockers.

SECTION 16. All lockers in public garages shall be so constructed as to permit of ready inspection.

SECTION 17. Before any tents or canvas houses shall be erected within the City Limits of Bend, the owner shall secure a building permit therefor from the Recorder of the City of Bend, as herein provided; provided, however, that sleeping tents near to or adjoining any building belonging to the owner of such tent, and in which tent no stove or stoves are used or are to be used, shall not come within the provisions of this section.

SECTION 18. All property lying within the boundaries, in this section set forth, is hereby declared to lie within the fire limits of the City of Bend, Oregon, to-wit: Commencing at a point on Division Street where the same is intersected by the alley in Block 25 of the Original Town of Bend; thence Westerly along the center line of said alley to its intersection with Harriman Street; thence South along Harriman Street to its intersection with Irving Avenue; thence Westerly on Irving Avenue to its intersection with the center line, extended, of the alley in Block 15 of the Original Town of Bend; thence Southwesterly along said alley to its intersection with Louisiana Avenue; thence Westerly on Louisiana Avenue to an intersection with the center line, extended, of the alley in Block 5 of the Original Town of Bend; thence along said alley to an intersection with the Southwesterly line of Oregon Avenue; thence Northwesterly along the Southwesterly boundary line of Oregon Avenue to the South corner of Lot 6 in Block 2 of the Original Town of Bend; thence Northeasterly along the Northwesterly side of Brooks Street to the East corner of Lot 1 of Block 2 of Bend, which is theSouthwest corner of Brooks Street and Greenwood Avenue; thence Southeasterly along Greenwood Avenue to its intersection with Wall Street; thence Northeasterly on Wall Street to its intersection with Vermont Place; thence along Vermont Place to its intersection with Hill Street; thence South on Hill Street to Kearney Avenue; thence Easterly on Kearney Avenue to Division Street; thence Southerly on Division Street to the point of beginning. Unless otherwise specified the center line of the streets, alleys and/or public ways above mentioned are intended in all cases.

SECTION 19. The Commission shall have the power, and is hereby authorized to declare any building or structure of any nature whatsoever, existing or erected in violation of the provisions of this ordinance, a nuisance, and is hereby empowered to abate the same.

SECTION 20. Any chimney, or flue which is built in violation of any provision of this ordinance shall be immediately demolished or rebuilt in accrdance therewith, and it shall be the duty of the Building Inspector to see that this section is enforced.

SECTION 21. Any violation of any of the provisions of this ordinance shall subject the structure erected which fails to conform herewith to be demolished or rebuilt in accordance with this ordinance and also any person or persons, whether owner, builder, contractor, sub-contractor or mechanic, who shall violate any section or part of section of this ordinance shall be deemed guilty of a misdeameanor and upon conviction thereof shall be fined not more than $500.00.

of the Pacific Coast Building Officials Conference

SECTION 22. All provisions of the Uniform Building Code not in conflict with this ordinance or the laws of the State of Oregon, ~~and the laws of the State of Oregon~~, are hereby adopted in full as the building code of the City of Bend, and all buildings hereafter erected, altered or repaired shall be so erected, altered or repaired in conformity with this ordinance, the laws of the State of Oregon, and the said Uniform Building Code, together with any and all ammendments to the said Uniform Building Code in effect at the time of the passage of this ordinance, or any such ammendments to said Uniform Building Code and the laws of the State of Oregon which may be adopted, hereafter.

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SECTION 23. Ordinances N.S. 111, N.S. 114, N.S. 142, N.S. 224, N.S. 256, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 24: SAVING CLAUSE: If any section, sub-section, provision, clause or paragraph of this ordinance shall be adjudged or declared by any Court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this ordinance, and it hereby is expressly declared that every other section, sub-division, paragraph, provision or clause of this ordinance would have been enacted irrespective of the enactment or validity of the portion thereof declared or adjudged to be unconstitutuional or invalid.

SECTION 25. EMERGENCY CLAUSE: Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend in this: That a proper restriction with reference to fire hazards should at all times be maintained within the City of Bend; that the fire limits should be definitely settled, and that fire proof buildings should be defined in order that builders may be governed accordingly, and that the building code of the City of Bend be more definitely established; it is deemed necessary that an emergency be declared and the same is hereby declared to exist, and this ordinance shall be in force and effect from and after its passage by the Commission and approval by the Mayor.

Read for the First Time: February 7, 1940.

Read for the Second Time: February 21, 1940.

Put upon its Passage: February 21, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the Mayor, this 21st day of February, 1940.

F. L. Simpson
Mayor.

ATTEST:

[signature]
Recorder of the City of Bend.

ORDINANCE N. S. 260

An ordinance to enlarge the duties of the Chief of the Fire Department of the City of Bend; to provide for the registration of persons, firms and corporations engaged in the installation of electrical motors and appliances and the wiring of buildings for electrical use, including marquees and additions to any buildings, all within the corporate limits of the City of Bend; providing a penalty for the violation of this ordinance; repealing Ordinances N. S. 113 and N. S. 216, and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. It shall be unlawful for any person, firm or corporation to install any electrical lighting, heating or power wire circuit or circuits or apparatus in or on any building or marquee, structure or addition thereto, within the corporate limits of the City of Bend unless the same shall be in conformity with the rules and regulations and requirements for the installation of electric wiring and apparatus for electric lights, heat and power as the same are now established, together with any ammendments and changes made from to time, as are set forth in what is known as the National Electric Code, and wich Code is hereby adopted and approved by this ordinance, and any and all such electrical installations shall conform to the said National Electric Code and this ordinance and the laws of the State of Oregon, and in case of conflict of the said National Electric Code and this ordinance with the laws of the State of Oregon, it shall be understood that the laws of the State of Oregon shall govern.) Before any such electric wiring shall be commenced in or on any building, marquee, structure or addition thereto, a written permit must be obtained from the Recorder of the City of Bend authorizing the person, firm or corporation therein named to do or perform the said electric wiring and designate the location where the same is to be performed. No such electrical wiring shall be commenced, as aforesaid, until such permit has been obtained.

SECTION 2. After any electric wiring shall have been completed in or on any building, marquee, structure or addition thereto for which a permit has been issued, the person or persons, firm or corporation who performed the same must immediately notify the Inspector of the completion of the work and must keep said work open for inspection by said Inspector to inspect the same and until he shall have examined and approved the same, and issued a certificate of such inspection. It shall be the duty of the Inspector upon receiving said notice to inspect said electric wiring and if same has been performed in accordance with the rules and regulations as set forth in this Ordinance, he must issue a certificate to such effect, and deliver the same to the person, firm or corporation having done the wiring, but if not performed in accordance with said rules and regulations, he shall withhold such certificate until all defects are remedied. The Inspector shall inspect the work within 48 hours after receiving notice that the work is ready for inspection.

SECTION 3. It shall be unlawful for any electric light or power company to do any wiring of any nature in or on any building except their own power house or sub-station, for which a permit has not been issued, or to make any electrical connections to any building until a final certificate of inspection and approval of the work has been issued by the Inspector.

SECTION 4. There is hereby added to the duties of the Chief of the Fire Department the powers and duties of Inspector of electric wiring, and such Inspector shall have the right to enter all buildings where electric wiring exists for the purpose of inspecting the same, and he shall not be interested directly or indirectly in any firm doing electrical work subject to his inspection.

SECTION 5. The said Inspector is hereby empowered to inspect or reinspect all wiring in or on buildings and apparatus conducting electric current for light, heat and power, and when said conductors or apparatus are found to be unsafe to life or property, he shall notify the person, firm or corporation using or operating them to place the same in a safe and secure condition within ten (10) days. Any person, firm or corporation failing or refusing to repair, change or remove same within ten days, or within such further time as the Inspector deems necessary, after receipt of such notice, shall be subject to the penalty hereinafter provided.

SECTION 6. All installations, changes, alteration, extension or repairs hereafter made in electric installations, shall be done in accordance with this Ordinance.

SECTION 7. The City of Bend shall receive, as compensation for the work herein provided for, the following fees:

All concealed, open, moulding and conduit work

1 to 5 Outlets	$ .50
6 to 10 Outlets	1.00
11 to 30 Outlets	1.50
31 to 50 Outlets	2.00
51 to 100 Outlets	2.50
101 to 200 Outlets	3.00
201 and more Outlets	5.00
Motors, 1 machine	1.00
Each additional machine	.50
Rectifiers	1.00
Electric Signs	1.00
Electric Range, and Electric Water Heater or either thereof	1.00

SECTION 8. In case the Inspector shall find that there are more outlets than the building permit provides for, he shall refuse a final certificate of inspection until the said further fees have been paid to the Recorder of the City of Bend, in accordance with Section 7 hereof.

SECTION 9. All work concealed in any manner which will not permit a full inspection will not be accepted, and for each necessary visit required on account of defects of poor construction, an additional fee of 50% of the original fee will be charged to and paid by the person, firm or corporation doing the work.

SECTION 10. No electrical work, as provided for herein, shall be performed by any person, firm or corporation unless the person performing such work and installations shall be licensed to do such work by the State of Oregon, and in addition thereto the electrical contractor shall pay the City of Bend the following fees:

Electrical Contractor (initial Registration)	$100.00
Electrical Contractor (Renewal)	$ 50.00

Said fees herein specified shall be understood to cover the period ending one year from date of issue , and any renewal as provided for herein shall be had on or before thirty (30) days after date of expiration . Otherwise, the applicant shall be considered an initial registration and the one hundred dollar fee will apply. Except that nothing in this Ordinance shall be construed to prevent or prohibit an owner from doing his own wiring without a license.

SECTION 11. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $50.00 or by imprisonment in the City Jail not to exceed 25 days, or by both such fine and imprisonment.

SECTION 12. Ordinances N. S. 113 and N.S. 216, and all other Ordinances or parts of Ordinances in conflict herewith, are hereby repealed.

SECTION 13. Inasmuch as this Ordinance is necessary for the immediate preservation of the public health and safety of the City of Bend, in this: That a proper restriction with reference to fire hazards should at all times be maintained within the City of Bend, and that all electrical wiring should be installed in such a manner as to insure against fire hazards; it is deemed necessary that an emergency be declared to exist, and the same hereby is so declared, and this Ordinance shall be in full force and effect from and after its passage by the Commission and approval by the Mayor.

Read for the first time March 20th, 1940.

Read for the second time April 3rd, 1940.

Put upon its passage April 3rd, 1940.

Yeas 3
Nays 0

Submitted to and approved by the Mayor, this 3rd day of April, 1940.

W. S. Simpson
Mayor

ATTEST:

Recorder of the City of Bend.

ORDINANCE NO. N.S. 261

An ordinance vacating that portion of South Third Street and Woodland Boulevard described as:

Beginning at the Southeast corner of Lot 1 in Block 70 of Bend Park, according to the official plat, and running thence West 50 feet to a point; thence North 50 feet to a point which intersects the West side of said Lot 1; thence Southeasterly on a curved line on the Southwesterly side and end of said Lot to the point of beginning, and

Beginning at the Northeasterly corner of Lot 6 in Block 73 of Bend Park, according to the official plat, and running thence West 50 feet to a point; thence South 50 feet to a point which intersects the West side of said Lot 6; thence Northeasterly on a curved line of the Northwesterly side and end of said Lot to the point of beginning, and

Beginning at the Northwest corner of Lot 6 in Block 72 of Bend Park, according to the official plat, and running thence North 10 feet; thence East parallel to and 10 feet distant from the North ends of Lots 2, 3, 4, 5 and 6 of said Block, a distance of 290.09 feet, to a point North of the easterlymost side of Lot 1 of said Block; thence South to a point on the easterlymost side of said Lot 1; thence Northwesterly and West along the Northerly and North side of said Block 72 to the place of beginning, and also

Beginning at the Southwest corner of Lot 6 in Block 71 of Bend Park, according to plat, and running thence South 10 feet; thence East parallel to and 10 feet distant from the South ends of Lots 2, 3, 4, 5 and 6 of said Block, a distance of 291.25 feet to a point South of the easterlymost side of Lot 1 of said Block; thence North to a point on the easterlymost side of said Lot 1; thence Southwesterly and West along the Southerly and South side of said Block to the place of beginning.

WHEREAS, the owners of all the Lots and parcels of land located on or adjacent to South Third Street and Woodland Boulevard, lying between the West end of Woodland Boulevard to and across South Third Street, and for a distance of 50 feet East of the East line of South Third Street, and the owners of more than two-thirds of the area of the other property affected have filed in the office of the Recorder of the City of Bend a petition praying for the vacation of a portion of South Third Street and portions of Woodland Boulevard, and that the said petition contained all required signatures as provided for by law, and

WHEREAS, the said petition was filed with the Recorder of the City of Bend on the 6th day of March, 1940, and

WHEREAS, the said petition was considered by the City Commissioners of the City of Bend on the 6th day of March, 1940, at a regular meeting held at said time, and no reason manifestly existing why the said petition should not be allowed, and upon motion duly seconded and carried, Wednesday, the 17th day of April, 1940, at the hour of 8 o'clock P.M., in the Commission Chambers in the City Hall, Bend, Oregon, was and is the time and place fixed for a formal hearing on said petition, and

WHEREAS, in accordance with said motion, the Recorder of the City of Bend did, on the 11th day of March, 1940, duly post a Notice of Street Vacation at each end of the street proposed to be vacated, to-wit: 50 ft. West of the intersection of Woodland Boulevard and South Third Street, and another one at the West end of Woodland Boulevard,

both in Bend, Oregon, and that the said notices were duly posted by nailing the same to a tree and post located at said points, and that the said notice was likewise duly published in the Bend Bulletin for four consecutive weeks, the first publication being the 7th day of March, 1940, and the last publication being the 28th day of March, 1940, and that a copy of said notice, as published and posted, is duly on file in this proceeding together with the affidavit of posting and publication, and

WHEREAS, it appearing that the petitioners are the owners of all the real property adjacent to and immediately joining the said streets and are the only parties affected by the vacation of any portion of the streets, and

WHEREAS, upon the hearing of said petition by the Commissioners of the City of Bend, as set forth in said Notice of Street Vacation, no objections were interposed to the vacation of said streets, and at this time no reason exists why the said petition should not be granted, now, therefore,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That all that part of South Third Street and Woodland Boulevard, described as follows, to-wit:

Beginning at the Southeast corner of Lot 1 in Block 70 of Bend Park, according to the official plat, and running thence West 50 feet to a point; thence North 50 feet to a point which intersects the West side of said Lot 1; thence Southeasterly on a curved line on the Southwesterly side and end of said Lot to the point of beginning, and

Beginning at the Northeasterly corner of Lot 6 in Block 73 of Bend Park, according to the official plat, and running thence West 50 feet to a point; thence South 50 feet to a point which intersects the West side of said Lot 6; thence Northeasterly on a curved line of the Northwesterly side and end of said Lot to the point of beginning, and

Beginning at the Northwest corner of Lot 6 in Block 72 of Bend Park, according to the official plat, and running thence North 10 feet; thence East parallel to and 10 feet distant from the North ends of Lots 2, 3, 4, 5 and 6 of said Block, a distance of 290.09 feet, to a point North of the easterlymost side of Lot 1 of said Block; thence South to a point on the easterlymost side of said Lot 1; thence Northwesterly and West along the Northerly and North side of said Block 72 to the place of beginning, and also

Beginning at the Southwest corner of Lot 6 in Block 71 of Bend Park, according to plat, and running thence South 10 feet; thence East parallel to and 10 feet distant from the South ends of Lots 2, 3, 4, 5 and 6 of said Block, a distance of 291.25 feet to a point South of the easterlymost side of Lot 1 of said Block; thence North to a point on the easterlymost side of said Lot 1; thence Southwesterly and West along the Southerly and South side of said Block to the place of beginning,

be, and the same hereby is, vacated.

Read for the first time April 17th, 1940.
Read for the second time May 1st, 1940.
Put upon its passage May 1st, 1940.
Yeas--3; Nays--0.
Submitted to and approved by the Mayor this 1st day of May, 1940.

ATTEST:

Lucile Euston
Recorder of the City of Bend.

Mayor

Read and return June File

ORDINANCE NO. N. S. 262

An ordinance vacating that portion of East Eleventh Street and Seward Avenue described as:

All that portion of Benhm Way now known as East Eleventh Street in Wiestoria, now a part of the City of Bend, Deschutes County, Oregon, between Ironwood Avenue, now known as Revere Avenue and the County Road bounding the north city limits of the City of Bend, known as the Barnes Road, and all that portion of Jasmine Avenue, now known as Seward Avenue in Wiestoria, now a part of the City of Bend, Deschutes County, Oregon, between Benhm Way now known as East Eleventh Street and the Easterly limits of the City of Bend.

WHEREAS, the owners of all the lots and parcels of land located on or adjacent to said proposed vacation and the owners of more than two-thirds of the area of the other property affected thereby have consented in writing to such vacation so proposed, which consents have heretofore been filed in the office of the Recorder of the City of Bend, and

WHEREAS a petition praying for the vacation of said described streets was filed with the Recorder of the City of Bend on the 1st day of May, 1940, and

WHEREAS the said petition was considered by the City Commissioners of the City of Bend on the 1st day of May, 1940 at a regular meeting held at said time, and no reason manifestly existing why the said petition should not be allowed, and upon motion duly seconded and carried, Wednesday the 5th day of June, 1940, at the hour of 8:00 P.M. in the Commission Chambers in the City Hall, Bend, Oregon, was and is the time and place fixed for a formal hearing on said petition, and

WHEREAS in accordance with said motion the Recorder of the City of Bend did on the 2nd day of May, 1940, duly cause to be posted a notice of street vacation at each end of the street proposed to be vacated and that the said notices were duly posted by tacking them to a post located at said points and that said notice was likewise duly published in the Bend Bulletin for four successive and consecutive weeks, the first publication being the 2nd day of May, 1940, and the last publication being the 23rd day of May, 1940, and that a copy of said notice as published and posted is duly on file in this proceeding together with the affidavit of posting and publishing, and

WHEREAS upon the hearing of said petition by the Commissioners of the City of Bend as set forth in said notice of street vacation, no objections were interposed to the vacation of said streets and at this time no reason exists why the said petition should not be granted, now, therefore,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the following described portions of East Eleventh Street and Seward Avenue described as follows, to-wit:

All that portion of Benhm Way now known as East Eleventh Street in Wiestoria, now a part of the City of Bend, Deschutes County, Oregon, between Ironwood Avenue, now known as

Revere Avenue and the County Road bounding the north city limits of the City of Bend, known as the Barnes Road, and all that portion of Jasmine Avenue, known as Seward Avenue in Wiestoria, now a part of the City of Bend, Deschutes County, Oregon, between Benhm Way now known as East Eleventh Street and the Easterly limits of the City of Bend.

be, and the same hereby are, vacated.

Read for the first time June 5th, 1940.
Read for the second time June 19th, 1940.
Put upon its passage June 19, 1940

Yeas 2

Nays 0

Submitted to and approved by the Mayor this 19th day of ~~May~~ June, 1940.

ATTEST:

George Sinnerville
Recorder of the City of Bend

F. S. Simpson
Mayor

ORDINANCE N. S. NO. 263

An Ordinance to amend Section 4 of Ordinance N. S. 248 regulating and licensing novelty machines and other devices and games operated as amusement games only, and providing a penalty for the violation of said Ordinance, and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Section 4 of Ordinance N. S. 248 be and the same hereby is amended to read as follows:

SECTION 4. Any of the devices or games or machines described in Sections 2 and 3 hereof shall pay a license fee of $10.00 per month for each of said machines, payable monthly in advance on the 1st day of each and every month, and any license fee so paid shall, under no circumstances, be refunded.

SECTION 13. Inasmuch as the City of Bend is about to license and regulate games, machines and devices as in this Ordinance described, and inasmuch as the license fee provided by Ordinance N. S. 248 is considered excessive and that such machines should be regulated, it is deemed that this Ordinance is necessary for the immediate preservation of the public health, safety and peace of the City of Bend, an emergency is therefore hereby declared to exist and this Ordinance shall become immediately effective upon its passage by the City Commission and its approval by the Mayor.

Read for the first time June 12th, 1940.

Read for the second time July 8th, 1940.

Put upon its passage July 8th, 1940.

Yeas - 3

Nays - 0

Submitted to and approved by the Mayor this 8th day of July, 1940.

F. L. Simpson
Mayor

ATTEST:

George Sumerville
Recorder of the City of Bend,

ORDINANCE N. S. 264

An ordinance to amend Section 2 of Ordinance N. S. 121, as amended by Ordinance N. S. 151, the same being an ordinance regulating the irrigation and sprinkling of lawns and gardens, and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Section 2 of Ordinance N. S. 121, as amended by Ordinance 151, be, and the same hereby is, amended to read as follows:

SECTION 2. During the irrigation season, as herein defined, water users on the even numbered side of public thoroughfares shall irrigate and sprinkle on the even numbered days of each month, and the water users on the odd numbered side thereof shall irrigate and sprinkle on the odd numbered days of each month provided, however, that on the 31st day of any month users on the even numbers of any thoroughfare shall sprinkle only during the hours from 5 in the morning until 12 noon, and the users on the odd numbered side of said thoroughfares shall use water only from 12 o'clock noon until 9 o'clock P.M., and provided further that no person, firm or corporation shall so irrigate and sprinkle before the hour of 5 o'clock A.M. or later than the hour of 9 o'clock P.M. of any day.

SECTION 3. By reason of a water shortage and the hot and extremely dry season, and the large amount of water being drawn from the reservoirs of the Water Department, and there is danger of still a further shortage unless immediate steps are taken to conserve the same, therefore, this ordinance is necessary for the immediate preservation of the public health, safety and peace of the City of Bend, an emergency is therefore hereby declared to exist and this ordinance shall become immediately effective upon its passage by the City Commission and its approval by the Mayor.

Read for the first time: July 8th, 1940.

Read for the second time: July 17th, 1940.

Put upon its passage: July 17th, 1940.

Yeas: 3
Nays: 0

Submitted to and approved by the Mayor this 17th day of July, 1940.

F. S. Simpson
Mayor

ATTEST:

George Somerville
Recorder of the City of Bend

ORDINANCE N.S. 265

AN ORDINANCE TO ESTABLISH A SINKING FUND FOR THE PURPOSE OF DEFRAYING THE COST OF ADDITIONAL FIRE FIGHTING EQUIPMENT.

The City of Bend does ordain as follows:

Section 1. This ordinance establishes a sinking fund for the purpose of defraying the cost of acquiring additional fire fighting equipment.

Section 2. The sinking fund shall be created through the inclusion, annually, within the tax budget of the City of Bend of items representing the yearly installments to be credited to the fund.

Read for the first time October 16, 1940

Read for the Second time November 6th, 1940

Put upon its passage November 6th, 1940

Yeas 3

Nays 0

Submitted to and approved by the Mayor this 6th day of November, 1940

F. S. Simpson
Mayor

ATTEST:

George Somerville
Recorder of the City of Bend.

ORDINANCE NO. NS266

AN ORDINANCE DEFINING DISORDERLY CONDUCT AND PROVIDING FOR THE PUNISHMENT THEREOF.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. It shall be unlawful for any person to interfere with, molest, abuse, threaten, or resist any peace officer, or to refuse to assist him in the discharge of his duties, or by any means whatever to aid or assist any person in custody upon charge of a violation of a city ordinance in his endeavors to escape from custody, whether the escape be effected or not, or to aid or assist any person to escape from lawful confinement within the city jail.

Section 2. It shall be unlawful for any person not a duly commissioned officer to assume to be a police officer or other officer of the city, or to take upon himself to act as such, or to wear the adopted uniform of the police force, or to wear upon the street a star similar in general appearance to the star used by the police force of the city of Bend.

Section 3. It shall be unlawful for any person except a peace officer in discharge of his duty to carry any slung shot, billy, dirk, pistol, or any concealed deadly weapon, or to discharge any firearm, airgun, spear gun, flipper, or bean shooter within the corporate limits of the city unless in self defense or in protection of property.

Section 4. It shall be unlawful for any person to lie or sleep on any of the streets, highways, alleys, sidewalks, parks, or other public places within the corporate limits of Bend, or to appear thereon in such form of intoxication as to be unable to take proper care of himself or herself, or to disturb the peace and quiet of any person, family, or neighborhood by drunkenness, by making loud or unusual noises, or by vile, obscene, profane, insulting, or offensive language; by threatening, traducing, quarrelling, fighting, or offering or challenging to fight, or by assaulting any person; or in any other way or manner whatsoever to disturb the peace, quiet, and decency of any person or neighborhood.

Section 5. It shall be unlawful for any person or persons to keep a riotous or disorderly house, or to permit any riotous or disorderly conduct, or to use or allow the use of any obscene or profane language in his house, yard, or premises connected with his house, or to be guilty of any riotous or disorderly conduct anywhere in the city whereby the peace, quiet, or decency of any person or neighborhood may be disturbed.

Section 6. It shall be unlawful for any person to set up, open, or cause to be opened or keep any house as a resort for the purpose of smoking opium or to sell or offer to sell any opium or any of its derivatives to any person for the purpose of smoking it within the corporate limits of Bend.

Section 7. It shall be unlawful for any person to bargain for, buy or sell, give or take, smoke or cause to be smoked any opium or any of its derivatives within the corporate limits of Bend; provided, however, that the provision of this section does not apply when such opium is obtained upon the prescription of a physician admitted to practice within the state of Oregon.

Section 8. It shall be unlawful for any person or persons to introduce or take into the city jail, or deliver to any prisoner confined therein any intoxicating liquor or drug except upon the prescription of a lawfully practicing physician.

Section 9. No proprietor, manager, keeper, or lessee of any show, theater, place of amusement, or restaurant shall allow or permit a piano or other musical instrument to be played in such show, place of amusement, theater, or restaurant under his or their control between the hours of midnight and nine o'clock in the morning.

Section 10. It shall be unlawful for any person to beat, abuse, deprive of food or water, or otherwise cruelly treat any animal within the limits of the city of Bend.

Section 11. It shall be unlawful for any person to kill, within the corporate limits of the city, any songbird or game fowl or any animal protected by the game laws of the state of Oregon.

Section 12. It shall be unlawful for any person to permit any horse, mule, or other beast of burden, or any hogs or cattle to go upon any sidewalk within the city, or for any person to lead, drive, ride, or hitch any horse, mule, or beast of burden on any sidewalk in the city.

Section 13. It shall be unlawful for any person to ride, drive, or operate upon any public sidewalk within the limits of the city of Bend any bicycle, motorcycle, automobile, buggy, wagon, hack, or other vehicle or conveyance; provided, however, that this ordinance shall not apply to the use of baby carriages, go-carts, or perambulators upon sidewalks.

Section 14. It shall be unlawful for any person to hitch or fasten any animal to, or to destroy, any growing or living shade or other ornamental tree.

Section 15. It shall be unlawful for any person to throw or cause to be thrown or deposited upon any sidewalk, highway, alley, or public ground, or upon private premises not his own, any ashes, paper, manure, glass, metals, broken ware, dirt, straw, rubbish, garbage, or other filth.

Section 16. It shall be unlawful for any person to inter the body of any deceased person in any lot, place, or premises within the corporate limits of the city of Bend.

Section 17. It shall be unlawful for any person to play at ball or throw any stone or other missile in any of the streets, highways, or alleys or upon any of the sidewalks within the corporate limits of the city of Bend.

Section 18. It shall be unlawful for any person to place on any sidewalk, crosswalk, street, or alley any wood or fuel for private consumption; provided, however, that such fuel or wood may be allowed to be piled and remain upon such sidewalk, crosswalk, street, or alley not to exceed 24 hours for each cord or load thereof, and not to exceed eight days in the aggregate, the debris from the same to be removed from such sidewalk, crosswalk, street, or alley by the owner of said wood.

Section 19. It shall be unlawful for tenants, residents, or householders to allow or permit slop or drain water to flow into a street, highway, or alley of said city.

Section 20. It shall be unlawful for any person, firm, or corporation to operate any gasoline motorboat or steam propelled boat upon the Deschutes River within the limits of the city of Bend.

Section 21. It shall be unlawful for any person or persons to loiter or congregate on any bridge across the Deschutes River within the city of Bend or to fish or swim or dive from any such bridge or any part thereof.

Section 22. It shall be unlawful for a person to intrude himself upon any street or premises where a fire is in progress, in such a manner as to interfere with a member of the fire department in his efforts to extinguish the fire, and it shall be unlawful for persons to congregate in the vicinity of a fire in such a manner as to hinder or interfere with the fire department in its efforts to extinguish a fire.

Section 23. The commission of any act prohibited by this ordinance shall be termed "disorderly conduct" and in all prosecutions under the provisions of this ordinance it shall be sufficient to allege in the complaint that the party charged has been guilty of disorderly conduct, stating in a general way the act committed.

Section 24. Any person found guilty of disorderly conduct shall be punished by a fine not exceeding $200, or by imprisonment in the city jail not exceeding 100 days, or by both such fine and imprisonment.

Read for first time November 20, 1940.

Read for second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of December, 1940.

F. S. Simpson
Mayor

Attest:

George Simerville
Recorder

ORDINANCE NO. NS267

AN ORDINANCE REGULATING THE SALE OF ETHYL ALCOHOL WITHIN THE CITY OF BEND, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. It shall be unlawful for a druggist, registered pharmacist, or other person, firm, or corporation permitted by law to sell ethyl alcohol, to sell or give away ethyl alcohol in the city of Bend, Oregon, except as provided in this ordinance.

Section 2. No druggist, registered pharmacist, or other person, firm, or corporation shall sell to any person, firm, or corporation within the city of Bend any ethyl alcohol or diluted alcohol unless the alcohol first be denatured in accordance with the formulas sent out in the rulings of the United States Internal Revenue Department; provided, however, that this section shall not prohibit physicians duly licensed to practice medicine in Oregon, from giving prescriptions for such ethyl alcohol in the manner as provided by law, nor the filling of such prescriptions by registered pharmacists.

Section 3. Any person, firm, or corporation violating the provisions of this ordinance shall, upon conviction in the municipal court, be subject to a fine not exceeding $200, or to imprisonment in the city jail not exceeding 100 days, or to both such fine and imprisonment.

Read for first time November 20, 1940.

Read for second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of December, 1940

W. S. Simpson
Mayor

Attest:

George Simerville
George Simerville
Recorder

ORDINANCE NO. NS268

AN ORDINANCE SPECIFYING THE HOURS DURING WHICH IT SHALL BE UNLAWFUL FOR MINORS UNDER THE AGE OF FOURTEEN YEARS TO SELL OR DELIVER NEWSPAPERS OR OTHER PERIODICALS ON THE PUBLIC GROUNDS AND THOROUGHFARES IN THE CITY OF BEND, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. It shall be unlawful for a parent, guardian, or person having the custody of a minor under the age of 14 years to permit the minor to handle, sell, expose, or offer for sale a newspaper, magazine, or other periodical between the hours of 9 p.m. and 7 a.m. on a public ground or thoroughfare of the city of Bend; and it shall be unlawful for a minor under the age of 14 years to handle, sell, expose, or offer for sale a newspaper, magazine, or other periodical between the hours of 9 p.m. and 7 a.m. upon a public ground or thoroughfare of the city of Bend.

Section 2. Any person violating the provisions of this ordinance shall upon conviction thereof be subject to a fine of not more than $50, or to imprisonment in the city jail for not more than 20 days, or to both such fine and imprisonment.

Read for first time November 20, 1940.

Read for second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of December, 1940

H. D. Simpson
Mayor

Attest:

George Simerville
George Simerville
Recorder

HAMILTON BOND MADE IN U.S.A.

ORDINANCE NO. NS269

AN ORDINANCE REGULATING TRAFFIC; ADOPTING BY REFERENCE THE STATE UNIFORM TRAFFIC ACT; PROVIDING FOR LOCAL TRAFFIC REGULATIONS; REGULATING PARKING, TRUCKS, AND BUSSES, DRUNKEN AND RECKLESS DRIVING, ACCIDENT REPORTS, AND THE PLACING AND MAINTENANCE OF TRAFFIC SIGNS AND MARKERS; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. DEFINITIONS.

(a) The definitions of terms provided in the State Uniform Traffic Act, section 1, chapter 360, Oregon Laws 1931, section 55-1901, Oregon Code 1935 Supplement, together with all amendments to the section now or hereafter enacted, are hereby adopted by reference and made a part of this ordinance.

(b) In addition, the following words and phrases when used in this ordinance shall have the following meanings, except where the context clearly indicates a different meaning:

(1) Loading Zone. That space adjacent to the curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(2) Light Delivery Vehicle. Every motor vehicle designed for carrying, conveying, or removing any article or thing and used for general delivery purposes and recognizable by the name of the owner and the nature of the business being plainly visible upon the body of such vehicle, which has a total over-all width of less than 6 feet 6 inches and a total over-all length of less than 18 feet, including all bumpers, fenders, load, etc.; but not a vehicle designed or used for carrying passengers.

(3) Motor Bus. Every motor vehicle designed or used for carrying passengers for compensation, but not taxicabs designed or constructed to accommodate and transport not more than five passengers exclusive of the driver.

(4) Interurban Stage. Any motor vehicle used for the purpose of transportation of passengers for hire on the streets of the city and operated between points, at least one of which is within the city, and at least one of which is three miles or more outside the city limits.

(5) Terminal. Every place in the city where any interurban stage regularly stops for the purpose of taking on or discharging passengers, baggage, or express.

(6) Park. To bring a motor vehicle to a stop or leave a motor vehicle under the control or in the possession of a person at a stop on a street, alley, or public place; provided, that the term does not include the bringing of a motor vehicle to a stop at a stop sign or an order of a police officer or by reason of congestion of traffic.

(7) Highway. All streets and alleys in the city.

Section 2. ADOPTION OF STATE LAW. It shall be unlawful for any person to drive or operate a motor vehicle on or over the streets, alleys, or other public places of the city of Bend in violation of any law of the state of Oregon now in existance or hereinafter enacted, and the laws of the state of Oregon

regulating the operation of motor vehicles, together with any and all acts amendatory thereof and supplementary thereto, are hereby adopted as a portion of this ordinance and made a part hereof wheresoever applicable.

Section 3. U-TURNS. No person shall reverse the direction of a motor vehicle upon any street in the city except at street intersections; provided, however, that no reverse turn shall be made by the driver of a vehicle at a street intersection where a sign or marker is erected prohibiting reverse turns.

Section 4. VEHICLES IN MOTION TO HAVE RIGHT OF WAY. The driver of a vehicle approaching from the rear of a stopped or parked vehicle shall have the right of way over the stopped or parked vehicle, and the driver or owner of the stopped or parked vehicle shall be liable and responsible for any damage caused by a collision by reason of the stopped or parked vehicle moving out of position before the way is clear and before any vehicle having the right of way has passed; provided, however, that if the approaching vehicle is being operated or driven in a manner constituting a violation of this ordinance, the driver or owner of the approaching vehicle shall forfeit all claim to the right of way and shall be held responsible for any accident arising from the violation.

Section 5. LEAVING PARKED VEHICLE UNATTENDED. No person shall park a motor vehicle on a street or alley and leave it unattended for three days or longer, or park a motor vehicle upon vacant property and leave it unattended for ten days or longer. Any police officer may move or cause to be moved any motor vehicle found upon a street or alley or vacant property. When it appears to the police officer that the motor vehicle has been abandoned or permitted to so remain for at least ten days without being moved or attended by its owner or The person in charge of it, the officer shall place the motor vehicle in storage. the charges for towage and storage shall be a lien against the motor vehicle, and the person storing or towing it shall have the right to sell it for the charges after thirty days from the date of storage. The sale shall be conducted according to sections 51-501--51-507, Oregon Code 1930, as now or hereafter amended, and according to any other laws of the state authorizing such sales.

Section 6. ROLLER SKATING. It shall be unlawful for a person to be in or upon a street or sidewalk shod with roller skates, except upon special permission, and then the area to be set off, by the chief of police.

Section 7. SLEDS BEHIND CARS. It shall be unlawful for any person to attach or tie to any motor vehicle which is operated on the streets of the city any sled, toboggan, or similar contrivance or thing, and it shall be unlawful for the operator of any motor vehicle to permit any sled, toboggan, or similar contrivance or thing to be attached or tied to any motor vehicle being driven by such operator; provided, that the provisions of this section shall not apply to trailers, bus trailers, p ole or pipe dollies, or cars being towed, when they are attached or towed in accordance with this ordinance.

Section 8. HANDCART, WHEELBARROWS, ETC., ON SIDEWALK. It shall be unlawful for any person to drive, wheel, draw, or otherwise propel or move any handcart, hand truck, hand wagon, paper cart, or wheelbarrow exceeding 24 inches in width upon or along any sidewalk. It shall be unlawful for any person to drive, propel, or otherwise move any wagon, wood saw, truck, automobile, or vehicle of any description upon or across any sidewalk; provided, however, that it shall not be unlawful to drive, propel, or otherwise move any automobile or auto truck upon or across any sidewalk leading into a private or public garage, or upon or across any sidewalk into an open alley, within the corporate limits of the city.

Section 9. REMOVING GLASS AND DEBRIS AFTER ACCIDENTS. Any party to a collision or other motor vehicle accident upon any street, alley, or public place in this city shall immediately remove or cause to be removed from the place of the accident all glass and foreign substance resulting from the collision or accident as well as the motor vehicle which he was driving at the time of the collision or accident.

Section 10. LOGS AND POLES.

(a) No person shall move logs or piling over or upon the streets of this city without obtaining written permission from the city manager.

(b) No logs, poles, piling, or other things shall be dragged upon or over the surface of any street.

Section 11. CLEATS AND SPIKES ON WHEELS. No tire on a vehicle not actually engaged at the time in construction or repair work of a public street of this city shall have on the periphery of its wheels any block, stud, cleat, bead, or any other protuberance of metal which projects beyond the tread or traction surface of the tire.

Section 12. DAMAGING CURBS.

(a) It shall be unlawful for any person to place any dirt, wood, or other material in the gutter or space next to the curb of any street with the intention of using the same as a driveway.

(b) It shall be unlawful for any person to remove or damage in any way any portion of any street curb without first obtaining written permission from the city manager.

(c) Any person wishing to move any heavy thing such as a building, excavating machine, or well-drilling equipment over or upon a street curb shall first obtain a written permit from the city manager and shall be held responsible for any and all damage to the curb.

Section 13. REPAIRS ON STREETS. It shall be unlawful for any person to repair or attempt to repair any part of any motor vehicle, or to race the engine of any motor vehicle, or to blow the horn of any motor vehicle, except as provided in this ordinance, upon any street or in any alley or public place in this city between the hours of 7 p.m. and 7 a.m., if the repair or attempt to repair makes any noise objectionable to occupants of stores, offices, hotels, apartments, or residences.

Section 14. HORNS. It shall be unlawful for a person to use a horn otherwise than as a reasonable warning, or to make an unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device. The use of horns for the purpose of attracting the attention of persons on the streets, sidewalks, or in buildings is prohibited.

Section 15. PARADES AND PROCESSIONS.

(a) The driving of two or more motor vehicles in line, one following directly behind another, funeral processions excepted, for the purpose of forming a parade of any nature shall be unlawful without request for a police escort, and a permit for the parade from the city manager.

(b) It shall be unlawful for any person to drive a vehicle parallel with a line of any lawful parade or funeral procession, either on the right or left side of such parade or funeral procession, or to drive any vehicle through the line of any lawful parade or funeral procession.

(c) It shall be unlawful to drive any vehicle in a parade for the purpose of serenade or charivari at any time upon any street, alley, or public place.

(d) It shall be unlawful for persons to organize in parade and march on foot upon the streets of this city without first duly notifying the chief of police, requesting police protection, and securing a permit for such parade from the city manager.

Section 16. OBSTRUCTING STREETS. It shall be unlawful for a person, firm, or corporation to park, place, or leave any motor vehicle or any part thereof, or a trailer, box, ware, or merchandise of any description, or any other thing that impedes the traffic, or obstructs the view, upon a street, alley, parking strip,

sidewalk, or curb of this city, except such lawful use and parking of vehicles upon streets and alleys as is allowed in other sections of this ordinance, without first having obtained the written permission of the city manager.

Section 17. METHOD OF PARKING.

(a) A motor vehicle parked upon a street in this city shall be headed as though proceeding upon the right side of the street.

(b) A motor vehicle parked on a business street shall be parked at an angle of 30 degrees with the curb, except when the street is marked otherwise by police parking strips. Motor vehicles parked on residential streets shall be parked parallel with the curb. A vehicle parked parallel shall be so parked that both right wheels shall be within one foot of the curb.

(c) Whenever the owner or driver of a vehicle discovers that the vehicle is parked immediately in front of or close to a building to which the fire department has been summoned, he shall immediately remove the vehicle from the area.

(d) The person having control or charge of a motor vehicle shall not allow it to stand on a street unattended without first effectively setting its brakes, except when it is parked head in to the curb, and stopping its motor, and, when it stands upon any perceptible grade, shall turn its front wheels to the curb or side of the street.

Section 18. PARKING TIME LIMITS.

(a) The lawful time allowed for parking vehicles other than motor trucks engaged in the actual loading or unloading of freight or merchandise, shall, in any section of any street, be as indicated by lettering upon the face of yellow or orange painted signs placed at the top of standards placed along the curb line of any section of any street. Such time limits and the indication thereof may be changed from time to time by the city manager subject to approval of the commission. Such time limits shall mean the aggregate of time of all parking of any one vehicle within a space of 100 feet measured along the curb line and shall not exceed the time limits posted.

(b) Such time limits shall not apply on Sundays or legal holidays or between the hours of 7 p.m. and 2 a.m.

(c) Automobiles kept for public hire shall park only at such locations within limited parking areas as shall be designated by the city manager.

Section 19. DOUBLE PARKING.

(a) It shall be unlawful for any person to double park or park a vehicle behind vehicles parked head in to the street curb, or alongside vehicles parked parallel with the street curb.

(b) The leaving of any double-parked vehicle is prohibited under all conditions and shall be just cause for the removal from the street, by the police, of any such vehicle.

Section 20. PROHIBITED PARKING AREAS. In addition to the areas where parking is prohibited by the state motor vehicle laws, parking is prohibited in the following areas and places:

(a) Within any area marked off by traffic markers or by yellow or orange stripes painted upon the street curb and pavement or upon the street curb only, indicating a loading zone, safety zone, crosswalk, or pedestrian lane, fire hydrant, theater entrance or exit, police station, fire station, or when "no parking" signs are posted for any other purpose designated by such official markings.

(b) Within that area between the curb or curb line and sidewalk line or outer edge of sidewalk commonly known as the parking strip.

(c) It shall be unlawful for any person to stop any vehicle for the purpose of double parking or to load or unload any thing or passengers with the front or rear of such vehicle, as the case may be, within the intersection of the street lines at any intersection, or to stop any vehicle for the purpose of loading or unloading passengers or any thing within any part of a street intersection, crosswalk, or pedestrian lane.

(d) It shall be unlawful for any person, firm, or corporation to park or cause to be parked any vehicle within the area of any alley in this city, except for the purpose of actual loading or unloading of freight or merchandise, and in that case only for a period of time not in excess of one hour, but such parking shall be done in such a way so as not to obstruct traffic.

(e) It shall be unlawful for any person to park any vehicle upon any bridge in this city.

Section 21. MOVING UNLAWFULLY PARKED VEHICLES.

(a) The chief of police shall cause any vehicle to be removed from any street, alley, or public place in this city whenever any police officer has reason to believe that the vehicle was left by any person in violation of this ordinance.

(b) When any vehicle is so removed from any street, alley, or public place it shall be taken to a public garage and the owner or person in custody of the vehicle shall be required to pay the towing and storage fee upon the vehicle before it is returned to its owner or custodian.

Section 22. PRIVATE PARKING AREAS.

(a) It shall be unlawful for any person, firm, corporation, or association to letter, mark, or paint in any manner any letters, marks, or signs on any sidewalk, curb, street, or alley, or to post on a parking strip anything designed or intended to prohibit or restrict parking in front of any sidewalk, dwelling house, business house, or in any alley, except in compliance with the provisions of this ordinance.

(b) Any person, firm, corporation, or association desiring to letter, mark, or paint a street sidewalk, curb, street, or alley, or post by signs on a parking strip, to prohibit or restrict parking in front of or adjacent to the sidewalk, curb, street, or alley, or in front of any dwelling or business house, shall file an application with the city manager, stating the name of the street and the number, the lot, and block desired to be protected by such signs of parking prohibition or restriction, names of persons affected, whether property is business or private dwelling, the reasons for the application in detail, andwhether the privilege shall be temporary or permanent; and no permit shall become operative or be a protection from the penalties hereof until after the commission of this city has passed favorably upon the application.

(c) All permits authorized by the commission are hereby placed under the supervision and control of the city manager, and it shall be the duty of the holders of the permits granted hereunder to comply with the directions of the city manager in the installation of any signs or markings authorized.

(d) Vehicles kept for public hire shall park at places designated by the chief of police.

Section 23. PARKING ON CERTAIN STREETS. No person shall park a motor vehicle or trailer in such a manner that any part of the vehicle or trailer or load thereon extends more than 16 feet from the curb where the vehicle is parked, on the following portions of the following streets: Both sides of Wall and Bond Streets, from their intersection at Vermont Place to their intersection with Franklin Avenue; both sides of Greenwood Avenue from its intersection with Wall Street to a point 50 feet east of the easterly side of Bond Street; both sides of Oregon Avenue from its intersection with Brooks Street to a point 50 feet east of the easterly side of Bond Street; both sides of Franklin Avenue from its intersection with Wall Street to its intersection with Bond Street.

Section 24. DOUBLE PARKING OF TRUCKS. Whenever it is necessary to place the rear end of any motor truck against the curb on any street in this city, for the purpose of actually loading or unloading heavy freight, household goods, office equipment, etc., general delivery of freight and merchandise excepted, such motor truck shall be parked at an angle of 30 degrees from the curb and headed in the same direction as vehicular traffic upon any such street, and the front of any such motor truck shall project a minimum distance into the line of vehicular traffic. The parking time limit for any motor truck so parked shall be the same as posted or indicated for regular parking in that area.

Section 25. PARKING TRUCKS AND BUSSES NEAR HOTELS, APARTMENTS, AND RESIDENCES. It shall be unlawful for any person to park any motor truck or motor bus on any street in front of or near any hotel, apartment, or residence building between the hours of 9 p.m. and 7 a.m.

Section 26. ROUTING OF TRUCKS. Motor trucks which have a maximum load carrying capacity, by factory rating, of two tons or more which do not stop to actually load or unload freight or merchandise may be routed by the city manager on approval of the city commission.

Section 27. INTERURBAN STAGES. No person, firm, or corporation, either as principal or agent, operating a motor carrier of passengers for hire to or from a fixed terminus within the city of Bend from or to a fixed terminus without the city shall receive or discharge passengers upon a public thoroughfare within the city, except at street intersections; provided, however, that the provisions of this section shall not apply to any such person, firm, or corporation who has received a license from the city to act as a taxi driver.

Section 28. BUS STOPS.

(a) Any person, firm, or corporation operating or in charge of a motor bus shall stop such motor bus at street intersections only and only at the near side of said street intersections, and such vehicles shall be pulled in as close to the curb as possible and shall not have any part of such vehicle projecting into or over a pedestrian lane, whether such pedestrian lane is marked or unmarked, and no and no part of such vehicle shall project toward or into the main vehicular traffic lane farther than is absolutely necessary.

(b) The stopping of one motor bus behind another motor bus which is within a loading zone and the standing of the same at an angle toward the street curb line shall constitute a violation of this ordinance. There shall be but one motor bus stopping at any corner of any intersection at any one time, unless all such vehicles are wholly within the area of the loading zone as indicated.

Section 29. PROMULGATION OF TRAFFIC REGULATIONS; MANAGER AND COMMISSION. Subject to the approval of the commission, the city manager may:

(a) Designate stop streets;

(b) Designate crosswalks, safety zones, and traffic lanes;

(c) Designate truck routes and bus routes;

(d) Designate loading zones, bus stops, and areas in which no parking shall be permitted;

(e) Direct the placing and maintenance of such other traffic signals and signs as may be reasonable or necessary for the regulation and safety of traffic; and

(f) Exercise a general supervision over the administration and enforcement of all traffic ordinances.

Section 30. PROMULGATION OF TRAFFIC REGULATIONS; CHIEF OF POLICE. The chief of police may temporarily close any street, alley, or sidewalk to traffic and may direct traffic in such a manner as he thinks necessary for traffic regulation and traffic safety.

Section 31. EXISTING SIGNS. All official traffic signs and signals existing at the time of the adoption of this ordinance, such as stop signs, caution signs, slow signs, no-reverse-turn signs, signs designating time limits for parking, lines painted or marked on street or curb designating parking areas, markers designating loading zones, no-parking areas, and all other official traffic signs or signals erected, installed, or painted for the purpose of directing, controlling, and regulating traffic, are hereby approved.

Section 32. PENALTIES.

(a) It shall be unlawful for any person to violate any of the provisions of this ordinance.

(b) Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof in the municipal court shall be punished by a fine of not more than $200 or by imprisonment in the city jail, or some other jail, for a period of not more than 100 days, or by having his driver's license revoked for a period of not more than 90 days within the city of Bend, or by both said fine and imprisonment and revocation of said license.

Read for first time November 20, 1940.

Read for second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of December, 1940.

E. S. Simpson
Mayor

Attest:

George Simerville
George Simerville
Recorder

ORDINANCE NO. NS270

AN ORDINANCE PROVIDING FOR THE REGULATION AND OPERATION OF BICYCLES WITHIN THE CITY OF BEND, FIXING A PENALTY FOR THE VIOLATION THEROF, AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. No person shall ride or operate a bicycle upon any street, alley, or public place within the corporate limits of the city of Bend during the period from a half-hour after sunset to a half-hour before sunrise, or at a time when fog or other atmospheric conditions render the operation of the bicycle dangerous to traffic or the use of the streets, or at any other time when there is not sufficient light to render clearly descernible any person on the streets a distance of two hundred feet ahead unless the bicycle is equipped with a lighted lamp affixed on the front of said bicycle visible under normal atmospheric conditions from a distance of at least three hundred feet in front of the bicycle and also with a reflex mirror or lighted lamp on the rear of the bicycle exhibiting a red light visible under like conditions from a distance of at least two hundred feet to the rear of the bicycle.

Section 2. No person shall operate or ride a bicycle upon any street, alley, or public place in the city of Bend with two or more persons upon the same bicycle; provided, however, that this restriction shall not apply to tandem bicycles or other bicycles equipped for two or more riders.

Section 3. No person while riding or operating a bicycle on any street, alley, or public place in the city of Bend shall hold on to any other vehicle.

Section 4. No person shall ride or operate any bicycle on any sidewalk or foot bridge in the city of Bend.

Section 5. Every person riding or operating a bicycle on any street, alley, or public place in the city of Bend shall keep the bicycle on the extreme right of the traffic lane, and it shall be unlawful for two or more operators of bicycles to travel abreast on any street, alley, or public place in the city of Bend or to operate bicycles on traffic lanes otherwise than in single file.

Section 6. Every person riding or operating a bicycle on any street, alley, or public place in the city of Bend shall be subject to all provisions of the laws of the state of Oregon and the ordinances of the city of Bend applicable to the drivers of vehicles except those provisions thereof that by their very nature can have no application.

Section 7. It shall be unlawful for any person to run or engage in or cause another to run or engage in a bicycle race on any street, alley, or public place within the corporate limits of the city of Bend, except under permit from the chief of police of said city and under his supervision.

Section 8. Any person who violates this ordinance shall, upon conviction thereof in the municipal court of the city of Bend, be punished by a fine of not more than $100, or by imprisonment in the city jail for not more than 10 days, or by both such fine and imprisonment. In addition to such penalty, the municipal judge, in lieu of, or in addition to, such fine and imprisonment, may prohibit the operation upon the streets, alleys, and public places of the city of Bend for a period not to exceed 90 days of the bicycle so used in such violation, in which event the bicycle so used in such violation shall be impounded with the chief of police, who shall retain it for the period that the operation thereof is prohibited; and, in addition thereto, the municipal judge may, in his discretion, likewise prohibit the person convicted of violating this ordinance from operating any other bicycle during the time the bicycle, out of which a violation of this ordinance was brought about, is impounded.

Section 9. It shall be unlawful for any person to ride or operate a bicycle on or over the streets, alleys or other public places of the city of Bend in violation of any law of the state of Oregon now in existence or hereinafter enacted, and the laws of the state of Oregon regulating the operation of motor vehicles, together with any and all acts amendatory thereof and supplementary thereto are hereby adopted as a portion of this ordinance and made a part hereof wheresoever applicable.

Read for first time November 20, 1940.

Read for second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of December, 1940.

F. S. Simpson
Mayor

Attest:

George Simerville
Recorder

ORDINANCE NO. NS271

AN ORDINANCE DESIGNATING THE ROUTE OF THE DALLES-CALIFORNIA HIGHWAY THROUGH THE CITY OF BEND, REQUIRING ALL VEHICLES APPROACHING THE LIMITS OF SAID HIGHWAY FROM INTERSECTING THOROUGHFARES TO COME TO A FULL STOP, AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The following named thoroughfares within the city of Bend are hereby designated as the route of The Dalles-California Highway within the city, to wit:

> From the north city limts south on First Street to Deschutes Place; thence angling to the right on Deschutes Place to Hill Street; thence south to Wall Street; thence south on Wall Street to Franklin Avenue; thence east on Franklin Avenue to Third Street; thence south on Third Street to the south city limits.

Section 2. The operator of any vehicle approaching the above described route from intersecting thoroughfares shall bring his vehicle to a full stop immediately before entering the limits of the route.

Section 3. Any person violating section 2 of this ordinance shall upon conviction thereof be subject to a fine of not less than $1 no more than $50, or to imprisonment in the city jail for not more than 10 days, or to both such fine and imprisonment.

Read for first time November 20, 1940.

Read for second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of December, 1940.

F. S. Simpson
Mayor

Attest:

George Simerville
Recorder

NS-271

ORDINANCE # NS272

is missing from this Book.

D.M.

ORDINANCE NO. NS273

AN ORDINANCE REGULATING PUBLIC GARAGES AND THEIR CONSTRUCTION, AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. GARAGE CONSTRUCTION AND FIRE EXTINGUISHERS. No person shall hereafter construct, lease, or occupy any building, within the corporate limits of the city of Bend, as a public garage and/or public service station, and/or any building in connection therewith, unless the same be a fireproof building as defined herein. There shall at all times be maintained in every such building, used for the purpose aforesaid, one chemical fire extinguisher of not less than two and one-half gallons capacity where the floor space is less than two thousand square feet, and one additional chemical fire extinguisher for every additional two thousand square feet of floor space or any fraction thereof used for any such purposes.

Section 2. GARAGE REGULATIONS.

(1) No smoking shall be allowed inside any room used as a public garage. A notice in large letters, "NO SMOKING", shall be displayed in a conspicuous place and manner on the floor and at all entrances to the garage.

(2) Sand shall be kept in iron buckets in all garages. Every public garage of two thousand (2000) square feet of area, or less, shall have on hand at all times at least one barrel of clean sand, and one additional barrel for every four thousand (4000) additional feet of area, placed on different parts of the main floor and repair shop; each barrel to contain an iron scoop, so as to throw sand on a gasoline or oil fire, also for absorbing waste oils that may fall upon the floor. Such sand when saturated shall be removed from the building. The use of sawdust for absorbing oils in any garage is strictly prohibited.

(3) All waste and rubbish of any kind must be kept at all times in a metal receptacle fitted with tight cover.

(4) No gasoline shall be put into or taken out of any automobile where there is an open light. All lamps on the automobile must be extinguished before filling any tank thereon with gasoline.

(5) No light of any kind other than electricity shall be used for illuminating puposes in any public garage.

(6) No gasoline shall be used for motive power to supply any engine or machinery of any kind used or run by any public garage.

(7) No stove, forge, torch, or other furnace, flame, or fire shall be allowed within any room occupied as a public garage.

(8) All electric motors not actually a part of an automobile shall be located at least four (4) feet above the floor.

(9) All repair shops shall be kept clean and the floor free from oily waste or rags; all such waste and rags shall be kept in metal cans or receptacles covered with tight fitting covers.

(10) No oils, gasoline or other inflammable material shall be allowed to be stored or kept in any lockers.

(11) All lockers in public garages shall be so constructed as to permit of ready inspection.

Section 3. GARAGE CONSTRUCTION. Public garages shall be constructed in accordance with the provisions of the Uniform Building Code, except where provisions of this ordinance or the laws of the state of Oregon modifies or changes the manner in which such garages shall be constructed, used, or occupied.

Section 4. FIREPROOF BUILDING DEFINED. All floors shall be of concrete or other noncombustible material. All foundations and walls shall be of brick or other noncombustible material. Partitions may be constructed of wooden studs, insulated with metal lath and cement plaster or other noncombustible material or insulation, Ceilings and all coverings over gas pumps must be insulated with metal lath and cement plaster or other noncombustible material. All window openings shall be of metal sash. Where exposures are less than ten feet, wire glass shall be used unless said opening is within ten feet of the property line, when wire glass must be used; provided, however, that temporary permission may be given during the time that no exposure exists for use of ordinary glass. The top roof covering shall be of fire resisting material.

Section 5. Any person or persons found guilty of a violation of any of the provisions of this ordinance, or failing to comply with the terms thereof, shall be fined not more than twenty-five dollars for each offense, and every day of maintenance of prohibited conditions shall constitute a separate offense.

Read for first time November 20, 1940.

Read for second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of December, 1940.

R. S. Simpson

Mayor

Attest:

George Simerville

George Simerville

Recorder

ORDINANCE NO. NS274

AN ORDINANCE TO ENLARGE THE DUTIES OF THE CHIEF OF THE FIRE DEPARTMENT OF THE CITY OF BEND, OREGON; TO PROVIDE FOR THE REGISTRATION OF PERSONS, FIRMS, AND CORPORATIONS ENGAGED IN THE INSTALLING OF ELECTRICAL APPLIANCES AND TO REGULATE ELECTRIC WIRING IN OR ON BUILDINGS, AWNINGS, AND ADDITIONS TO ANY BUILDINGS WITHIN THE CORPORATE LIMITS OF THE CITY OF BEND; AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. It shall be unlawful within the city of Bend for any person, firm, or corporation to introduce any electric lighting, heating, or power wire, circuit, or apparatus in or on any building, awning, or structure, or addition thereof unless the same shall be in conformity with the rules and regulations and requirements for the installation of electric wiring and apparatus for electric light, heat, and power, as the same are now established, together with any amendments and changes made from time to time, as are set forth in what is known as the National Electric Code, which code is adopted and approved by this ordinance, and any and all such electrical installations shall conform to the said National Electric Code and this ordinance and the laws of the state of Oregon, and in case of conflict of the said National Electric Code and this ordinance with the laws of the state of Oregon, it shall be understood that the laws of the state of Oregon shall govern. Before any such electric wiring shall be commenced in or on any building, awning, structure, or addition thereto, a written permit must be obtained from the recorder of the city authorizing the person, firm, or corporation therein named to do and perform the said electric wiring, and designate the location where the same is to be performed. No such electric wiring shall be commenced as aforesaid until such permit has been obtained.

Section 2. After any electric wiring shall have been completed in or on any building, awning, structure, or addition thereto, for which a permit has been issued, the person, firm, or corporation who performed the same must immediately notify the inspector of the completion of the work and must keep said work open for inspection by said inspector and until he shall have examined and approved it and shall have issued a certificate of such inspection. It shall be the duty of the inspector upon receiving said notice to inspect said electric wiring, and, if it has been performed in accordance with the rules and regulations as set forth in this ordinance , he must issue a certificate to that effect and deliver it to the person, firm, or corporation having done the wiring. If the work is not performed in accordance with said rules and regulations, he shall withhold the certificate until all defects are remedied. The inspector shall inspect the work within 48 hours after receiving notice that the work is ready for inspection.

Section 3. It shall be unlawful for any electric light or power company to do any wiring of any nature, for which a permit has not been issued, in or on any building except their own powerhouse or substation, or to make any electrical connections to any building until a final certificate of inspection and approval of the work has been issued by the inspector.

Section 4. There is hereby added to the duties of the chief of the fire department the powers and duties of inspector of electric wiring. As such inspector he shall have the right to enter all buildings where electric wiring exists for the purpose of inspecting the same. He shall not be interested directly or indirectly in any firm doing electrical work subject to his inspection.

Section 5. The said inspector is hereby empowered to inspect or reinspect all wiring in or on buildings and apparatus conducting electric current for light, heat, and power, and when said conductors or apparatus are found to be unsafe to life or property he shall notify the person, firm, or corporation using or operating them, to place them in a safe and secure condition within ten days. Any person, firm, or corporation failing or refusing to repair, change, or remove such defective wiring or apparatus within ten days after receipt of notice, or within such further time as the inspector deems necessary, shall be subject to the penalty hereinafter provided.

Section 6. All installations, changes, alterations, extensions, or repairs hereafter made in electric installations shall be done in accordance with this ordinance.

Section 7. The city shall receive, as compensation for the work herein provided to be done, fees in accordance with the following schedule, to be paid by the person, firm, or corporation taking out the permit herein provided. Fees shall be paid to and collected by the recorder when the final certificate of inspection is issued. The fees to be paid for and collected for such work shall be as follows, to wit:

All concealed, open, moulding, and conduit work	
1 to 5 outlets	$0.50
6 to 10 outlets	1.00
11 to 30 outlets	1.50
31 to 50 outlets	2.00
51 to 100 outlets	2.50
101 to 200 outlets	3.00
201 and more outlets	5.00
Motors, 1 machine	1.00
Each additional machine	.50
Rectifiers	1.00
Electric signs	1.00
Electric range and electric water heater, or either	1.00

Section 8. All work concealed in any manner which will not permit of full inspection will not be accepted, and for each necessary visit required on account of defects of poor construction, an additional fee of 50 per cent of the original fee will be charged to and paid by the person, firm, or corporation doing the work.

Section 9. In case the inspector shall find that there are more outlets than the building permit provides for, he shall refuse a final certificate of inspection until the said further fees have been paid to the recorder of the city of Bend in accordance with section 7 hereof.

Section 10. No electrical work, as provided for herein, shall be performed by any person, firm, or corporation unless the person performing such work and installations shall be licensed to do such work by the state of Oregon, and in addition thereto the electrical contractor shall pay the city of Bend the following fees:

Electrical contractor (Initial registration)	$100.
Electrical contractor (Renewal)	50.

Said fees herein specified shall be understood to cover the period ending one year from date of issue, and any renewal as provided for herein shall be had on or before thirty days after date of expiration; otherwise, the applicant shall be considered an initial registration and the one hundred dollar fee will apply. Except that nothing in this ordinance shall be construed to prevent or prohibit an owner from doing his own wiring without a license.

Section 11. Any person, firm, or corporation who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon

conviction thereof before the municipal judge shall be punished by a fine of not exceeding $50, or by imprisonment in the city jail not to exceed twenty-five days, or by both such fine and imprisonment.

Read for first time November 20, 1940.

Read for second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of December, 1940.

F. S. Simpson
Mayor

Attest:

George Simerville
Recorder

ORDINANCE NO. NS275

NS-275 repealed by NS-1498, passed 7-15-89.

AN ORDINANCE REGULATING THE STORAGE AND HANDLING OF GASOLINE IN THE CITY OF BEND AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. No gasoline or distillate shall be stored or kept within the corporate limits of the city of Bend except the same be stored and handled in conformity to the provisions of this ordinance.

Section 2. Whenever a greater quantity than five gallons of gasoline or distillate shall be stored or kept within the corporate limits of the city of Bend, except when the same shall be stored in the tank of a motor propelled vehicle for use in said vehicle, or in the act of being transported, said gasoline or distillate shall be stored in metal tanks of weight and thickness to be first approved by the fire chief or fire marshal of the city of Bend. The said tanks shall not be of larger capacity than 1000 gallons each and not more than three of said tanks shall be grouped together and in case two or three such tanks are grouped together the said tanks shall be not less than two feet apart with a soft dirt filler between; the said tanks shall be properly vented and shall be covered by not less than four feet of soft dirt, or not less than one foot of soft dirt and eight inches of reinforced concrete. Not more than three of such tanks shall be located on each tract or lot 50 by 100 feet in area.

Section 3. Any person, firm, or corporation desiring to install such storage tanks shall make application in writing to the city manager and shall pay into the city treasury an inspection fee of $2.50. On the filing of such application and the payment of such fee the city manager shall cause the premises where such storage tank or tanks are to be located to be inspected, and after the same has met with his approval he shall issue an installation permit in writing subject to his approval upon final inspection of the storage tank installation before the same has been buried.

Section 4. That when a greater quantity than one quart or a lesser quantity than five gallons of gasoline or distillate shall be stored or kept within the corporate limits of the city of Bend by any person, persons, firm, or corporation, said gasoline or distillate shall be contained in a metal safety gasoline can, as approved by the National Board of Fire Underwriters.

Section 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $25.

Read for the first time November 20, 1940.

Read for the second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of December, 1940.

F. S. Simpson
F. S. Simpson
Mayor

Attest:

George Simerville
George Simerville
Recorder

ORDINANCE NO. NS276

NS-276 repealed by NS-1498, passed 7-15-89

AN ORDINANCE FORBIDDING THE INSTALLATION AND MAINTENANCE OF GASOLINE AND OIL PUMPS ON PUBLIC GROUNDS AND PUBLIC THOROUGHFARES WITHIN THE CITY OF BEND, AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Hereafter it shall be unlawful for a person to install or maintain an oil or gasoline pump in or upon a public ground or public thoroughfare within the city of Bend.

Section 2. Any person convicted of violating this ordinance shall be punished by a fine of not more than $50, or by imprisonment in the city jail for not more than 30 days, or by both such fine and imprisonment.

Read for first time November 20, 1940.

Read for second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of December, 1940.

W. S. Simpson
W. S. Simpson
Mayor

Attest:

George Simerville
George Simerville
Recorder

ORDINANCE NO. NS277

NS-277 repealed by NS-1498, passed 7-15-89

AN ORDINANCE REGULATING THE STORAGE, SALE, AND PURCHASE OF EXPLOSIVES WITHIN THE CITY OF BEND, PROVIDING FOR A LICENSE TO USERS OF EXPLOSIVES WITHIN SAID CITY, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

amended by: NS-1131

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. It shall be unlawful to store or keep any dynamite, nitroglycerine, giant powder, fulminating caps, or any other explosive other than gunpowder in any storeroom or wareroom or on any premises within the corporate limits of the city of Bend.

Section 2. It shall be unlawful to store or keep any explosive in excess of one pound in any storeroom, wareroom, or building, or on any premises within the city; provided, that not more than five pounds of gunpowder may be kept inclosed in metal cans when kept in a storeroom or wareroom in artificial heat or light. It is further provided that not more than 50 pounds of gunpowder may be kept in magazines made of fireproof material or of wood covered with sheet iron, mounted on wheels, and kept securely locked except when necessarily opened for use by authorized persons. Not more than 1,000 blasting caps (fulminating caps) may be kept in a similar but separate magazine. The magazine shall be conspicuously labled in red letters at least four inches high, "EXPLOSIVES," and located within the building on the floor nearest the street level and within ten feet of the street entrance.

Section 3. Any person, firm, or corporation who sells or stores gunpowder shall obtain a permit from the fire chief, who shall inspect the place where the gunpowder is kept, and the dealer shall fully describe to the fire chief where the gunpowder is kept, both in the day and in the night time.

Section 4. It shall be unlawful for any person, firm, or corporation to sell any explosive, as in this ordinance defined, to any other person, firm, or corporation without having the purchaser receipt for such purchase in a book to be kept by the seller, the receipt to show the date of the purchase, to whom sold, the kind of explosive sold, the quantity thereof, the purpose for which such explosive is intended to be used, and the residence address of the purchaser; and such receipt book shall be at all times subject to inspection by the peace officers of the city.

Section 5. It shall be unlawful for any person, firm, or corporation to purchase or sell any such explosive for use within the corporate limits of the city unless the purchaser has a license to use the explosive within the city of Bend, the license to be issued by the city manager upon a showing by the applicant that he is a person competent to use the explosive. The applicant shall pay the city of Bend the sum of $10 for such license, which shall be good for one year from the date thereof; provided, however, that any licensed drainman will be issued the license herein provided for upon a showing that his drainman's license is not in arrears of payment.

Section 6. Any person, firm, or corporation violating any of the provisions of this ordinance shall upon conviction thereof be fined not more than $50.

Read for first time November 20, 1940.

Read for second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of December, 1940.

F. S. Simpson
Mayor

Attest:

George Simerville
George Simerville
Recorder

NS-277

Read for first time November 20, 1940.

Read for second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of December, 1940.

F. S. Simpson
Mayor

Attest:
George Simerville
Recorder

NS-278

ORDINANCE NO. NS278

AN ORDINANCE PROVIDING FOR THE REMOVAL OF OBSTRUCTIONS ON SIDEWALKS; PROVIDING FOR CLEANLINESS OF STREETS, ALLEYS, AND PREMISES WITHIN THE CITY OF BEND; AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. No person shall allow empty boxes, barrels, rubbish, trash, waste paper, excelsior, or like combustible matter to be placed upon a sidewalk, alley, or street.

Section 2. No person shall place ashes in any box, barrel, or other wooden container in a building.

Section 3. No person shall keep, or permit to be kept, on premises which he owns or controls, oily waste or oily rags, unless, when not actually in use, such waste or rags be kept in a metal can standing on metal legs that raise the bottom of the container or can at least five inches above the floor.

Section 4. All owners or occupants of buildings shall permit the chief of the fire department to inspect such buildings to see that the provisions of this ordinance are complied with, and it shall be the duty of such chief to make such an inspection whenever or wherever he may suspect a violation of this ordinance.

Section 5. It shall be unlawful for any person, firm, or corporation to deposit or cause to be deposited on any sidewalk, street, or alley of the city of Bend any grass, leaves, sawdust, refuse, or other rubbish of any nature whatsoever.

Section 6. It shall be unlawful for any person, firm, or corporation to deposit or cause to be deposited on any sidewalk or on any parkway, between the sidewalk and street, any obstruction of any kind or character which would in any manner obstruct the sidewalk or parkway from the free use and enjoyment thereof by pedestrians or other traffic, or which might in any way be in the nature of an obstruction.

Section 7. Any person in charge of real estate, in front of which is any accumulation or obstruction, as hereinbefore prohibited, shall be responsible for such obstruction.

Section 8. Any person found guilty of a violation of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed $25.

ORDINANCE NO. NS279

AN ORDINANCE REGULATING THE CONSTRUCTION OF AWNINGS WITHIN THE CITY OF BEND: PROVIDING A LICENSE FEE THEREFOR; AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. All awnings extending over public sidewalks on any building within the city limits shall be constructed and erected in accordance with the provisions of this ordinance.

Section 2. Awnings shall not be placed less than six and one-half feet above the sidewalk, provided that in cases where the framework of the awning is not less than seven feet above the sidewalk, it shall not be deemed a violation of this ordinance if a flexible flap or fringe shall extend six inches below said framework.

Section 3. The outer edge of all metallic awnings extending over public sidewalks commonly known and called as marquise hereafter constructed in the city of Bend, shall be at least two feet inside the curb line.

Section 4. Any person, firm, or corporation putting an awning as above mentioned on any building within the city shall make application to the recorder for a permit therefor; which application shall state the size of the awning, kind and distance to be place above the sidewalk, and when the showing so made shall conform to the provisions of this ordinance, the recorder shall issue to such person, firm, or corporation a permit to put up such an awning upon payment of a license fee of $1.

Section 5. It shall be the duty of the chief of police to immediately notify all owners of awnings within the city, which do not conform to the requirements of this ordinance, to replace, readjust, or remove such awnings within thirty days from notification.

Section 6. Any person violating any of the provisions of this ordinance, shall upon conviction thereof be punished by a fine of not more than one hundred dollars, or by imprisonment in the city jail for not more than thirty days, or by both such fine and imprisonment.

Read for first time November 20, 1940.

Read for second time December 4, 1940.

Put upon its passage December 4, 1940.

Submitted to and approved by the mayor this 4th day of December, 1940.

F. S. Simpson
Mayor

Attest:

George Simerville
Recorder

NS-279

ORDINANCE NO. NS280

AN ORDINANCE REGULATING THE INSTALLATION, ALTERATION, REPAIR AND MAINTENANCE OF PLUMBING AND DRAINGAGE SYSTEMS IN THE CITY OF BEND; PROVIDING FOR THE APPOINTMENT OF A BUILDING INSPECTOR, PRESCRIBING HIS DUTIES, PROVIDING FOR AN APPEAL FROM HIS DECISIONS; AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Article 1

Administration

Section 1. TITLE. This ordinance shall be known as the plumbing code, and wherever the words "the code" or "this code" appear herein, they shall be considered as referring to this ordinance. All plumbing shall conform to requirements of this code.

Section 2. CODE TO CONTROL. No part of any plumbing or drainage system shall be installed, constructed, altered, or repaired in any building or on any premises in the city of Bend except it be in conformity with the provisions of this code, and every such system shall be maintained in a sanitary condition.

Section 3. PERMIT REQUIRED. No person shall work upon the installation, construction, alteration, or repair of any plumbing or drainage system in any building or on any premises, unless a permit therefor be first obtained from the city recorder. In the meaning of this section, the word "repair" shall not apply to ordinary repairs to water pipes, faucets, hot water tanks, and water backs, or to the removal of obstructions in fixtures or piping which are generally known and considered as maintenance work. It is intended that replacements of fixtures when no new fixtures are put into the system shall not be considered as repair.

Section 4. PLUMBING IN BUILDING MOVED OR ALTERED. Every building which is moved or materially altered shall have its plumbing and drainage system changed to conform to the requirements of this code. It is intended that this provision shall apply only to work not in a sanitary condition. New work done in connection with the existing system shall conform to the code and pass the test prescribed in section 12 hereof. If black iron piping in good condition, located in a partition and running directly to the waste pipe, exists as a vent pipe in a building about to have its plumbing altered, such piping may remain; provided, there be no horizontal run in the pipe.

Section 5. APPLICATION FOR PERMIT. Application for permit shall be made to the city recorder upon a form furnished by him. The recorder shall thereupon refer said application to the building inspector for his recommendation thereon. If the building inspector approve the application, the recorder shall issue a permit to the applicant upon the payment of the fees herein prescribed. The name of the plumber or the persons proposing to engage in cesspool or septic tank construction, and who shall actually perform the work, shall be given in the application. In case the building inspector refused to approve an application for a permit, the applicant shall have the right of appeal as hereinafter provided.

Section 6. INFORMATION REQUIRED FOR PERMIT. Either in his application or in his filed plans and specifications the applicant shall furnish precise information as to the number, kind, and location of fixtures, drain pipes, vents, branches, cesspools, septic tanks, and other features of construction, so that the extent and character of the work may be definitely known.

Section 7. FEES FOR PERMITS. Before a permit shall issue, fees in the amounts herein fixed shall be paid by the applicant:

For each fixture opening ready to receive a fixture, whether installed or not	$ 0.50

For the construction of each cesspool or septic tank $ 0.50

Minimum charge for any permit 1.00

If alterations to the plumbing of any existing building be proposed, the permit fee shall be based upon the number of fixtures affected or replaced. No fee shall be exacted as a condition of performing maintenance work.

If any work on the construction, alteration, or repair of a plumbing system be commenced without a permit first having been issued therefor as herein required, double the fees fixed by this section shall be exacted when a permit is finally issued for doing the work, which payment shall in no way relieve the said person from the payment of the penalties imposed for the violation of this code. (See section 3 for maintenance.)

Section 8. LIFE OF PERMIT LIMITED. If work under a permit be not commenced for six months after its issuance, or if, after partial completion, the work be discontinued for a period of one year, the permit shall thereupon become void, and no work shall be done in the involved premises until a new permit is issued therefor.

Section 9. CARD TO BE POSTED. After issuance of the permit, the city recorder shall deliver to the applicant a card setting forth the number of the permit, the name of the applicant, and the location, extent, and character of the work authorized under the permit. Said card shall be kept posted in a conspicuous place at the site of the work and shall not be removed until all the work under the permit has been completed.

Section 10. BUILDING INSPECTOR SHALL HAVE RIGHT OF ENTRY. Within reasonable hours, the building inspector and his duly appointed deputy shall have the right of entry to any building or premises for the purpose of inspecting the condition of its plumbing or drainage system, upon exhibiting his official badge or other evidence of authority. Refusal to permit, or interference with, such inspection shall be a violation of this code.

Section 11. ENFORCEMENT OF THIS CODE. The building inspector shall enforce the provisions of this code.

Section 12. ROUGHED-IN WORK TO BE TESTED. When the roughed-in work in any building has been completed, all openings below the roof shall be plugged and the system tested. If the building has a height of not more than three stories, the pipes shall be filled with water to the roof line and tested as a whole; but if the building is of greater height than three stories, the system may be tested in sections. If unfavorable weather, insufficient water supply, or other valid reason make the water test impractical, the roughed-in work shall be tested under an air pressure of not less than ten pounds per square inch, or with the smoke of peppermint test. All plugs used in the system shall remain tight throughout the test. The use of unturned wooden plugs in such test is expressly forbidden. The test shall be applied to all soil, waste, and vent pipes, brass ferrules, and solder nipples, and to all house drains, for a distance of at least five feet beyond the walls of the building.

Section 13. INSPECTION OF ROUGHED-IN WORK. When the roughed-in work has been tested to satisfaction, written notice shall be sent to the building inspector stating that the work is ready for official inspection, and within one working day from the date of receiving such notice the system shall be again tested to the satisfaction of the building inspector. No work shall be regarded as ready for official inspection until all pipes shall have been fastened in place as required under section 76 of this code.

Section 14. PLUMBING NOT TO BE COVERED. It shall be unlawful for any person to conceal any part of the plumbing system of any building or premises until such system has been inspected and passed.

Section 15. CERTIFICATE OF ROUGHED-IN WORK. If the roughed-in work is found to conform to this code, a notice of approval shall be posted on the premises by the building inspector and a certificate to that effect shall be delivered to the permittee.

Section 16. REVOCATION OF PERMIT. If upon inspection it be found that the workmanship or materials employed do not in all respects conform to the statements given in the application or in the plans and specifications, or do not comply with the provisions of this code, the building inspector shall in writing notify the permittee that all additional work under the permit shall be suspended until permission to deviate from the specific terms of the permit is obtained, or until the work already installed is made to comply fully with the terms of the permit.

If the permittee fail to comply with such notice immediately upon its service, the building inspector shall forthwith cancel the permit, informing the permittee in writing of the action and posting at the site of the work a notice announcing such revocation. Thereafter it shall be unlawful for any person to perform any plumbing work upon such premises without first securing a new permit.

Section 17. CERTIFICATES OF FINAL INSPECTION. Upon completion of the work covered by the permit, notice in writing thereof shall be sent to the building inspector, and within one working day from receipt of such notice, he shall make a final inspection. If he find that the work complies in all respects with the requirements of the code, he shall issue a certificate in writing to that effect. No plumbing system shall be placed in service until formal approval, evidenced by the certificate of final inspection, has issued.

Section 18. BUILDING INSPECTOR. The office of building inspector is hereby created. Upon the passage and approval of this ordinance, the manager shall appoint a competent person to fill the position of building inspector, who shall hold office until removed by the city manager or until his successor is elected, as above provided, and qualified. The building inspector shall receive compensation as fixed by the commission.

Section 19. BOARD OF APPEAL. There shall be and is hereby created and established a board of appeal consisting of three members appointed by the mayor, at least two of whom shall have knowledge of plumbing and installations. At the organization of the board, one member shall be appointed for the term of one year, one for the term of two years, and one for the term of three years. After the expiration of the term of office of each member, an appointment shall be made of a person to fill the vacancy for a term of three years. No member shall sit in a case in which he is directly or indirectly interested. All vacancies occurring on the board of appeals for whatever cause shall filled by the mayor either permanently or temporarily as the case may demand. Any member of the board of appeals may be removed by the mayor for malfeasance in office, incapacity, or neglect of duty.

Section 20. BOARD OF APPEALS: POWER; APPEALS TO. Any applicant for a plumbing permit, whose application is rejected by the building inspector, or any person who is ordered by the building inspector to incur an expense in the alteration, repair, or construction of a plumbing installation, may within 15 days thereafter appeal from such action by serving upon the building inspector written notice of such appeal. Such notice or a certified copy thereof shall at once be transmitted to the board of appeal. After notice to such parties as the board may direct, a hearing shall be had and the board may by a majority vote affirm, annul, or modify said action of the building inspector. The decision of the board thereupon shall be in full force and effect.

Materials and methods equivalent to those required by the provisions of this code may be admitted to use upon the written approval of the building inspector. A record of the required equivalent materials and methods allowed shall be kept in the office of the building inspector. Any requirements deemed necessary to abate insanitary conditions in connection with any plumbing installation, but not specifically covered by this code, shall be subject to review by the board of appeals.

Section 21. FEES FOR APPEALS. Any person appealing from the decision of the building inspector shall attach to the written appeal a certified check in the amount of $10 in favor of the city treasurer. If the appeal is not sustained, the check shall be deposited with the city treasurer as a fee, otherwise the check shall be returned to the appellant.

Section 22. PENALTIES. Any person who violates, disobeys, omits, neglects, or refuses to comply with, or resists or opposes the execution of, any of the provisions of this code, or who maintains in service any plumbing or drainage installed, constructed, altered, or repaired in violation of this code, shall be punished by a fine not to exceed $500, or by imprisonment for a period not to exceed 6 months, or by both such fine and imprisonment. For each day that such violation, disobedience, neglect, or refusal continues, every such person shall be deemed guilty of a separate offense, and every part of such plumbing or drainage system as may exist in violation of this code shall be considered as condemned and shall be torn out at the expense of the person guilty of the violation.

Article 2

Definitions

Section 23. APPLICATION OF DEFINITIONS. In the meaning of this code the following definitions of words and terms shall govern:

Section 24. BRANCH. A "branch" is that part of a system of piping which extends from the main at a slight inclination with the horizontal, either with or without lateral extensions or vertical arms, and to which fixture outlets not directly connected with the main are attached.

Section 25. CATCH BASIN. A "catch basin" is a watertight receptacle in a surface, subsoil or other drainage system designed to prevent the passage, to a sewer or main drain, of suspended solids.

Section 26. CONDUCTOR OR ROOF LEADER. A "conductor" or "roof leader" is a conveyor of rain water from the roof of a building. The term "down spout" shall apply to the vertical portion of such conveyor.

Section 27. DRAIN.

(a) House drain (See Sewers).

(b) Main drain (See Sewer).

(c) Terra cotta sewer or drain. A "terra cotta sewer or drain" is any sewer or drain constructed of vitrified earthenware or cement pipe with hub and spigot ends.

(d) Tile drain. A "tile drain" is any subsoil drain constructed of earthenware or cement pipe without hub and spigot ends.

Section 28. EXISTING. Whenever the word "existing" is used in connection with the words buildings, house drainage, house plumbing, etc., it shall apply to any construction in operation prior to the passage of this code.

Section 29. STANDARD AND EXTRA HEAVY. Except as specifically covered herein, the terms "standard" and "extra heavy" when used in connection with any materials or appliances shall have the meaning generally accepted in the plumbing trade.

Section 30. FIXTURE. When so used in a general sense, the term "fixture" shall apply to any sort of device for the reception of house sewage or of waste diluted with water. A "small fixture" shall be any fixture other than a water closet.

Section 31. LENGTH. The term "length" shall apply to the developed length along the center line.

Section 32. MAIN. The "main" of any system of horizontal, vertical, or continuous piping is that part of such system receiving the discharge or back vents from fixture outlets either directly or through branch pipes.

Section 33. OWNER. The term "owner" shall mean the person in whose name record title exists.

Section 34. PERSON. The term "person" shall apply to any natural person, association, corporation, or firm, acting either directly or through a duly authorized agent.

Section 35. PIPE.

(a) Soil pipe. A "soil pipe" is any pipe conveying the discharge of water closets, with or without other fixtures, to the house drain.

(b) Vent pipe. A "vent pipe" is any pipe designed to ventilate a drainage or plumbing system and to prevent trap siphonage and back pressure within the system.

(c) Waste pipe. A "waste pipe" is any pipe conveying the discharge of fixtures other than water closets to the house drain or soil pipe.

Section 36. SEAL OF A TRAP. The "depth of seal of a trap" is the vertical distance between the point of overflow and the inside top of the dip between the arms of the trap.

Section 37. SEWERS.

(a) The word "sewer" is a general term descriptive of a system of horizontal piping used to convey sewage or waste water from any building or premises to a public or private sewer, cesspool, or septic tank.

(b) House drain. A "house drain" is that part of the horizontal piping of a house drainage system which receives the discharge of soil, waste and other drainage pipes inside the walls of any building and conveys the same to a connection with the house sewer or main drain at a point five feet on the outside of the established building line.

(c) Private sewer. A "private sewer" is a main or branch sewer, not constructed or accepted by the city and located either on public or private property, which conveys the waste water of one or more premises to an outlet into a public sewer, or to an approved disposal plant.

Section 38. SIZE OF PIPE. The given calibre or diameter of a pipe is its inside standard diameter.

Section 39. SPACING. The "spacing" of lines of pipe is the distance taken at right angles, between the centers of the lines in question. The spacing of fixtures from pipes is the developed length of the branch of waste line measured between the center of the pipe to which connection is made and the center of seal of the fixture trap.

Section 40. STACK. The word "stack" is a general term descriptive of any vertical line of house drainage piping, inclusive of the main and its branches.

Section 41. STANDARD. Except where specifically covered in this code, the term "standard," when used in connection with any material or device, shall have the meaning generally accepted in the plumbing trade.

Section 42. TERRA COTTA TO INCLUDE CEMENT. Whenever the words "terra cotta" are used herein they shall be held to include the words "and cement."

Section 43. TRAP. A "trap" is a fitting so constructed as to prevent passage of air or gas through a pipe without materially affecting the flow of waste waters in the system. The "size of a trap" shall be that of its outlet. (For seal of trap see section 36.)

Section 44. INSANITARY. The conditions to which the word "insanitary" apply shall be the following:

(a) Any fixture whose trap does not maintain a proper seal.

(b) Any fixture insufficiently supplied with water to flush it and to maintain it in a clean condition.

(c) Any imperfect fixture, pipe, or trap.

The foregoing enumerations of conditions to which the term "insanitary" apply shall not preclude the application of that term to conditions that are in fact insanitary.

Section 45. VENT.

(a) Vents in general. A "vent pipe" is any pipe designed to ventilate a plumbing or drainage system and to prevent siphonage and back pressure.

(b) Soil or waste vent. A "soil or waste vent" is that part of the main soil or waste pipe above the highest installed fixture or branch connection and extending through the roof.

(c) Yoke vent. A "yoke vent" is a continuous vent where the branch or branches of soil or waste pipes on any floor, having no other fixtures or branches installed above them, loop over above the fixtures and reconnect with the main vent or with separate vent lines.

Section 46. WROUGHT IRON. Wherever the words "wrought iron" are used, they shall be held to include "and steel."

Article 3

Quality of Materials

Section 47. BRASS CALKING FERRULES. Brass calking ferrules shall be made of the best quality of cast brass with a minimum length of four inches and a minimum diameter of $2\frac{1}{4}$ inches.

Section 48. CLEAN-OUT PLUGS. Clean-outs shall have iron body with brass plug, or brass and cast-iron plugs of iron pipe size.

Section 49. BRASS SOLDER NIPPLES; SWEAT BUSHINGS. Brass solder nipples shall be made of heavy cast brass in iron pipe size.

All sweat bushings shall be of the shoulder type with a standard iron pipe size thread.

Section 50. BRASS CLOSET FLANGES; SLOP SINK FLANGES. All brass flanges used for water closets or slop sinks shall be of standard weight or heavier. All water closets and slop sinks shall have brass flanges screwed to the floor, or cast-iron flanges calked to pipe. (See section 47.)

Section 51. CAST-IRON PIPE. All cast-iron pipe shall be true to line and bore of uniform thickness and free from all blow holes, cracks, or other construction defects. The letters X.H. or Std. shall be cast on each length of pipe to designate the weight as extra heavy or standard, respectively. The weights of each length of single or double hub cast-iron pipe shall not be less than that specified in the following table:

Inches	Standard Pipe	Extra Heavy Pipe
	Pounds	Pounds
2	$17\frac{1}{2}$	$27\frac{1}{2}$
3	$22\frac{1}{2}$	$47\frac{1}{2}$
4	$32\frac{1}{2}$	65
5	$42\frac{1}{2}$	85
6	$52\frac{1}{2}$	100

Section 52. CAST-IRON FITTINGS. All fittings for cast-iron pipe shall be of the quality specified in section 51 for cast-iron pipe, and every fitting shall bear the letters X.H. or Std. to indicate the type of fitting in the same manner as specified for cast-iron soil pipe in section 51.

Section 53. CAST-IRON WATER CLOSET OR SLOP SINK FLANGES. Cast-iron water closet or slop sink flanges shall be made of solid malleable cast iron in thickness of not less than three-sixteenths of an inch.

Section 54. WROUGHT-IRON PIPE. Wrought-iron pipe shall be of the quality known as best quality galvanized pipe.

Section 55. FITTINGS FOR WROUGHT-IRON PIPE. Fittings for wrought-iron pipe shall be of the best quality cast iron or of best quality galvanized malleable iron.

Section 56. LEAD PIPES. All lead pipes shall be of first quality drawn lead and shall have a weight not less than that specified in the following table:

Diameter: Inches	Weight: Pounds per foot
1¼	2½
1½	3½
2	4
3	4 3/4
4	6

Section 57. LEAD TRAPS, BENDS, AND FERRULES. All lead traps and bends shall be made from lead pipe conforming in all respects to the requirements of section 56. No combination lead and cast-iron ferrules shall be used.

Section 58. TERRA-COTTA PIPE. Terra-cotta pipe shall be vitrified salt-glazed pipe with hub and spigot ends, shall be strong, true to line and bore, and free from defects.

Article 4

Joints and Installation of Pipes and Fittings

Section 59. JOINTS ON THE HOUSE SIDE OF A TRAP. The connections between pipe and fittings and between pipe and fixtures, installed on the house side of the seal of traps, shall be made with rubber washers or putty or with slip, screw, wiped, or calked joints, and shall be made water-tight; provided, however, that the use of cement in the joints of outside rain water leaders, only, at the connections between cast-iron pipe and sheet metal down spout will be permissible.

Section 60. JOINTS ON THE SEWER SIDE OF TRAPS PROHIBITED. Slip joints or joints in which rubber couplings, washers, or putty are required shall not be permitted on the sewer side of a trap in any plumbing installations. No paint, varnish, putty, or cement, except as permitted specifically with cement joints under sections 59 and 62 of this code, shall be used on any joint on the sewer side of a trap until such installation shall have been tested and approved. Water closet connections shall be exempted from the provisions of this section but shall comply in all respects with the provisions of section 53.

Section 61. JOINTS ON THE SEWER SIDE OF A TRAP TO BE GAS AND WATER-TIGHT. The joints on the sewer side of every trap shall be so constructed and maintained as to be gas and water-tight.

Section 62. TERRA-COTTA PIPE: JOINTS AND LAYING. Terra-cotta pipe shall have an earth crown of not less than two feet, except as provided under section 126, and no such pipe shall be laid up stream from iron pipe. The joints of such

pipe shall be laid with a mortar composed of one part of cement of an approved brand and two parts of clean sharp sand, well worked into the bells and smoothed with a bevel away from the joints. The inside of the pipe shall be carefully swabbed to prevent projections into the pipe of loose materials or of mortar.

Section 63. TERRA-COTTA PIPE: CHANGE IN DIRECTION. Terra-cotta pipe shall be laid with as little change in direction as may be possible, but if a change in direction is necessary, such change shall be made with suitable fittings or by deflections in the pipe not exceeding those specified in the following table:

Diameter:	DEFLECTIONS:
Inches	Inches per length of 2 feet
4	$1\frac{1}{2}$
5	2
6	2
7	$2\frac{1}{2}$
8	3

Section 64. TERRA-COTTA PIPE: FOUNDATION. If terra-cotta pipe be installed in soft ground, there shall be constructed beneath the pipe a mattress or other form of foundation, satisfactory to the building inspector.

Section 65. JOINTS BETWEEN CAST-IRON PIPE AND TERRA-COTTA PIPE. Every joint between cast-iron pipe or fittings and terra-cotta pipe on the sewer side of a trap shall be made with cement in the manner specified in section 62.

Section 66. JOINT IN CAST-IRON PIPE AND FITTINGS. The joints in cast-iron pipe or between cast-iron pipe and fittings shall be made with picked oakum well worked into the hubs or joints and molten lead or lead wool of good quality thoroughly calked to make the joints gas and water-tight.

Section 67. JOINTS BETWEEN CAST-IRON AND LEAD. The joints between cast-iron pipe or fittings and lead pipe or fittings on the sewer side of a trap shall be made with a brass calking ferrule, calked into the cast iron, as provided in section 47, and wiped to the lead, as provided in section 49 or with a brass soldering nipple screwed to the cast iron and wiped to the lead.

Section 68. JOINTS IN LEAD PIPE AND FITTINGS. The joints between lead pipe or lead pipe and fittings, on the sewer side of a trap, shall be made by a wiped soldered connection.

Section 69. INSTALLATION OF LEAD PIPE. All bends and offsets in lead pipe shall be made so as not to reduce the diameter. In making the bends or working, especial care shall be exercised to prevent the weakening of the material.

Section 70. JOINTS BETWEEN BRASS AND LEAD PIPE AND FITTINGS. The joints between brass and lead pipe and fittings, on the sewer side of a trap, shall be wiped solder connections.

Section 71. JOINTS IN BRASS PIPES OR FITTINGS. The joints in brass pipe or fittings on the sewer side of a trap shall be made by a screwed or soldered connection. Screwed joints shall be made tight with white lead, red lead, or other approved material, and all burrs and cuttings shall be removed from such pipe.

Section 72. JOINTS BETWEEN BRASS AND CAST-IRON PIPE AND FITTINGS. The joints between brass and cast-iron pipe and fittings on the sewer side of a trap shall be made by screw joints, by calked joints, or by brass bushings screwed into the cast iron and soldered to the brass.

Section 73. JOINTS IN WROUGHT-IRON PIPE AND FITTINGS. The joints in wrought-iron pipe and fittings on the sewer side of a trap shall be made with threaded screw joints, ground union joints, long screw joints, or calked joints. A screw joint or a long screw joint shall be made tight with white lead, red lead, or other approved material.

Section 74. INSTALLATION OF WROUGHT-IRON PIPE AND FITTINGS. Wrought-iron pipe used on soil or waste lines shall not be bent. No wrought-iron pipe shall be laid in or upon the ground. Fittings for such pipe in soil or waste lines shall be recessed drainage fittings, with inside diameter full size of the pipe. All wrought-iron pipe used with drainage fittings shall be screwed up to the shoulder. All wrought-iron pipe used for waste or soil lines shall be reamed to full bore of the pipe.

Section 75. JOINTS BETWEEN WROUGHT IRON AND LEAD. The joints between wrought-iron and lead pipe and fittings on the sewer side of a trap shall be made by brass solder nipples connected to the lead by wiped solder connections and to the wrought iron by screw connections.

Section 76. SUPPORT FOR PIPES. The horizontal pipes in a plumbing system shall be supported either upon masonry or concrete walls, piers, or floors or upon wooden floor, or if hung below wooden floors or roofs, by substantial hangers of iron, in size not less than one-quarter round ($\frac{1}{4}$ inch) or 1/16 by 1 inch flat. The spacing of horizontal supports shall not be greater than five feet, except in the case of wrought-iron pipe, when a spacing of ten feet will be permissible. All vertical cast-iron pipes shall be supported at each floor. All wrought-iron pipe shall be substantially supported. The use of pipe hooks for supports is expressly forbidden.

Section 77. CHANGE IN DIRECTION OF PLUMBING PIPES. All cast-iron, wrought-iron, lead, or brass pipes used in waste or soil lines shall be laid in as direct a line as practicable, but where changes in direction are necessary these shall be made by Y branches, $\frac{1}{2}$-Y branches or with 1/16, 1/8, 1/6, 1/5 or 1/4 bends.

Section 78. PIPES EXTENDING THROUGH ROOF TO BE FLASHED. Every plumbing pipe extending through a roof from inside a wall shall be flashed with lead, copper, or galvanized iron and made water-tight.

Section 79. SIZE OF TERRA-COTTA PIPE. The size of terra-cotta sewer pipe shall be not smaller than the house drain. If a water closet be connected to the house drain and run to the main sewer, the main sewer shall be not less than 6 inches in diameter, but in no case shall the house sewer be less than 4 inches in diameter.

Section 80. TERRA-COTTA SEWERS UNDER NEW BUILDINGS. A terra-cotta pipe sewer shall not be installed under a new building or within 5 feet of any foundation wall.

Section 81. TERRA-COTTA SEWERS NEAR LOT LINES. A terra-cotta pipe sewer shall not be installed within 5 feet of the line between two lots, unless such sewer be designed to serve as a party sewer.

Section 82. TERRA-COTTA PIPE SEWERS CONNECTING TO CAST-IRON SEWERS. No terra-cotta pipe sewer shall be connected to a cast-iron sewer, except with express permission of the building inspector, but no such connection shall be made within 5 feet of the foundation of any building. A cast-iron increaser of sufficient size to receive the barrel of the terra-cotta pipe and to permit a workmanlike connection shall be installed.

Section 83. TERRA-COTTA PIPE SEWERS TO BE REMOVED. Upon the development of defects, any terra-cotta pipe sewer which does not conform to the requirements of this code or which is located within 10 feet of the foundation of any building shall be removed and shall be replaced as provided by this code for new construction.

Section 84. CONNECTIONS AND FITTINGS FOR SEWERS, SOIL AND WASTE LINES AND PIPE. No sanitary T or offset shall be installed in a line other than a vertical

line or in a line inclined at an angle with the vertical greater than 67½ degrees. Heel outlet bends shall be used in a vertical position only. The use of side outlet bends, except in a vent stack above the highest fixture, of saddle hubs, and of saddle bands is expressly forbidden.

Section 85. SOIL PIPES. All soil pipes shall be of galvanized wrought iron or standard or extra heavy cast iron. With wrought-iron pipe, recessed drainage fittings shall always be used.

Section 86. SOIL PIPE: SIZE. Every building provided with a water closet or house drain shall have at least one soil stack extending in full size through the roof and of a minimum diameter of 4 inches. If, in the alteration of a building, it is desired to install not to exceed one additional water closet and five small fixtures on a second stack, the diameter of this second stack may be 3 inches; provided, that the water closet connection thereto shall have a siphon jet bowl. No reduction in the diameter of a soil pipe shall be allowed at any point in its length, except as specifically permitted under section 87.

Except as expressly exempted under this section, the diameter of every soil pipe and of every branch and connection thereto shall be not less than that specified in the following table:

Diameter: Inches	Number of water closets served:
4	Not exceeding 12
5	13 to 25
6	25 to 60

No increase in diameter of any soil pipe will be required if small fixtures be attached thereto.

Section 87. BRANCHES FOR SOIL AND DRAIN PIPES. Any soil or drain pipe may be branched; provided, that the combined areas of such branches as are required to extend in full size through the roof equal or exceed the area of the main pipe, and that one of the branches is not less than 4 inches in diameter, as specified in section 86. A branch which serves fixtures on not more than two floors, including any cellar or basement floors, and does not exceed 20 feet in vertical projections, need not extend in full size through the roof but shall be vented as required in section 92. In the consideration of areas of branches the following table of equivalents shall be used:

Pipe No.	Diameter: Inches	Pipe No.	Equivalent	Diameter: Inches
2	3	1		4
2	4	1		5
2	4	1		6

Section 88. WASTE PIPES. All waste pipes shall be constructed of cast iron, lead, brass, or galvanized wrought iron. If wrought-iron pipe be used, the pipe shall be reamed and all fittings shall be recessed drainage fittings. When cast-iron pipe is used the weights shall be standard or extra heavy. Standard pipe may be used in any building not over three stories in height.

Section 89. WASTE PIPE: SIZE. No waste pipe shall be smaller than the trap it serves. If wrought-iron pipe be used, the minimum diameter shall be 1½ inches for a sink, and 1¼ inches for a wash basin, drinking fountain, or refrigerator waste, and 1½ inches for a bathtub. In every other case the diameter shall be that specified in the following table:

Size of waste pipes for fixtures with $1\frac{1}{4}$-inch traps:

Wash basins, pantry sinks, drinking fountains, etc.

Number of Fixtures	Size of Waste
1 to 2	$1\frac{1}{4}$"
3 to 6	$1\frac{1}{2}$"
7 to 16	2 "
17 to 30	$2\frac{1}{2}$"

Size of waste pipes for fixtures with $1\frac{1}{2}$-inch traps:

Sinks, bathtubs, urinals, laundry tubs, etc.

Number of Fixtures	Size of Waste
1 to 4	$1\frac{1}{2}$"
5 to 10	2 "
11 to 15	$2\frac{1}{2}$"
16 to 25	3 "

Size of waste pipes for fixtures with 2-inch traps:

Slop sinks, urinals, laundry tubs, etc:

Number of Fixtures	Size of Waste
1 to 4	2"
5 to 16	3"

Section 90. WASTE LINES FOR FUTURE FIXTURES TO BE VENTED. If an opening be left in the waste line for future extensions to the plumbing system, an accessible opening shall be left in the vent system and such opening shall be tightly sealed with a metal plug.

Section 91. VENT PIPES: KIND AND CONSTRUCTION. Vent pipes shall be constructed of cast iron, lead, brass, or wrought iron. The cast-iron pipe shall be standard or extra heavy. T's and double hubs may be used in vent systems.

Section 92. VENT PIPES: SIZE. No vent pipe shall have a diameter smaller than that of the trap served, unless the trap be larger than 2 inches, in which case a 2-inch vent will be sufficient. No vent pipe shall be less in diameter than that specified in the following table:

Number of fixtures served	Diameter of vent
Not over 2 small fixtures (wash basins, drinking fountains, etc.). Water closets not permitted.	$1\frac{1}{4}$"
Not over 4 small fixtures (water closets not permitted).	$1\frac{1}{2}$"
Not over 8 small fixtures	2 "
Not over 16 small fixtures	$2\frac{1}{2}$"

Section 93. VENT PIPES: SLOPE FOR DRAINAGE. All vent lines shall be installed with a continuous grade to any fixture so that the water of condensation may be discharged from the vent system.

Section 94. SEPARATE VENTS NOT REQUIRED. If two fixtures other than water closets be set back to back and the traps serving them be located not more than 2 feet from the vent, separate back vents for the fixtures will not be required, provided, that the waste line be not less in diameter than one size larger than the traps served and that the vent be not less in diameter than $1\frac{1}{4}$ inches. Two water closets set back to back may have one vent, in diameter not less than 2 inches, provided, that the main vent stack have a diameter not less than 4 inches, and that the water closets be located not more than $3\frac{1}{2}$ feet from the vent, measuring from the floor line to the vent along the developed waste pipe.

Section 95. COMBINATION OF BRANCH AND MAIN VENTS. Branch vents may be combined with the main vent, but in such cases the size of the main vent shall be that specified under section 92. If the main vent be of the same diameter as the soil or waste line, the main vent may be connected to the soil or waste line above the highest fixture, provided that the diameter of the soil or waste line be increased to the next size larger, from the point of connection upward.

Section 96. DISTANCE OF VENT FROM TRAP. Every vent for a trap shall be connected to the waste line by as short a connection as possible, but in no case shall such connection have a length greater than 24 inches measuring horizontally from the trap seal.

Section 97. DISTANCE OF VENT ABOVE FIXTURE. Wherever possible, the T branches of a vent line shall be located at a height not less than 6 inches above the top of the fixture served.

Section 98. YOKE OR CONTINUOUS VENT. A yoke or continuous vent may be used for a battery of water closets, if the last closet be located on a 45 degree waste line or on a vertical vent line or if the vent be connected at a point between the last two closets. The diameter of a yoke vent shall not be less than that specified in the following table:

Water closets served	Diameter of vent
Number	
1 to 4	3"
5 to 12	4"
13 to 20	5"

Section 99. HEIGHT OF SOIL, WASTE, OR VENT PIPES. Every soil, waste, or vent pipe extending through the roof shall be carried to a height not less than one foot, nor more than 4 feet above the main roof, except in the case of a flat roof used for drying clothes or similar purpose when a line shall be carried to a height not less than 7 feet above the roof. If a soil, waste, or vent pipe be located within 12 feet, measuring horizontally, of any window, air shaft, or other opening, such pipe shall be extended at least 2 feet above the window or other openings or moved to a point more than 12 feet away, even though such pipe may have been installed prior to the passage of this code. The use of a cowl ventilator or return bend upon a vent pipe is expressly forbidden.

Section 100. TRAP: CONSTRUCTION. Every trap shall be of vitrified porcelain, vitrified earthenware, cast iron, brass, or drawn lead, and shall be back-vented to prevent siphonage. No trap having a handhold cover fastened by lugs or bolts shall be used.

Section 101. TRAP: SIZE. The diameter of a trap shall be not less than that specified in the following table:

Type of fixtures	Diameter
Wash basin, pantry sink, drinking fountain, dental cuspidor	1¼"
Bathtub, kitchen sink, urinal, wash tub, sitz bath	1½"
Water closet with trap separate from fixture	4 "
Slop sink, wash rack, catch basin, floor drain, bar gutter	2 "

Section 102. TRAP: SEAL. The seal of a trap shall be not less than 2 inches and if the trap serves a rain water leader or a floor drain, the seal shall be not less than 3 inches.

Section 103. TRAP: CERTAIN TYPES PROHIBITED. The use of a trap which depends for its seal upon internal partitions or upon any mechanism is expressly forbidden. This section shall not be understood to prevent the use of catch basins as covered in section 118.

Section 104. TRAP: REQUIRED INSTALLATION. Every fixture shall have a separate trap connected to a waste line and located as near as practicable to the fixture served, except that not more than three laundry trays in one room, four wash basins in one room, and one sink and one or two part laundry trays in one room, may be served by a single trap; provided, that the length of the branch horizontal waste shall not exceed in length 15 feet and that the trap shall be not less than 1½ inches in diameter. All floor drains shall be trapped and sealed from nearest toilet.

Section 105. TRAP: PROHIBITED USE. No trap shall be installed upon a house drain or house sewer or at the foot of a soil or waste pipe; provided, however, that a trap may be used at the foot of a rain water leader or sewer serving as a conductor of rain water only.

Section 106. TRAP: VENTING. Every trap shall be provided with a vent, except that a vented trap for a restaurant sink, a wash basin in a barber shop, a soda fountain, a vegetable spray sink, or similar fixture will not be required if such trap be of the drum type in diameter not less than 2½ inches with a water seal not less than 4 inches.

Section 107. DISPOSAL OF RAIN WATER ON NEW AND EXISTING BUILDINGS. Within the fire limits the rain water from inside or outside roof leaders, eaves, or gutters shall be conducted to the street gutter or to the alley abutting such property in such a manner as to prevent damage to the walls and foundation of any building, damage to property, or insanitary condition. In no case shall rain water from roofs be permitted to flow over sidewalks.

The connection of inside or outside roof leaders, eaves, or gutters to any house drain, house sewer, or main drain connected to the city sewer is expressly forbidden.

Section 108. CONSTRUCTION AND LOCATION OF CLEAN-OUTS. A clean-out through a Y branch shall be placed upon the main line and shall be so located that its use as a floor drain is impossible. The diameter of a clean-out need not be greater than 4 inches, but for all stacks of lesser diameter than 4 inches the clean-out shall have the same diameter as the stack. A clean-out shall be located in an accessible place near the base of every sink-waste line.

Section 109. FALL IN SEWER, DRAIN, AND WASTE PIPES. The fall in all sewer, drain, and waste pipes shall be not less than ¼-inch per foot, except where local conditions prevent, when a lesser fall may be approved by the building inspector. No waste pipe shall have a fall between the outlet of the trap and the point of connection of the waste with the vent, greater than two inches.

Section 110. FIXTURES: ATTACHMENT. All fixtures shall be securely fastened in place and, if attached to a partition or wall, shall be properly fastened and supported. Sink backs shall be set in white lead and putty.

Section 111. FIXTURES: WATER SUPPLY. The water supply to every fixture shall be in sufficient quantity to assure a thorough flushing of its trap.

Section 112. FIXTURES: ENCLOSURE FORBIDDEN. No fixture shall be inclosed with wood, but shall be open and accessible for thorough cleaning.

Section 113. INSTALLATION OF WATER CLOSETS. Every water closet shall have an earthenware or enamel flushing rim bowl so arranged as to insure a delivery of at least three gallons of clear water at each flushing through a pipe, in diameter not less than one inch, connected to a tank or flushometer valve.

A group of water closets on the same or on different floors shall not be flushed from the same tank unless flushometer valves or similar devices are used. The water from a water closet flush tank shall not be used for cooking or drinking purposes.

No range, trough, mechanical seal, or chemical water closets shall be installed or maintained within the city.

No wash-out closet or flush rim hopper shall be permitted within buildings.

Section 114. CONNECTION WITH WATER CLOSETS AND SLOP SINKS. Every water closet and every slop sink with a trap outlet above the floor shall be securely connected to the soil or waste pipe by a flange of either iron or brass, which is itself connected to the closet by means of drawn brass bolts of a diameter of not less than $\frac{1}{4}$ inch. The joint between the fixture and the flange shall be made gas and water tight by means of asbestos graphite or with a paste composed of equal proportions of red or white lead and putty. The use of rubber washers for any such connection is expressly forbidden. The foregoing provisions, however, shall not be taken as prohibiting in such joint the use of a metal-to-metal connection or of a screw connection.

Section 115. CONSTRUCTION AND INSTALLATION OF URINALS. All urinals shall be constructed of materials impervious to moisture, which will not corrode under the action of urine, and no metal other than copper, brass, or other noncorrosive metal shall be used in any part of such fixture. Every urinal shall be supplied with water from an automatic or pull tank or through a flushometer valve. A direct connection with the water supply will be permitted if the branch pipe between the urinal and the main supply pipe, to the building or to the other fixtures, be equipped with an approved check valve to prevent back flow of air.

Section 116. CONSTRUCTION OF SAFES. If a safe is place under a fixture, the waste shall be run to an open fixture or to a floor drain or be placed in full sight outside of the building. Such waste line shall be constructed of galvanized-iron, lead, or cast-iron pipe and fittings in diameter not less than $1\frac{1}{4}$ inches.

Section 117. FLOOR DRAINS. All floor drains, excepting stable floor drains, shall be trapped and shall be connected to the main drain.

Every trap serving as a floor or area drain shall be supplied with fresh water through a galvanized-iron pipe in diameter not less than 3/8 inch or through a brass pipe in diameter not less than 7/16 inch, connected to the nearest flush pipe and discharging on the house side of the trap.

Section 118. STABLE FLOOR DRAINS. The floor drainage of a barn or stable shall be provided with a catch basin not smaller in area than 24 by 24 inches, with a clean-out at the end of the main drain on the house side of such catch basin and a clean-out on the sewer side of the drain. Every stable floor drain shall be connected to a drainage system with a vent stack, in diameter not less than 3 inches, located on the sewer side of the catch basin. The main drain on the house side of the catch basin shall have a diameter not less than 3 inches and shall run in full size through the roof.

Section 119. WOODEN SINKS. Except in photograph galleries, laundries, and laboratories where acids are used, the use of wooden or metal-lined wooden sinks is expressly forbidden. If such a metal-lined sink be installed, holes shall be bored in the bottom of the wooden portion to indicate leakage therefrom.

Section 120. DRAINAGE SYSTEM TO CONNECT WITH A SEWER, CESSPOOL OR SEPTIC TANK. Every building shall be connected through its drainage system to a sewer, if such sewer exist within one-half block of such building, and such building be on property abutting such sewer; otherwise, it shall be connected to a cesspool or to an approved septic tank. No septic tank or cesspool shall be located less than ten feet from any building.

Section 121. CONSTRUCTION OF CESSPOOLS. No cesspool shall be used for the discharge of sewage except through permission of the building inspector. When such cesspools are used, the size, location, and construction shall be approved by the building inspector.

Section 122. CONSTRUCTION OF SEPTIC TANKS. A septic filtering tank or a vault of two compartments may be installed in place of a cesspool if the design, location, and point of overflow of the tank be first approved by the building inspector.

Section 123. EXISTING CESSPOOLS, SEPTIC TANKS, AND VAULTS TO BE REMOVED. Within one year after completion of a sewer, no cesspool or privy vault shall remain in service if such structure be within one-half block thereof. (See section 120.)

Section 124. WASH RACKS. Wash racks for cleaning wagons, automobiles, or other vehicles shall be provided with a water-tight catch basin, in diameter and depth not less than 2 feet, provided with an outlet not less than six inches below the water line and so arranged as to prevent the passage of sand, dirt, etc., and shall be connected to a sewer, cesspool, or septic tank. No clean-out shall be installed within the catch basin.

Section 125. AIR PUMPS, ETC. Air pumps, gas machines, fountain cuspidors, vegetable sprays, and window fountains, if connected directly with the sewer or with the soil or waste line, shall be provided with a nonsiphonic or ventilated trap, and in any other case shall discharge over an open fixture or to a floor drain.

Section 126. BUILDINGS FOR MANUFACTURING WHERE ACIDS ARE USED. In a building where acids are used in the operations, a sewer of terra-cotta pipe may be installed if a concrete foundation in thickness of not less than 6 inches is laid under the pipe and the sides and top of the pipe incased in 4 inches of concrete. This concrete shall be mixed not leaner than one part of cement, three parts of sand, and five parts of crushed rock or gravel.

Section 127. EXHAUST STEAM. The discharge from boiler blow-offs, steam traps, or drip pipes shall not be connected directly with any sewer, house drain, or soil or waste pipe.

Section 128. REFRIGERATORS. No waste line from a refrigerator or other receptacle for the storage of food shall be connected directly to any sewer, soil, or waste line, or discharge over a water closet tank. The waste line may discharge into an open vessel or to a floor drain. Every such waste line shall be of galvanized iron, lead, or cast iron, so arranged as to be readily cleansed and shall be provided with a proper trap. A refrigerator bell trap may be used.

Section 129. REPEALING CLAUSE. Ordinance numbered 41 of compilation of ordinances of the city of Bend, approved February 3rd, 1914, entitled: An ordinance providing for licensing of plumbers and drain layers and prescribing the rules and regulations covering plumbing and drainage of buildings and the construction, alteration and repair of sewers and house drains in the city of Bend, and all other ordinances or parts of ordinances of the city of Bend, in conflict herewith, are hereby repealed.

Article 4

Sewer Construction; State Law Adopted

Section 130. REGULATING SEWER CONNECTIONS WITH REAL ESTATE WHICH HAS NOT BEEN SPECIALLY ASSESSED FOR THE CONSTRUCTION OF SUCH SEWER. Any person, for himself or as the agent or officer of another, proposing to connect, directly or indirectly, any tract of real estate with an existing sewer in the city of Bend, shall first make application for permission to do so to the city engineer of said city. If it appears that said tract has not been specially assessed to pay its proportionate share of the cost of said sewer or of some sewer within said city, the person proposing to make such connection, before making it, shall pay to the city of Bend the sum of $100, which sum without interest shall be repaid to the owner of said tract of land whenever the same shall be specially assessed for the construction of a sewer.

Section 131. WHEN CONNECTION MAY BE DISALLOWED. If, in the judgment of the city engineer, a proposed connection with a tract of land not specially assessed to construct an existing sewer will impair the present or future efficiency of said sewer, he shall refuse to allow said connection and it shall not be made.

Section 132. STATE LAW ADOPTED. The laws of the state of Oregon now in existance or hereafter enacted regulating plumbing are hereby adopted as a part of this ordinance. In case any of the provisions of this ordinance conflict with the said state law, it is understood that the state law shall govern.

Read for first time November 20, 1940.

Read for second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of December, 1940.

F. S. Simpson

F. S. Simpson
Mayor

Attest:

George Simerville

George Simerville
Recorder

ORDINANCE NO. NS281

AN ORDINANCE REGULATING THE CONSTRUCTING, ERECTING, RAISING, LOWERING, ALTERING, REPARING, AND USE OF BUILDINGS; PROVIDING FOR PROTECTION AGAINST FIRE: DEFINITELY ESTABLISHING THE FIRE LIMITS OF THE CITY OF BEND; AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Any person, firm, company, or corporation desiring to construct any buildings in the city of Bend, or to lower, raise, alter, or repair any building or structure, including wooden buildings, before commencing such work shall file with the recorder a copy of the plans and specifications of such proposed construction, raising, lowering, altering, or repairing, as the case may be, and shall present therewith an application, in writing, for permission to do such work. Such application shall designate the location of such building or proposed structure, and with the plans and specifications shall be referred to the building inspector by the recorder. If the plans and specifications be for the construction of a building and the building inspector shall find the same to comply with the terms of this ordinance, he shall endorse his approval thereon; and if the plans and specifications be for the raising, lowering, altering, or repairing of a building, he shall endorse his approval thereon; provided, that such plans and specifications do not show that the work to be done is of a character calculated to increase its inflammability, to amount to a substantial rebuilding, or to increase the fire risk to adjacent property. Permission shall be withheld in all cases where the building or structure proposed to be altered, raised, lowered, or repaired, as aforesaid, is supported by an unsubstantial foundation, or where its roof, frame, walls, or studding have become impaired or decayed from long use, neglect, exposure, or damage by fire or otherwise, to the extent of at least 40 per cent of the cost of erection and construction of a new building or structure of the identical character of such building. A separate permit shall be required for each building, and the recorder shall keep a record of such permits and report the number issued each month, such report to be made to the city commission at its first regular meeting of each month. The recorder shall, before issuing any building permit, collect the following fees from the party or parties to whom such permits are issued:

Cost of proposed building	Permit fee
Not to exceed $500	$1.00
$500 to $1000	$1.50

An additional fee of $1 for each additional $1000 or fraction thereof over $1000 up to a total valuation of and including $50,000.

An additional fee of 50 cents for each additional $1000 or fraction thereof over a total valuation of $50,000.

$2 for moving any building as provided in section 3.

The Recorder of the city of Bend shall keep a permanent, accurate account of all fees and other moneys collected and received under this code and give the names of the persons upon whose account the same were paid, the date and amount thereof, together with location of the building or premises to which they relate.

Section 2. Temporary enclosed wooden sheds, not to exceed twenty feet in height, may be erected within the city limits to facilitate the erection of buildings in course of erection, but said sheds must be removed upon the completion of such building or buildings.

Section 3. No building within the city of Bend shall be moved without the permission of the building inspector. No permission shall be given to move any building into or within the fire limits unless such building shall comply with the fireproof construction as required by this ordinance. Whenever any building is to be moved either inside or outside of the fire limits, the person, firm,or corporation making application for such removal shall first give such security as the building inspector deems necessary that they will leave the street or streets over which said building is to be moved in as good order and condition as the same were before such moving; and, further, that such moving shall be continuous day by day with the least possible obstruction to the public ways thus used; and, further, that said person, firm, or corporation shall pay or discharge any damage caused to third parties by reason of such removal and thereby save the city harmless for and on account thereof, and no such removal of any building shall be commenced until a permit therefor has been granted.

Section 4. Before any tents or canvas houses shall be erected within the city limits of Bend, the owner shall secure a building permit therefor from the recorder, as herein provided; provided, however, that sleeping tents near or adjoining any building belonging to the owner of such tent, and in which tent no stove or stoves are used or are to be used, shall not come within the provisions of this section.

Section 5. All property lying within the boundaries in this section set forth is hereby declared to lie within the fire limits within the city of Bend, Oregon, to wit:

> Commencing at a point on Division Street where the same is intersected by the alley in block 25 of the original town of Bend; thence westerly along the center line of said alley to its intersedtion with Harriman Street; thence south along Harriman Street to its intersection with Irving Avenue; thence westerly on Irving Avenue to its intersection with the center line, extended, of the alley in block 15 of the original town of Bend; thence southwesterly along said alley to its intersection with Louisiana Avenue; thence westerly on Louisiana Avenue to an intersection with the center line, extended, of the alley in block 5 of the original town of Bend; thence along said alley to an intersection with the southwesterly line of Oregon Avenue; thence northwesterly along the southwesterly boundary line of Oregon Avenue to the south corner of lot 6 in block 2 of the original town of Bend; thence northeasterly along the northwesterly side of Brooks Street to the east corner of lot 1 of block 2 of Bend, which is the southwest corner of Brooks Street and Greenwood Avenue; thence southeasterly along Greenwood Avenue to its intersection with Wall Street; thence northeasterly on Wall Street to its intersection with Vermont Place; thence along Vermont Place to its intersection with Hill Street; thence south on Hill Street to Kearney Avenue; thence easterly on Kearney Avenue to Division Street; thence southerly on Division Street to the point of beginning.

Unless otherwise specified, the center line of the streets, alleys, and public ways above mentioned is intended in all cases.

Section 6. The walls of all buildings hereafter erected within the fire limits of the city of Bend shall be of brick or other noncombustible material, and the roof thereof shall be constructed in accordance with the terms of this ordinance.

Section 7. The commission shall have the power, and is hereby authorized, to declare any building or structure of any nature whatsoever, existing or erected in violation of the provisions of this ordinance, a nuisance, and is hereby empowered to abate the same.

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Section 8. The roofs of all buildings hereafter erected within the fire limits, and the roofs of all brick and stone buildings hereafter erected in said city, other than buildings used exclusively for residential purposes, shall be covered with metal, slate, tile, terra cotta, or such other material as may be approved as fireproof by the city inspector.

Section 9. Whenever, in the judgment of the city inspector, the roof of any building within the fire limits shall be or become damaged to the extent of 40 per cent of the value thereof, then said roof shall be re-roofed with the same material as set forth in section 8 of this ordinance.

Section 10. The city manager, with the consent of the commission, may appoint an architect, civil engineer, competent builder, or other competent person to be known as the city building and chimney inspector, and it shall be the inspector's duty to inspect all chimneys, flues, and buildings hereafter erected, remodeled, or altered.

Section 11. The city, county, state, school district, or any church organization, duly organized as such, for the construction of any church, or the United States of America in the construction of any buildings shall be exempt from paying of any fee for any building permit; but, however, any such construction shall not be commenced before plans and specifications therefor shall have been filed with recorder of the city of Bend, provided, however, that this shall not be construed to exempt any of the excepted classes from complying with all other provisions of this ordinance and the requirements enforced for construction of other buildings.

Section 12. Any chimney or flue which is built in violation of any provision of this ordinance shall be immediately demolished or rebuilt in accordance therewith, and it shall be the duty of the city inspector to see that this section is enforced.

Section 13. Any person or persons, whether owner, builder, contractor, subcontractor, or mechanic who shall violate any section, or part of section, of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $25 for each offense and everyday of maintenance of prohibited conditions shall constitute a seperate offense.

Section 14. All provisions of the Uniform Building Code of the Pacific Coast Building Officials Conference not in conflict with this ordinance or the laws of the state of Oregon, are hereby adopted in full as the building code of the city of Bend, and all buildings hereafter erected, altered or repaired shall be so erected, altered, or repaired in conformity with this ordinance, the laws of the state of Oregon, and the said Uniform Building Code, together with any and all amendments to the said Uniform Building Code in effect at the time of the passage of this ordinance, or any such amendments to said Uniform Building Code and the laws of the state of Oregon which may be adopted hereafter.

Section 15. The invalidity of any section, part of section, or provisions of this ordinance shall not invalidate any other section, part of section, or provision hereof.

Read for first time November 20, 1940.

Read for second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of December, 1940.

F. S. Simpson

Mayor

Attest:

George Simerville

Recorder

NS-281

ORDINANCE NO. NS282

AN ORDINANCE REGULATING THE REGISTRY OF DOGS; PROVIDING FOR THE TAKING UP, IMPOUNDING, AND KILLING OF DOGS NOT PROPERLY LICENSED; PROVIDING FOR THE LICENSING OF ALL DOGS; REGULATING AND PROHIBITING DOGS FROM RUNNING AT LARGE AT CERTAIN SEASONS; PROVIDING FOR THE EXECUTION OF A CONTRACT WITH THE COUNTY COURT AND THE EMPLOYMENT OF A DEPUTY CHARGED WITH THE ENFORCEMENT OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION HEREOF; AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Within the corporate limits of the city of Bend it shall be unlawful for any person owning or having charge, care, or control of any dog, male or female, over the age of eight months, to permit such dog to run at large unless attached to such dog is a collar on which is a tag with an appropriate number, to be obtained from or through the county clerk of Deschutes County, Oregon, or from the recorder of the city of Bend, as hereinafter provided, and it shall be unlawful for any person to imitate or counterfeit such tag and place the same on any such dog within the city of Bend, and in no case shall any dog or pup, regardless of age, be permitted to run at large within the limits of the city of Bend during the time from March 20 to June 30, both dates inclusive, of any year.

Section 2. The city manager is hereby empowered to make application to the county court of Deschutes County, Oregon, for an agreement between said court and the city of Bend whereby such city of Bend shall undertake to enforce diligently the collection of licenses imposed under this ordinance within the city limits of the city of Bend and in a manner which shall not conflict with the laws of the state of Oregon now in force.

Section 3. It shall be the duty of the chief of police, or any person whom the city manager may appoint as deputy pound master, to carry out the provisions of this ordinance and to cause any dog found running at large, or upon the streets of the city, not having a collar around his or her neck with such tag as is in this ordinance provided, to be taken up and impounded. If such dog shall not be redeemed as hereinafter provided within seven days after the impounding thereof, it shall be the duty of the chief of police, or deputy pound master to sell the dog, or cause it to be sold, or to kill the dog or cause it to be killed, and to have it buried outside the limits of the city. The chief of police or deputy pound master shall receive from any person any dog running at large contrary to the provisions of this ordinance, and all dogs, whether taken by said chief of police or deputy pound master or delivered to them, shall be safely restrained by them. If any impounded dog is not reclaimed by the owner thereof within seven days, such dog shall be offered for sale by the officer having such dog in charge. If no bid is made for the dog at such sale, the dog shall be killed and buried. If it is sold, the proceeds of such sale shall be paid to the city treasurer, who shall deposit such proceeds in the general fund. No dog so impounded shall be delivered to the owner or purchaser thereof until a tag is purchased for said dog and a pound fee of $1, plus ten cents per day for keeping such dog during the time it has been impounded, is paid to the city treasurer; provided that in case the owner of an impounded dog has purchased a tag and attached the same to a collar and the same has been lost or stolen, on proof of such purchase, the dog shall be released and upon a substitute tag being attached. Immediately after taking up any dog as provided for herein, the pound master shall use his best efforts to ascertain the person entitled to the possession of such dog and, if the owner is ascertained, the pound master shall thereupon notify him of the impounding of the dog. In case any impounded dog shall not be claimed by any person within two days after receipt of notice of impounding, or in case the pound master, after diligent search and inquiry, is unable to locate such person, the pound master shall, not less than seven days after the impounding of said dog, sell it at public auction to satisfy the costs and expenses of impounding and keeping said dog. Before any such dog is sold or destroyed, as hereinbefore provided for, the pound master shall give notice of

intent to sell or destroy by at least one publication in a newspaper published in the city of Bend, at least five days before such sale, or killing. The notice shall contain a brief description of the animal; provided, however, that a reasonably accurate description of the dog will be sufficient.

Section 4. The above-mentioned tag to be attached to the collar of the dog shall be obtained by the owner from the county clerk of the county of Deschutes, state of Oregon, or from his duly authorized deputy, or from the recorder of the city of Bend. The fee or charges to be collected annually from the owner shall be in a sum not greater than $2 for each male or each spayed bitch dog, and not greater than $3 for each female dog over the age of eight months. Such fees and charges shall be based on a year, or any fraction thereof, ending December 31st.

Section 5. Any person owning or having charge, control, or care of any fierce, dangerous, or mischievous dog shall, when ordered so to do by any police officer, securely muzzle said dog before permitting it to run at large within the city limits, and in case of failure to obey forthwith orders of such officer, such person shall be deemed guilty of a violation of this ordinance.

Section 6. It shall be unlawful for any person or persons to hinder or molest any person or persons engaged in seizing or killing any dog in conformity with the provisions of this ordinance, or to release any dog impounded with the authority of such chief of police or deputy pound master.

Section 7. No mad dog or female dog in time of heat shall be permitted to run at large within the city limits, and it shall be lawful for any person to kill any mad dog running at large, whether it is wearing a license or not; provided, however, that any person killing any such dog shall immediately notify the health officer of the city, who shall immediately take charge of the body and examine the head thereof for rabies, and if such examination fails to disclose that such dog was mad, the person killing it shall not be protected by the provisions of this section. Any owner allowing a mad dog or female dog in heat to run at large shall be guilty of a violation of this ordinance and punished accordingly.

Section 8. Any person or persons violating the provisions of this ordinance, upon conviction thereof, shall be punished by a fine of not more than $50, or by imprisonment in the city jail for not more than twenty days, or by both such fine and imprisonment.

Read for first time November 20, 1940.

Read for second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of December, 1940.

F. S. Simpson

F. S. Simpson
Mayor

Attest:

George Simerville

George Simerville
Recorder

ORDINANCE NO. NS283

AN ORDINANCE DECLARING THAT OPEN TOILETS AND INCLOSURES AND BUILDINGS IN WHICH CATTLE OR HORSES ARE CONFINED SHALL CONSTITUTE A NUISANCE: PROVIDING FOR THE ABATEMENT OF SAID NUISANCE: AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whenever in the opinion of the city health officer of the city of Bend an open toilet, or a building or inclosure in which horses or cattle are confined, constitutes a menace to the public health, the city commission may declare the same to be a nuisance.

Section 2. Whenever such a toilet, structure, or inclosure has been declared a nuisance, as provided in section 1 of this ordinance, the city health officer shall notify the person maintaining the nuisance that the nuisance must be abated within a period of five days or within such time as shall be reasonable in view of the circumstances of the particular case.

Section 3. In case the person maintaining the nuisance does not abate it within the time allowed, the city may forthwith proceed to abate it, charging the reasonable cost to the person maintaining it.

Section 4. Any person failing to abate a nuisance as herein defined within the time provided in section 2 shall be subject to a fine of not more than $25, or to imprisonment in the city jail for not more than twenty days, or to both such fine and imprisonment.

Read for first time November 20, 1940.

Read for second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of December, 1940.

F. S. Simpson
Mayor

Attest:

George Simerville
Recorder

NS-283

ORDINANCE NO. NS284

AN ORDINANCE REGULATING AND PROVIDING FOR THE REMOVAL AND PREVENTING THE ACCUMULATION OF GARBAGE, OFFAL, FILTH, WASTE, RUBBISH, AND REFUSE MATTER ON PRIVATE OR PUBLIC PROPERTY WITHIN THE CITY OF BEND.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. When in the judgment of the city health officer any premises or any portions thereof or the adjacent half of any alley, street, or public way shall be in an insanitary condition by reason of the accumulation of any garbage, offal, filth, or waste or shall be in an unsafe or dangerous condition for fire by reason of the accumulation of any rubbish, boxes, or other waste, the city manager shall order written notices to be served upon the owner, the occupant, or the agent of such owner or occupant of any such premises, requiring said owner, occupant, or agent to destroy or remove such garbage, offal, filth, waste, rubbish, or other refuse matter forthwith.

Section 2. It shall be unlawful for the owner, the occupant, or the agent of such owner or occupant, of any premises within the city of Bend, after receiving the notice as provided in section 1 of this ordinance, to allow any litter or accumulation of garbage, offal, filth, waste, rubbish, or other refuse matter to remain on any portion of the premises occupied or controlled by said owner, occupant, or agent or upon that half of any alley, street, or public way adjoined thereto.

Section 3. If any such owner, occupant, or agent shall fail, neglect, or refuse to remove such garbage, offal, filth, waste, rubbish, or other refuse matter from any such premises, streets, alley, or public way, after receiving the notice as provided in section 1 of this ordinance, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $50; provided, however, that for a nonresident property owner, in case of failure, neglect, or refusal of the occupants or agents upon whom written notice may have been served to remove such garbage, offal, filth, waste, rubbish, or other refuse matter, the city manager shall cause such garbage, offal, filth, waste, rubbish, or other refuse matter to be removed from such premises, street, alley, or public way and charge the cost of such removal to the premises involved. The city recorder shall thereupon notify the owner, occupant, or agent of the amount of such cost, and if such owner, occupant, or agent shall fail or neglect to pay such costs within thirty days after the receipt of such notice, then the costs shall become a lien upon any of such property involved, which lien shall be enforced in the manner provided in chapter VIII, charter of the city of Bend.

Read for first time November 20, 1940.

Read for second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of December, 1940.

F. S. Simpson

F. S. Simpson
Mayor

Attest:

George Simerville

George Simerville
Recorder

NS-284

ORDINANCE NO. NS285

AN ORDINANCE PROVIDING A PENALTY FOR THE VIOLATION OF QUARANTINE REGULATIONS IMPOSED BY THE CITY HEALTH OFFICER IN CASE OF A COMMUNICABLE DISEASE: MAKING THE DECISION OF THE CITY HEALTH OFFICER AS TO THE COMMUNICABLE CHARACTER OF ANY DISEASE CONCLUSIVE, SUBJECT TO APPEAL TO THE STATE BOARD OF HEALTH; PROVIDING FOR THE APPOINTMENT OF GUARDS TO ENFORCE THE QUARANTINE REGULATION; AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Any person violating a regulation imposed by the city health officer in the quarantine of a communicable disease within the city of Bend, and any person having the charge, custody, or control of any minor or incompetent person as parent, guardian, or otherwise who shall permit such minor or other person under his or her care, custody, or control to violate such regulations, shall upon conviction thereof be punished as hereinafter provided.

Section 2. The decision of the city health officer as to the communicable character of any specific disease and the proper measure to be employed in quarantining shall be conclusive until and unless reversed or modified by the State Board of Health.

Section 3. The city manager may employ as many persons as he deems necessary to guard properly any house or place quarantined for any infectious disease, and these persons shall be known as quarantine guard, shall have police powers, and may use all necessary means to enforce any quarantine regulation imposed by the city health officer. The guard shall be paid by the person quarantined when such person is financially able to make such payment, and when he is unable to do so, the guard shall be paid by the city of Bend.

Section 4. Any person violating any of the provisions of this ordinance shall upon conviction thereof be punished by a fine of not more than $25, or by imprisonment in the city jail for not more than thirty days, or by both such fine and imprisonment.

Section 5. It shall be unlawful for any person having charge, custody, or control of any minor or incompetent person, as parent, guardian, or otherwise, to permit such minor or other person under his or her control, care, and custody to come in contact or mingle with other persons or to go into any public place where other persons are attending or to go upon the streets of the city of Bend while afflicted with a communicable disease.

Read for first time November 20, 1940.

Read for second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of December, 1940.

F. S. Simpson

Mayor

Attest:

George Simerville

George Simerville

Recorder

NS-285

ORDINANCE NO. NS286

AN ORDINANCE TO PROVIDE FOR THE APPOINTMENT OF A CITY HEALTH OFFICER AND TO PRESCRIBE HIS DUTIES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. On the first Tuesday after the first Monday of each year the city manager shall appoint a city health officer, who shall be a person duly licensed by the Oregon State Board of Medical Examiners and who shall receive such compensation for his service as the city commission may determine. The city health officer shall be the local registrar for the city of Bend and in charge of the registration of births and deaths occurring within the city; provided, however, he shall receive no additional compensation therefor.

Section 2. The city health officer shall exercise general supervision over the health of the city and shall enforce all measures necessary to promote the health and cleanliness thereof. He shall cause to be abated nuisances of every description which are a menace to the public health on public and private property. He shall use all necessary measures to prevent the introduction and spread within the city of any communicable disease and to that end may quarantine any person or persons and disinfect or destroy or otherwise dispose of any clothing or other property as he deems necessary. He shall make a monthly report in writing to the city commission of all his doing for the preceding month and of the sanitary condition of the city and shall make such recommendations to said body as he deems advisable.

Section 3. The city health officer of the city of Bend shall have power to enter any premises or examine any person within the corporate limits of Bend whenever he shall have reason to believe there exists an unreported case of a communicable disease, or to certify the cause of death of any person.

Section 4. It shall be the duty of every undertaker or person acting a undertaker within the city to obtain a certificate of death and file it with the local registrar, and to secure a burial or removal permit prior to any permanent disposition of a deceased person's body. Such undertaker shall obtain the personal and statistical particulars required, from the person best qualified to supply them, over the signature and address of such person, or he shall state over his own signature that after careful inquiry he cannot obtain such particulars. He shall then present the certificate to the attending physician, if any, or, in case the death occurred without any medical attendance, to the city health officer for certification of the cause of death and other particulars necessary to complete the record as hereinabove provided, and he shall state the facts required relative to the date and place of burial over his signature and with his address and he shall present the completed certificate to the local registrar for the issuance of a burial or removal permit.

Section 5. Within ten days after any birth, it shall be the duty of the attending physician or midwife to file with the city health officer, a certificate of birth properly and completely filled out, giving all of the particulars required by section 132 of chapter 264 of the laws of 1919 of the state of Oregon. If there be no attending physician or midwife, then it shall be the duty of the father or mother of the child, or of the householder or owner of the premises in which the birth occurred to notify the city health officer within ten days after the birth. It shall then in such case be the duty of the city health officer to secure the necessary information and signature to make proper certificate of birth.

Section 6. It shall be the duty of the city health officer to supply blank forms of birth and death certificates to any person required by this ordinance to file the same in his office; to demand and procure the filing of such certificates within the time herein specified; and to examine carefully such certificates presented for filing and to see that they are properly filled out and signed. No

certificate shall be considered complete which does not contain all the items of information called for therein, or which does not satisfactorily account for any omission. If any birth certificate is not complete upon its presentation to the city health officer, he shall immediately notify the person presenting it of the defects therein and shall require him to file a proper certificate. In case of a death certificate improperly filled out, the city health officer shall notify the person presenting it of the defects therein. The burial or removal permit shall be withheld until a complete and proper certificate is filed.

Section 7. Every person who in the city of Bend treats or examines for the purpose of diagnosis any person suffering or afflicted with any of the diseases classed as, or who suspects that any person treated or examined by him is suffering or afflicted with any of the diseases classed as communicable diseases under the rules and regulations of the board of health of the state of Oregon, shall report such case to the city health officer within twenty-four hours after making diagnosis or suspecting the disease to be one required to be reported.

Section 8. It shall be the duty of the city health officer where a case is reported of any communicable disease in which quarantine is required under the laws of the state of Oregon, at once to cause to be placed in a conspicuous place on the house, or both the front and the rear entrances to same where such cases exist, a quarantine card, flag, or notice as provided by the rules and regulations of the state board of health, and to prohibit entrance to or exit from such house without written permission from the city health officer; and every physician attending a person affected by any communicable disease as designated by the state board of health shall use such precautionary measures to prevent the spread of the disease as may be required by the city health officer. No person shall mar, remove, destroy, or in any way obscure such quarantine notice, which shall remain in place until after the person affected is removed from such house or has recovered and is no longer capable of communicating the disease and the said house and the contents thereof have been properly cleaned and disinfected under the direction of the city health officer. No quarantine shall be released except by order of the city health officer. Infected premises shall be fumigated with disinfectants prescribed by the city health officer and for not less than six hours.

Section 9. When any premises are quarantined on account of a communicable disease, it shall be the duty of the city health officer to provide for all persons confined in such place, food, fuel, and all of the necessities of life including medical attendance, medicine, and nurses when necessary, and the expense so incurred, together with a reasonable cost of disinfecting and fumigation, when properly certified by the city health officer shall be paid by the person quarantined when he is financially able to make payment; if he is not able to do so, the expense shall be paid by the city of Bend.

Section 10. The occupant or, in case the premises are unoccupied, the owner of any building in Bend, wherein any person has been sick of any communicable disease, on the death or recovery of such person, shall forwith destroy by burning or burying, or, under the direction of the city health officer, shall disinfect the clothes worn by such person during such sickness, together with the bedding, carpets, curtains, draperies, furnishings, etc., and shall disinfect, cleanse, and purify the room in which such sick person was confined. The city health officer shall see that the provisions of this section are strictly enforced. No person attending upon or otherwise coming in contact with any person affected with any communicable disease in such manner or to such an extent as to render him or her liable to communicate the disease, shall go on any public way or in any way mingle with people not affected with such disease.

Section 11. Without the permission of the city health officer no public funeral shall be held for any person who dies of a communicable disease unless the casket containing the body first has been hermetically sealed.

Section 12. Whenever any person dies of small-pox the body shall be buried within twelve hours after death and shall not be removed from the building where the person died until removed directly to the place of burial and it shall be unlawful for any person to attend such funeral except the immediate relatives of

the deceased, pallbearers not exceeding four in number, the clergyman, the undertaker, and the driver of the hearse.

Section 13. No person affected with a communicable disease shall be moved from one building to another without the permission of the city health officer. No vehicle used for the purpose of carrying passengers shall be used for transporting a person afflicted with any communicable disease unless by permission of the city health officer.

Section 14. The city health officer is hereby directed and empowered, when in his judgment it is necessary to protect the public health, to make or cause to be made examination of persons reasonably suspected of being infected with venereal disease; to detain such persons until the results of such examination are known; to report them for treatment to a reputable physician and continue treatment until they are cured or to submit them to treatment provided at public expense until cured; and also, when in his judgment it is necessary to protect the public health, to isolate or quarantine those infected with venereal disease. It shall be the duty of the city health officer to investigate sources of infection of venereal disease, to cooperate with the proper officials whose duty it is to enforce laws directed against prostitution, and otherwise to use all proper means for prevention of prostitution.

Section 15. It shall be the duty of every physician, representative of a religious denomination, nurse, parent, guardian, or other person having the knowledge of any person afflicted with pulmonary tuberculosis within said city immediately to report it to the city health officer.

Section 16. All articles intended for consumption as human food shall be protected from contamination of flies, dirt, human contact, or any other source whatever, and the city health officer shall have full power to enforce the provisions of this section.

Section 17. Nothing in this act shall be construed to empower or authorize the city health officer in any manner to interfere with the individual right to select the physician or mode of treatment of his choice, or to interfere with the practice of any person whose religion treats or administers to the sick or suffering by purely spiritual means; provided, however, that all sanitary rules and regulations are complied with.

Section 18. Any person violating the provisions of this ordinance shall be subject to a fine of not less than $5 nor more than $200, or to imprisonment for not less than ten days nor more than one hundred days, or to both such fine and imprisonment.

Read for first time November 20, 1940.

Read for second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of December, 1940.

F. S. Simpson

F. S. Simpson
Mayor

Attest:

George Simerville

George Simerville
Recorder

ORDINANCE NO. NS287

AN ORDINANCE TO PROVIDE FOR THE LICENSING AND REGULATING OF THE BUSINESS OF INSTALLING, REPAIRING, AND MAINTAINING PLUMBING AND DRAINAGE SYSTEMS, SEWERS, SEPTIC TANKS, AND CESSPOOLS, AND PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. No person, firm, or corporation, directly or indirectly, shall engage in or conduct the business of installing, repairing or maintaining plumbing or drainage systems, sewers, septic tanks and/or cesspools, sewer connecting, sewer construction, or the excavation of trenches for sewer pipes, water pipes, or other plumbing for sewer purposes in the city of Bend without first obtaining a license therefor as hereinafter provided; provided, that the provisions of this ordinance shall not apply to person, firms, or corporations operating under a contract with the municipality of Bend.

Section 2. Any person, firm, or corporation desiring to engage in any of the occupations mentioned in section 1 shall make a written application for a license therefor to the city recorder; provided, that said application must first have been approved in writing by the building inspector, and said application shall not be approved until the applicant shall have furnished satisfactory evidence of his capacity to conduct said business in conformity with the ordinances of the city of Bend.

Section 3. After favorable action by the city manager upon said application, the license provided herein shall be issued by the city recorder upon the execution and filing of the bond hereinafter provided for and the payment of the following fees, to wit:

> For the installastion, alteration, repair, and maintenance of plumbing and drainage systems, sewers, septic tanks, and cesspools, for a period of one year, the sum of $40.
>
> For the installation, alteration, repair, and maintenance of sewers, septic tanks, and cesspools, for a period of one year, the sum of $12.50.

and no license shall be issued for a period of less than one year.

Section 4. The applicant or applicants shall file with the city recorder a bond with corporate surety in the sum of five hundred dollars ($500), which bond shall be duly approved by the city attorney, conditioned upon the protection of the city of Bend against all loss or damage which may occur on account of such licensee, through any carelessness or negligence in either the execution or protection of his work, or by reason of any unfaithful or inadequate work done by such person or by his employees, and that said licensee will conform to the conditions and requirements of the city of Bend as set out in the ordinances of said city.

Section 5. No person, firm, or corporation engaging in the business of plumbing, sewer connecting, sewer construction, drainage, construction of septic tanks or cesspools shall allow his or their names to be used by any other person, firm, or corporation, directly or indirectly, either to obtain a permit or to do any work under his or their license or bond.

Section 6. Any applicant for a license under this ordinance may appeal to the commissioners of the city of Bend from the decision of the building inspector and/or city manager relative to said application, and the decision of said commission shall be final.

Section 7. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not less than fifty

dollars, nor more than five hundred dollars, or by imprisonment in the city jail for not less than ten days nor more than thirty days, or by both such fine and imprisonment.

Read for first time November 20, 1940.

Read for second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of December, 1940.

F. S. Simpson
Mayor

Attest:

George Simerville
George Simerville
Recorder

8-104
~~8-102~~

ORDINANCE NO. NS288

AN ORDINANCE REGULATING PRIVATE BUSINESS AND LICENSING THE SAME, AND PROVIDING FOR A PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Article I

Astrologers

Section 1. Every person proposing to engage, within the city of Bend, in the business of an astrologer, soothsayer, phrenologist, seer, or fortuneteller of any description shall first make written application for permission so to do and file the same with the city manager. The city manager may grant or refuse such permission in his discretion as to the public welfare. If such permission be granted, the city recorder shall issue a license to the applicant upon the payment of the license fee hereinafter specified; if such permission be not granted, then such license shall not issue.

Article II

Auctioneers

Section 1. Every person who at public outcry offers for sale, as principal or agent, any article of merchandise or property to the highest bidder, shall be deemed an auctioneer. For license purposes auctioneers shall be classified and grouped as follows:

Class 1. Special Auctioneer. A special auctioneer is an auctioneer who sells or offers for sale any stock of merchandise which has not been for six months immediately preceding the sale or offer for sale a part of the regular city of Bend stock of a merchant or dealer doing business in Bend.

A stock of merchandise is hereby defined as goods or chattels purchased by the owner for the purpose of resale.

Class 2. General Auctioneer. A general auctioneer is any auctioneer not a special auctioneer.

Section 2. It shall be unlawful for any person to act as an auctioneer within the corporate limits of the city of Bend without first having obtained a license as hereinafter provided.

Section 3. No person, persons, firm, or corporation shall conduct any auction sale within the city of Bend, nor shall any auctioneer sell property at a public sale to the highest bidder or at public outcry, before obtaining a license therefor from the city recorder of said city; provided, however, that this provision shall not apply to any sale under execution by guardians, executors, or administrators under any valid order, decree, or judgment of any court, or to residents of the city of Bend when selling their own household property.

Section 4. No auction sale shall be conducted within the city of Bend between the hours of 7:30 p.m. and 8 a.m. of the following day.

Article III

Peddlers and Hawkers

Section 1. The term "peddler" for the purpose of this ordinance shall be construed to include all persons, copartnerships, or corporations, either

principals or agents who go from place to place, or store to store, carrying for sale and offering for sale or exposing for sale, either at wholesale or retail, goods, wares, and merchandise. The term "hawker" for the purpose of this ordinance shall be construed to mean and include all persons, copartnerships, or corporations who shall sell, offer for sale, or expose for sale any goods, wares, or merchandise from any doorway, recess, vacant lot, or other place facing on a street and not within a building. This ordinance shall not apply to peddlers or hawkers of agricultural, horticultural, or farm products which they grow or raise, or to those vending books, periodicals, or newspapers and; provided, further, that this ordinance shall not apply to delivery of goods upon a bona-fide order placed prior to the time such goods leave the place of business of the seller, specifying the exact kind and quantity of goods to be delivered.

Section 2. It shall be unlawful for any person for himself or as agent for another to peddle or hawk, or to engage in the business or occupation of peddling or hawking within the city of Bend without first securing a license so to do.

Section 3. For license purposes peddlers shall be classified as follows:

Class 1. Those on foot.

Class 2. Those using a vehicle drawn by one horse or mule.

Class 3. Those using a vehicle drawn by two or more horses or mules.

Class 4. Those using a motor-propelled vehicle of one ton, or less, capacity.

Class 5. Those using a motor-propelled vehicle of more than one ton capacity.

Section 4. For license purposes hawkers shall be classified as follows:

Class 1. Those hawking patent medicines.

Class 2. Those hawking any other articles, goods, wares, merchandise, or other commodities at retail while traveling from place to place within the said city, or from a stand or vehicle upon any street, alley, highway, public or private ground within the corporate limits of said city, and whenever more than one person shall sell or offer to sell from the same stand or vehicle, each of said persons shall be required to have the license herein provided for; provided, that this article shall not apply to persons peddling newspapers or Bible or to any farmer or person peddling the products only of their own farms or gardens.

Section 5. No person, firm, or corporation shall follow the business occupation of a peddler, hawker, or street vendor as herein defined upon any of the following named thoroughfares in the city of Bend, to wit:

Wall Street from the south line of Greenwood Avenue to the north line of Louisiana Avenue; Bond Street from the south line of Greenwood Avenue to the north line of Louisiana Avenue; Greenwood Avenue from the east line of Brook Street to the west line of Harriman Street; Oregon Avenue from the east line of Brook Street to the west line of the alley in block fifteen original city of Bend; Minnesota Avenue from Wall Street to the west line of Lava Road; Franklin Avenue from the east line of Broadway to the west line of the alley in block seventeen original townsite of Bend.

Article IV

Hotels, Rooming Houses, and Lodging Houses

Section 1. No person shall conduct, keep, manage, or operate, or cause to be conducted, kept, managed, or operated, either as owner, lessee, agent, or attorney any hotel, rooming house, or lodging house within the corporate limits of the city of Bend without first obtaining a license from said city so to do.

Section 2. The word "person", whenever used in this article, shall mean and include natural persons of both or each sex, copartnerships, corporations, and associations. The word "house" shall mean and include hotels, rooming or lodging houses where four or more rooms are equipped for sleeping purposes and are rented for periods of less than one month.

Section 3. The city manager shall examine into and investigate the character and qualifications of all applicants for licenses required by this article, and such license is to be issued by the city recorder only upon the written recommendation of such manager. The power to revoke such licenses so granted, for good cause, is specifically reserved unto such manager and unto the commission, acting jointly or separately; provided, however, that such revocation by said manager may be appealed to the commission within five days from the date of such revocation.

Section 4. No license shall be issued to any person to conduct a hotel, rooming house, or lodging house within the city of Bend unless such person is of good moral character, can read, write, speak, and understand the English language; and whenever an application for such license is made, the applicant shall present for himself or herself to the city manager satisfactory proof of good moral character and ability to read, write, speak, and understand the English language. Such application must be presented by such applicant in person; provided, however, that if such application is made for or on behalf of any copartnership, corporation, or association, such application must be made by the manager, officer, agent, or other person who will have the charge or management of such hotel, rooming house or lodging house.

Section 5. No license issued as in this article provided shall be transferred or assigned.

Section 6. No person to whom a license shall be issued, as provided in this article, shall suffer or permit the hotel, rooming house, or lodging house to which such license relates, to be used as a house of ill fame, brothel, bawdy-house, house of assignation, or disorderly house for the purposes of prostitution, fornication, adultery, or lewdness, or suffer or permit any lascivious cohabitation, adultery, fornication, or other immoral practice to be carried on therein.

Section 7. Every person to whom a license shall have been issed to conduct a hotel, rooming house, or lodging house shall at all times keep a standard hotel register in which shall be inscribed the names of all guests or persons renting or occupying rooms in such house, which register shall be signed by the person renting a room or rooms, or by someone under his direction. Such registration must be made and after the name or names so inscribed or registered, the manager of the house or his agent shall write the number of the room or rooms which such guest or person is to occupy, together with the time when such room is rented. All of which shall be done before such person is permitted to occupy such room or rooms. Such register shall be at all times open to inspection by any guest of such house and to any executive or peace officer of said city or the state of Oregon.

Section 8. It shall be unlawful for any person to write, or cause to be written, in any such register any other or different name than the true name of such person or the name by which such person is generally known.

Section 9. No room shall be assigned to two persons of the opposite sex, except in case of minor children accompanied by his or her parent or guardian, unless such persons shall be registered as husband and wife.

Section 10. Any person to whom such license shall be issued, as provided in this article, shall cause each sleeping room or apartment in such house to which his license relates to be numbered in a plain and conspicuous manner, the number to be placed on the outside of the door to such room and no two doors shall bear the same number.

Section 11. When a license shall have been issued to any copartnership, corporation, or association to conduct a hotel, rooming house, or lodging house, any person having charge, management, or control of such hotel, rooming house, or lodging house shall be liable to prosecution for any violation of the provisions of this article.

Section 12. It shall be unlawful for any person who conducts a hotel, rooming house, or lodging house to permit gambling or the sale of intoxicating liquor therein.

Section 13. Such license shall contain the nationality of the licensee and he shall at all times keep the same conspicuously displayed; provided, that if such licensee is an alien he shall also have displayed therewith a card or sign showing the nationality of all employees of such hotel, rooming house, or lodging house.

Section 14. The city manager or the commission may cancel and revoke any license issued hereunder for the violation of any of the provisions of this article or the laws of the state of Oregon or the laws of the United States of America as provided in section 3 hereof. Before such cancellation or revocation, however, the licensee shall be given personal notice by such manager or commission of a hearing to cancel or revoke, such notice to be not less than twenty-four hours before such hearing.

Article V

Food Establishments

Section 1. The term "food establishments" as used in this article shall mean and include hotels, restaurants, cafeterias, boarding houses, delicatessens, and any other place where meals are publicly served to more than five persons. The word "person" shall mean and include any person, copartnership, association, or corporation that is the owner, proprietor, or manager of any such establishment.

Section 2. It shall be unlawful for any person to open for business, conduct, or maintain, or cause to be opened, conducted, or maintained any food establishment in the city of Bend without first procuring a license therefor as provided in this article. No license shall be issued by the city recorder for a food establishment until the application therefor has been investigated and approved in writing by the city manager.

Section 3. Any person conducting both a food and other establishment requiring a license at the same location shall not be required to obtain the license herein provided.

Article VI

Billiard, Card, and Poolrooms

Section 1. It shall be unlawful for any person, firm, or corporation to own or operate within the corporate limits of the city of Bend any billiard, card, or poolroom without first securing a license therefor. A billiard, card, or poolroom, for the purposes of this article, shall be deemed to be any place where one or more billiard, card, or pool tables are maintained, whether or not a charge is made for the use thereof; provided, however, that such rooms when operated and owned by a fraternal organization and conducted on the premises of such organization, and all such rooms maintained in private homes and not open to use by the general public, shall be exempt from the provisions of this article.

Section 2. Nothing contained in this article shall prevent the operation of billiard, card, and poolrooms, as herein defined, in the same room when under the same management. If any combination of said businesses be so operated they shall be, for the procuring of a license under this article, considered to be one business only.

Section 3. There shall not be issued under this article more than one license for a billiard, card, or poolroom for every one thousand inhabitants of the said city of Bend, to be determined by any method which satisfies the commissioners of said city as to the population thereof; provided, however, that in the event the number of such places now licensed within the said city exceeds that which may be permitted under the provisions of this article, such licenses may be continued and renewed so long as the present owners continue to operate the same and fully comply with all of the requirements of the ordinances and charter of said city.

Section 4. Every public cardroom in the city of Bend shall be located upon the ground floor, and the front wall of such room shall be so constructed the entire width thereof that a clear view may be had from the street of every part of the interior of such room by persons passing before the same upon the sidewalk of the public street adjacent to said building. Such front shall be made of transparent glass to within not less than four feet of the level of the sidewalk along the front of such room. There shall be no screens, partitions, or other obstructions in such room, except they be of transparent glass.

Section 5. It shall be unlawful for the proprietor of any billiard, card, or poolroom in the city of Bend, his agent or employee, to permit any form of gambling therein with cards, dice, or any other contrivance whatsoever, or to permit the sale or distribution of any intoxicating liquor therein, or to permit any person under the influence of intoxicating liquor in such room, or to keep or permit to be kept open such billiard, card, or poolroom later than 12 p.m. of every day or to open the same earlier than 7 a.m. of every day.

Section 6. It shall be unlawful for the proprietor of any billiard, card, or poolroom in the city of Bend, his agent or employee, to permit any minor to enter or loiter in or about such room, or to engage in or play any game of billiards, cards, or pool therein whether for an amusement or otherwise unless such minor be accompanied by his guardian.

Section 7. It shall be unlawful for any minor to go into or remain in or about any such billiard, card, or poolroom unless such minor be accompanied by his parent or guardian.

Article VII

Vehicles for Hire

Section 1. It shall be unlawful for the owner, operator, or driver of any jitney, taxicab, or for-hire car operating through or over the streets or alleys of the city of Bend, as a public utility for hire in carrying passengers, to operate any such car without first having obtained a license therefor.

Section 2. No license shall be issued to any person for a period longer than the first day of the succeeding year after such application is made.

Article VIII

Junk and Secondhand Dealers

Section 1. It shall be unlawful for any person to engage in the business of buying or selling old lead, old metal, secondhand sacks, rubber, or any other article usually found in a junk shop or secondhand store, including secondhand furniture of any kind, within the city of Bend without first securing a license therefor, for each place of business so operated.

Section 2. The owner or driver of any cart, delivery wagon, or other vehicle used in the buying or selling of secondhand merchandise shall place the words, "Junk Dealer," together with the number of his vehicle, as shown in his license, upon each side of such vehicle, in a neat and legible manner, with letters and figures not less than 3 inches high, and proportionately wide, and such words and figures shall not be changed or removed while the vehicle is used in such business. The owner or driver of every such vehicle, when not connected with a secondhand store or junk shop within the city of Bend, shall pay the same license as a junk and secondhand dealer.

Section 3. A person carrying on the business of keeping a junk shop or secondhand store, or who uses a vehicle in buying or selling junk or secondhand merchandise of any kind, shall keep a register in which he shall enter, in legible writing, a complete description of all property purchased, whether new or old, the name and residence, including street number, of the person from whom such property was purchased or received, the signature of the seller, a complete description of the seller, the date of purchase, and the amount paid therefor. Such register shall be purchased from the city of Bend and shall be kept in the English language, and a complete description shall be entered in it of each article so purchased, including any number or numbers on articles of personal property. The register shall at all times be subject to examination by any peace officer of the city of Bend. The record in the register shall be made in duplicate, the first copy of which shall be deposited with the chief of police of the city of Bend before 12 o'clock noon of the next legal business day following the purchase. When any article is so purchased the dealer shall retain it for a period of at least 3 days from the date of his purchase, before selling or disposing of the article. When an article as defined herein is purchased from any person under the age of 21 years, the purchaser shall require a written statement from the parent or guardian of the person, in which it shall be stated that the minor is the owner of the property, and in case the minor has purchased the articles of personal property, then the statement from the parents or guardian shall also give the name and resident address of the party from whom the same was purchased, together with the date of the purchase.

Section 4. Any junk or secondhand dealer shall not be required to furnish the description of property which he purchases from manufacturing or wholesale dealers having an established place of business, or of any purchases made in the open market or secured from any person doing business and having an established place of business in the city of Bend. Sale of such goods must be accompanied by a bill of sale, however, or other evidence of legitimate purchase, which must be shown to the chief of police or any other member of the police department of the city of Bend, upon demand being made therefor.

Section 5. No secondhand personal property purchased by junk or secondhand dealer shall be resold without the dealer taking the purchaser's name and address, including his street number.

Section 6. Whenever the chief of police or a member of the police department of the city of Bend notifies a secondhand dealer or junk dealer not to sell any property so received by said junk or secondhand dealer, said property shall not be sold until such time as may be determined by the chief of police, but such time shall not exceed 15 days from the date of the notice to withhold sale of the same, unless the chief of police give a second notice extending said time for an additional period of 15 days.

Section 7. Any peace officer of the city of Bend shall have authority at all reasonable hours to examine the register, as set forth in section 3 hereof, and all articles kept in such shop or store, and any refusal to permit such examination upon the part of the owner or operator shall be deemed a violation of this ordinance.

Section 8. Any person engaged in the business of junk or secondhand dealing, as herein defined, who shall refuse, fail, or neglect to comply with this ordinance shall upon conviction thereof be punished by a fine of not more than $100, or by imprisonment in the city jail for not more than ten days, or by both such fine and imprisonment, and in addition thereto in the discretion of the municipal judge shall forfeit any license he may have to operate such business.

Article IX

Moving Picture Shows

Section 1. It shall be unlawful for any person, firm, or corporation to operate or conduct a moving picture show within the city of Bend without first obtaining a license so to do from the recorder of the city of Bend.

Section 2. The recorder of the city of Bend shall issue to any person applying therefor, a license, upon the payment of the fee hereinafter set forth, to wit:

Moving picture shows, per seat per quarter or fraction thereof $0.02.

No license shall be granted on less than a quarterly basis, except that when first applying the licensee shall pay for the balance of any quarter in which application is made, and license fees once paid shall not be refunded.

Article X

Circuses, Carnivals, and Operatic or Mechanical Shows Under Canvas or in Open Spaces or Areas

Section 1. It shall be unlawful for any person to give or conduct any circus, carnival, or operatic or mechanical show under canvas or in any open space or area within the city limits of the city of Bend where patronage of the public is solicited and an admission fee charged or collected without first having obtained a license so to do.

Section 2. The application for the license herein provided for shall be made in writing to the city manager and the issuance thereof shall be in the discretion of the said city manager with a right of appeal to the city commission in the same manner as herein provided for upon the revocation of all licenses.

Article XI

Bowling Alleys

Section 1. It shall be unlawful for any person or persons or their agents to conduct a bowling alley within the corporate limits of the city of Bend without first obtaining a license so to do; provided, that every place or building where bowls are thrown and open to the general public shall be regarded as a bowling alley.

Article XII

Transfer Vehicles

Section 1. It shall be unlawful for any owner, operator, or driver of any vehicle, which shall be used for the conveyance of garbage, freight, baggage, packages, wares, or merchandise of any kind from place to place within the city of Bend for hire, to operate such vehicle upon the streets or alleys of said city without first having obtained a license so to do; provided, however, that any owner, operator, or driver of handcarts and vehicles used by merchants, dealers, and manufacturers moving their own property and used exclusively for the delivery of their goods, wares, and merchandise to their customers, and public utility vehicles operating under a franchise shall be exempt from the provisions of this article.

Section 2. The term "vehicle" as used in this article shall mean every conveyance or mechanism moving over or upon the streets or alleys of said city and used for carrying packages, goods, or freight for hire, excepting railroads and streetcars moving on rails.

Section 3. That the recorder of the city of Bend be, and he is hereby, required to issue unto the applicant for the license hereinbefore provided for a metal tag, and which metal tag must at all times be displayed upon the vehicle for which said license has been issued and not otherwise.

Article XIII

Milk Licenses

Section 1. It shall be unlawful for any person, firm, or corporation to sell or keep for sale in the city of Bend any milk or cream without first obtaining a license as hereinafter provided and complying with the provisions of this article; provided, however, that those purchasing milk or cream in sealed standard bottles from a licensed milk dealer and selling the same without opening the said bottles, and all operators of fountains, restaurants, or hotels serving milk as a part of the lunches or meals only shall be exempt from the provisions of this article.

Section 2. Any person desiring a license to sell, dispose of, or keep for sale any milk or cream within the city of Bend shall first make application in writing to the city recorder of said city which said application shall set forth with certainty the following:

(1) The name and place of location of the business of applicant; if said applicant is a producer of milk and cream, the location of the dairy which produces the milk or cream; if the applicant is not a producer of milk or cream, then the name of the person or persons from whom he obtains or is about to obtain milk or cream and the location of the dairy herd producing the same.

(2) That the applicant has a certificate from the state dairy and food commissioner showing:

(a) That the cows from which said milk or cream is produced have passed the tuberculine test provided for by the laws of Oregon

(b) That the stables or barn in which said cows are kept are well ventilated, thoroughly cleansed, and kept in good healthful condition, and that such cows when kept therein are allowed at least 500 cubic feet of air space each and are not confined facing each other closer than ten feet.

(c) That the process of milking said cows is done in a clean and orderly manner, and that the milk produced thereby is properly strained and cooled so as to produce a wholesome food.

(d) That if the applicant is using a pasteurizing plant, that such plant has been inspected and found to be in perfect operating condition.

(3) That the applicant will not sell or offer for sale any milk or cream other than that authorized under the certificate of inspection held by such applicant.

(4) That the applicant will cause said dairy, dairy herd, stables, and other equipment to be inspected by like authorities at least once in every six months thereafter and produce to the city recorder a certificate showing the condition of his herd, stable, and equipment as required under section 2, paragraph two of this article, subdivision b.

(5) That the applicant will comply with all laws of the state of Oregon with regard to registration of trade marks and containers.

(6) The number of quarts per day to be marketed by the applicant.

Section 3. Upon the payment of the required fees as hereinafter provided, the recorder shall issue a license setting forth the license number and date of the expiration of said license, and said license number shall be legibly painted in a conspicuous place on the sides of each vehicle used in the sale or distribution of such milk or cream.

Section 4. Every person who shall sell or offer for sale milk or cream in the city of Bend shall place a label on the container of said milk or cream, or, if sold in bottles, upon the caps thereof, stating the name of the dairy, whether or not the milk or cream is pasteurized, and the number of the license of the city of Bend under which such person is operating.

Section 5. No person shall sell, deliver, or expose, or hold for sale in the city of Bend for human food any milk from which the cream or any part thereof has been removed unless the same shall be contained in cans or bottles plainly labeled.

Section 6. If, upon examination by the city health department, any milk or cream be found to contain a bacterial count in excess of 30,000 per cubic centimeter, or if colon bacilli be present in it, or if it be found to be dirty, the license for sale of milk by such person, firm, or corporation shall be suspended until the bacilli count is reduced to the maximum allowable limit and the milk appears free from colon bacilli and evidence of dirt.

Section 7. Any milk sold or delivered to customers in quantities less than one gallon at one time shall be in standard glass bottles labeled and sealed as provided by the laws of the state of Oregon.

Article XIV

Transient Merchants

Section 1. The term "transient merchant," as used herein, shall mean and include every person engaged or participating in a temporary or transient business of selling or exhibiting for sale goods, wares, or merchandise of any name or nature in the city of Bend whether such transient merchant be established with a local dealer or not, unless such temporary business be continued upon the premises regularly occupied by such local dealer, but does not include the class of peddlers, hawkers, or street vendors described in section 1 of article 3 of this ordinance.

Section 2. No person shall engage or participate in the business of transient merchant in the city of Bend without obtaining a license therefor as herein provided.

Section 3. Such license shall be issued by the city recorder and shall have indicated thereon the month and the day or days for which such license is granted.

Section 4. The sale of each article by any transient merchant without a license therefor shall be deemed a separate offense under and a separate violation of this article.

Section 5. Any person charged by complaint filed in the municipal court of being engaged in the business of a transient merchant without first having obtained a license so to do, and who claims to be a permanent merchant may, at the discretion of the court and in lieu of the payment of the fine or other penalty and as a condition of transacting business as a vendor of merchandise without the payment of such license fee, give a surety company bond to the city of Bend in the penal sum of one thousand dollars ($1,000) conditioned to secure the payment of the license fee or fine required in the event that he fails to become a permanent merchant. Provided, that if such person remains in business in the city of Bend continuously for six months, he shall be considered and deemed a permanent merchant instead of a transient merchant.

Article XV

Wood Saws and Wood Dealers

Section 1. A woodyard shall be defined to be a place where firewood is kept for sale, regardless of the amount or quantity stored thereat.

Section 2. A wood dealer as herein defined shall be any person who maintains and operates a woodyard as herein defined.

Section 3. It shall be unlawful for any person, persons, firm, or corporation to operate a wood saw, the motive power of which shall be steam, electricity, gasoline, or other mechanical force on any street, alley, park, or other public place in the city of Bend, or to transport such wood saw on or over any street or alley for the purpose of operating the same within the city of Bend, without having first obtained a license therefor, said license not to be issued for less than one year. No license shall be issued until the applicant shall make a showing, satisfactory to the city manager, that such wood saw is in good mechanical condition and can and will be operated and transported with safety to the general public, and that any such wood saw shall at all times be fully covered with protecting device or devices while being transported over the streets or alleys of the city of Bend, to the satisfaction of the city manager.

Section 4. That any person, firm, or corporation desiring to operate a woodyard within the city of Bend shall make application to the city commission for a license therefor, and such application shall give the exact location of the proposed yard and shall be accompanied by the annual license fee of $15. Such license fee shall be for the fiscal year ending December 31 of the year in which licensed, and all such woodyards shall secure a new license beginning the first of the new year. No license shall be granted for less than one year.

Section 5. Upon said application being filed with the recorder of the city of Bend, the chief of the fire department shall be notified of such application, who shall make an investigation of the proposed location and interview the property owners of the property where the said woodyard is to be located, as well as property owners in the locality of the proposed woodyard, together with any and all persons affected thereby.

Section 6. After such investigation and report, the matter of said application shall be referred to the city commission, and if said application is approved, the applicant shall post and maintain a cash bond of $50 with the city of Bend as a guarantee that the operators of said woodyard shall keep the premises so used in a clean condition and satisfactory to the chief of the fire department, as in his judgment, from a fire hazard or unsightly condition, may be necessary. Said cash bond so deposited with the city of Bend is to be released and paid over to the party depositing the same, without interest, upon full compliance with the provisions of this section, at the expiration of said license and upon the termination of the operation of said woodyard.

Section 7. If the application be rejected by the city commission, the license fee shall be returned to the applicant.

Section 8. No license fee shall be required for the operator of a stationary wood saw permanently located on premises either owned or controlled by the operator, but that any and all wood saws either used on premises as stationary wood saws or otherwise shall not be operated except between the hours of 7 a.m. and 7 p.m. during the six working days of the week, and that no wood shall be sawed on the day commonly known as Sunday.

Section 9. It shall be unlawful to store wood on any street or alley, except in case of unloading, and then for such purpose for no longer period than twenty-four hours, and in no case shall unloading of wood block traffic or ingress and egress to private property.

Section 10. It shall be unlawful for any person, or persons, to deposit sawdust, debris, or other wood product upon any street or alley without cleaning up the same immediately upon leaving the job and in no case shall it be left on the street or alley over night.

Section 11. It shall be unlawful for any person, or persons, to deposit sawdust, debris, or other wood product upon private property and permit the same to remain thereon for a period of five days or longer.

Section 12. That all wood dealers operating within the city of Bend at the time this ordinance goes into effect shall immediately cause their premises to comply with this ordinance within a period of ten days from the date of its passage.

Section 13. All other persons, firms, or corporations who sell or deliver wood in the city of Bend, save and except a regular farmer whose principal business is farming and who cuts wood for sale and sells the same within the city of Bend off his own farm where he resides or does his farming, shall pay a license fee of $7.50 per year or any fractional year so operating.

Article XVI

Ice Cream

Section 1. It shall be unlawful for any person to sell ice cream or confections from a vehicle upon a public street or alley in the city of Bend without first procuring a license from the city recorder.

Section 2. Any person who violates section 1 of this article shall be punished as provided in article XX of this ordinance.

Article XVII

Application for Licenses

Section 1. All applications for licenses, unless otherwise provided in this ordinance, shall be made in writing to the city manager.

Section 2. Licenses for astrologers, auctioneers, circuses, carnivals, operatic or mechanical shows, hawkers, peddlers, and street vendors shall be issued daily. Licenses for billiard or poolrooms, bowling alleys, secondhand dealers, junk dealers, and food establishments shall be issued quarterly. Licenses for hotels, rooming houses, lodging houses, milk vendors, vehicles for hire or transfer vehicles shall be issued yearly. All quarterly licenses shall expire March 31, June 30, September 30, and December 31 of each year, and all yearly licenses shall expire on December 31.

Section 3. All licenses shall be posted or kept in such a place that such licenses may be immediately produced so that any peace officer of the city of Bend may enter, at any reasonable time, any place for which a license is required for the purpose of examing the license or for the inspection of the premises.

Section 4. No licenses issued under this ordinance shall be assignable or transferable unless the commission of the city of Bend by resolution shall approve such assignment and transfer.

Section 5. Any provisions providing licenses for persons engaged in any form of interstate commerce shall be construed to apply to the business done within the state of Oregon, and done to or from the city of Bend, and shall not apply to any business done to or from points outside of the state of Oregon or business done by or for the government of the United States.

Section 6. Any error in classification or return made by any officers or employee of the city of Bend shall not proclude the city from collecting the full amount of the license fee due under this ordinance.

Section 7. All licenses shall be subject to any regulations now or hereafter imposed by the city and shall at all times be subject to revocation by the city commission.

Section 8. Any person who advertises or otherwise holds himself out to the public as engaged in any business, profession, trade, or calling for which a license is required shall be presumed as holding himself out to the public as so engaged and shall be liable for the license fee as herein provided.

Section 9. Any person in whose name any hawker, peddler, junk wagon, or secondhand dealer's license is issued shall be deemed responsible for all action of the person in charge of the vehicle or business.

Article XVIII

Revocation of Licenses

Section 1. All licenses shall be subject to the regulations now or hereafter imposed by the city, and nothing in this ordinance shall be construed to create the vested right in any person to a license in the first instance or to the assignment, renewal, reissuance, or continuance of any license, and the right shall be and remain at all times vested in the commission; and the commission may refuse to grant any license or may revoke and cancel any license procured by any misrepresentation or for a violation of any of the provisions of this or any other ordinance of the city of Bend, or any state or federal statute, or for any conduct or act of the licensee or employee when permitted by him, or when committed on the premises where such business is conducted, or in connection therewith, tending to render such business, or the premises where the same is conducted, a public menace, or a menace to the health, business, or general welfare of said city, or whenever in the judgment of the commission the public interest demands they refuse to grant a requested license or may revoke any such license already issued.

Section 2. Whenever the commission desires to investigate or revoke any license, it shall notify or cause to be notified in writing the licensee of the time and place of the hearing or investigation, such notice to be served not less than twenty-four hours before such hearing or investigation. Such hearing or investigation shall be informal and nothing shall prevent the commission from considering any evidence developed during such hearing or investigation touching upon or concerning the fitness of the licensee to retain such license. If, on such hearing or investigation, the commission shall find that cause exists for the revocation of such license, the same shall be revoked by a majority vote of the commission or the motion entered in the minutes.

Section 3. Whenever the commission revokes the license of any person, firm, or corporation holding a license under this ordinance or any of its provisions or for any other reason, it may at the same time also revoke any other license or licenses which such person, firm, or corporation may have for the carrying on of any other business required to be licensed under the law of the city of Bend, and the revocation of any license granted under any of the provisions of this ordinance shall be deemed sufficient cause for the revocation of such other license or licenses as herein provided. Whenever a license to continue any business has been revoked by the commission, no further license shall be granted or reissued to the same person for the same or a different business without the approval of all members of such commission; provided, however, that such approval shall not be made until the applicant has filed with the city recorder of said city a surety company bond in the penal sum of one thousand dollars ($1,000), or deposit a like sum in cash with the city recorder of said city, which bond or cash shall be forfeited to the city in the event that such person is thereafter convicted of a violation of the federal, state, or city laws or ordinances, for which such license might be revoked; and the bond for the term of which the license is granted shall not be suspended or cancelled during the life of such reissued license or a renewal thereof.

Article XIX

Section 1. The fees for all licenses as provided by this ordinance shall be as follows:

Astrologers, etc., per day	$100.00
Auctioneers, general, per day	5.00
Auctioneers, special, per day	25.00
Billiard, card, or poolrooms, per quarter or fraction thereof	10.00
Billiard, card, or poolrooms, for each table over one, per quarter	2.50
Bowling alleys, for each alley, per quarter or fraction thereof	2.50
Carnivals, per day	100.00
Circus, each performance	100.00
Food establishments, per quarter or fraction thereof	1.50
Garbage trucks, per quarter or fraction thereof	7.50
Hawkers, class 1, per day or fraction thereof	4.00
Hawkers, class 2, per day or fraction thereof	3.00
Hotels, lodging houses, or rooming houses, per year or fraction thereof:	
Hotels with meals	15.00
Hotels without meals	10.00
Lodging and rooms	5.00
Ice-cream wagons, per week	10.00
Junk dealers, per quarter or fraction thereof	5.00
Lodging houses, see Hotels	
Milk dealers, per year:	
Distributing less than 25 quarts per day	1.00
From 25 to 50 quarts per day	3.00
From 50 to 100 quarts per day	5.00
From 100 to 300 quarts per day	8.00
From 300 to 500 quarts per day	12.00
From 500 to 700 quarts per day	25.00
From 700 to 900 quarts per day	37.50
From 900 quarts, upwards, per day	50.00
Moving picture shows, per seat per quarter or fraction thereof	.02

Operatic and dramatic shows, per day	$ 20.00
Peddlers, per day or fraction thereof:	
Class 1	3.00
Class 2	5.00
Class 3	7.50
Class 4	10.00
Class 5	15.00
Rooming houses, see Hotels	
Secondhand dealers, per quarter or fraction thereof	2.50
Taxi with street stand	25.00
Taxi without street stand	15.00
Transient merchants, per month or fraction thereof	200.00
Transfer vehicles, per year or fraction thereof	15.00
Vehicles for hire, per year or fraction thereof	10.00
Wood saws, per annum	25.00

Article XX

Penalty

Section 1. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding $300, or by imprisonment in the city jail for a period not exceeding ninety days or by both such fine and imprisonment.

Read for first time November 20, 1940.

Read for second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of December, 1940.

F. S. Simpson

F. S. Simpson
Mayor

Attest:

George Simerville

George Simerville
Recorder

8-105
~~8-106~~

ORDINANCE NO. NS289

AN ORDINANCE REGULATING AND LICENSING NOVELTY MACHINES AND OTHER DEVICES AND GAMES OPERATED AS AMUSEMENT GAMES ONLY, AND PROVIDING A PENALTY FOR THE VIOLATION HEREOF.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. DEFINITION OF THE TERM "PERSON." The word person wherever used in this ordinance shall mean and apply to persons, firms, individuals, or corporations.

Section 2. DEFINITION OF THE TERM "NOVELTY MACHINE." By a novelty machine shall be meant any device, machine, or mechanism operated for pleasure or amusement only, where a coin or slug is inserted or deposited for the purpose of permitting the depositor to so play or operate the same under conditions such as do not constitute gambling or a lottery.

Section 3. DEFINITION OF THE TERM "OTHER DEVICES AND GAMES." By any other devices and games is meant and herein described to be any other device not covered by section 2, and which the city commission may authorize to be operated by issuing a license therefor upon application and under conditions hereinafter enumerated, the same to be operated under conditions such as do not constitute gambling or a lottery.

Section 4. Any of the devices, games, or machines described in section 2 hereof shall pay a license fee of $10 per month, payable monthly in advance, on the first day of each and every month, and any license fee so paid shall not be refunded.

Any licensee of a device or apparatus described in section 3 hereof shall pay a license fee of $20 per month, payable on the first day of each and every month, and any license fee so paid shall not be refunded.

Section 5. Licenses provided for herein shall be obtained by the person desiring to obtain such a license to operate or maintain such device, game, or apparatus by making application therefor to the recorder of the city of Bend, describing the machine, apparatus, or device to be licensed, and stating where the same is to be so operated or maintained, which application shall be accompanied with the license fee hereinbefore provided for. Said application shall be investigated by the city commission and, if approved, the recorder of the city of Bend shall issue a license therefor. If the said application is disapproved by the city commission, the license fee accompanying said application shall be returned to the applicant.

Section 6. It shall be unlawful to operate any of the games, devices, or apparatus hereinbefore described unless a license has been issued therefor.

Section 7. Upon the approval of such application as hereinbefore provided for, the recorder of the city of Bend shall issue to such applicant a sticker license, which shall be securely pasted by the applicant on each such machine during the period for which the same is licensed and such license so issued shall not be transferred from one machine to another and it shall be unlawful for any person to display any such machine in his place of business upon which any such license is not attached as herein provided for and it shall be the duty of the chief of police to seize any such machine upon which no license is attached and such machine shall be subject to confiscation by the city of Bend.

Section 8. It shall be unlawful for any person to suffer, allow, or permit any individual under the age of twenty-one years to operate, play, or manipulate any game, machine, or device provided for herein.

Section 9. All machines involving an element of chance or which violate the gambling or lottery laws of the state of Oregon are hereby prohibited.

Section 10. Any person violating any of the provisions of this ordinance shall, upon conviction thereof in the municipal court of the city of Bend, be punished by a fine not exceeding $200 or by imprisonment in the city jail for a period not to exceed 100 days, or by both such fine and imprisonment; and, further, any game, machine, or device as herein described, which shall be operated or displayed for operation without a license or where such licensee shall violate any of the provisions of this ordinance, shall in the discretion of the municipal judge be ordered confiscated in addition to the penalties hereinbefore imposed.

Read for the first time November 20, 1940.

Read for the second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of December, 1940.

F. S. Simpson
Mayor

Attest:

George Simerville
Recorder

240

ORDINANCE NO. NS 290

AN ORDINANCE PROVIDING FOR FIRE ESCAPES WITHIN THE CITY OF BEND AND PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. All buildings, except private residences, already erected or that may hereafter be erected, of two or more stories in height shall be provided with good and sufficient fire escapes which shall have a safe landing at each entrance to escape.

Section 2. Notice in writing shall be served by the chief of the fire department upon the owner or owners of such building or buildings, by leaving at their place of business or residence a notice specifying the number, kind, location, and construction of the fire escape required under this ordinance and directing that the work shall be done not later than sixty days from the filing of the notice.

Section 3. The owner or owners of any building or buildings upon which a fire escape is erected shall keep the same in good repair.

Section 4. Any owner, owners, agent, or lessee of any building violating any of the provisions of the above ordinance or failing to comply with the terms thereof, upon conviction thereof, shall be fined not not more than $25 for each and every day the building may be unfurnished with such fire escapes after the expiration of the required notice.

Read for first time November 20, 19 40.

Read for second time December 4, , 19 40.

Put upon its passage December 4, , 19 40.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of Dec., 19 40.

V. S. Simpson
Mayor

Attest:

George Somerville
Recorder

8-106

291

ORDINANCE NO. NS 291

AN ORDINANCE CLASSIFYING SHOOTING GALLERIES AND PROVIDING FOR THEIR REGULATION, OPERATION, AND LICENSING; AND PROVIDING A PENALTY FOR THE VIOLATION HEREOF.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. CLASSIFICATION OF SHOOTING GALLERIES. Shooting galleries shall be divided into two classes, as follows:

Class A A class A shooting gallery is a shooting gallery where the manner of operation consists of shooting at a target and where a prize or money jack pot may be obtained, depending upon the skill and accuracy of the person doing the shooting. Such a shooting gallery is one consisting of a metal contraption tank or box, wherein is located a target consisting of a paper on which figures or letters are set out as the particular target to be shot at, the said tank or box usually being ten or twelve feet long, wholly incased in metal. Such metal construction of the tank or box shall be of at least 16 guage steel. All shots fired shall be fired in the tank or box and the point or end of said tank or box at which the bullets are shot or are permitted to strike shall be sufficiently protected so that bullets so fired can not pass through the tank or box.

The manner of operating a class A shooting gallery is to be as follows: The operator or operators thereof shall place a sum of money in a fund which shall hereafter be referred to as the jack pot. The said jack pot shall be increased by 20 per cent of the moneys expended by the person doing the shooting and when the accuracy of the person doing the shooting is such that within a given number of shots he shall have qualified for the jack pot, the jack pot shall be turned over to him and a new jack pot started. The amount of the jack pot shall always be exhibited and visible to the person doing the shooting, so that he knows the amount of the same. The jack pot may be raised by the owner or operator of the shooting gallery but can not be depleted by him as long as it is $100 or less; it being within the discretion of the operator to cease adding to or increasing said jack pot after the same has reached $100. The cards used in a class A shooting gallery shall be purchased from the city of Bend and no other cards shall be used in the machine other than those so obtained, and cards once so purchased from the city of Bend shall not be transferable by the party purchasing the same and no refund thereon shall be made by the city of Bend in case the cards are not used by the party or parties purchasing them. The cards shall be numbered consecutively as the recorder of the city of Bend may designate, and each card shall be identified by the city recorder. The cards furnished by the city of Bend shall be purchased from the city at a cost of 10 per cent of the gross shooting value thereof, which sum shall be paid to the recorder of the city of Bend at the time the cards are delivered to the operator, and such cards shall be used beginning with the smallest number and continue thereafter consecutively.

Class B A class B shooting gallery shall be any other place or building where guns or pistols are kept for shooting at targets, whether for hire or not, and where there is no jack pot.

Section 2. No person shall discharge any firearm in any shooting gallery within the city of Bend where the noise resulting therefrom can be heard further than a distance of 300 feet from such shooting gallery. All shooting galleries must be securely enclosed in such manner that persons outside thereof shall not be endangered in any way by the discharge of firearms therein.

Section 3. LICENSE FEES. The license fees for a class A shooting gallery shall be 10 per cent of the gross receipts obtained by the operators thereof, payable in advance by and through the purchase of the cards described in section 1 hereof.

The license fees for a class B shooting gallery shall be $15 per quarter or fraction thereof, payable in advance, and no refund will be made for any unused portion of a license once paid.

Section 4. It shall be unlawful for any person, firm, or corporation to use any unfair or questionable methods in operating a shooting gallery, or conduct a shooting gallery as hereinbefore defined within the city limits of the city of Bend without first securing a license therefor from the recorder of the city of Bend so to do.

Section 5. PENALTY. Any person violating any of the provisions of this ordinance shall upon conviction thereof be punished by a fine not to exceed $300 or by imprisonment in the city jail for not more than ninety days, or by both such fine and imprisonment, in the discretion of the municipal judge, and in addition thereto the operator's license may be revoked, either temporarily or permanently.

Read for first time November 20, 1940.

Read for second time December 4, 1940.

Put upon its passage December 4, 1940.

Yeas: 3

Nays: 0

Submitted to and approved by the mayor this 4th day of Dec., 1940.

W. S. Simpson
Mayor

Attest:

George Dimerville
Recorder

ORDINANCE NO. 292

AN ORDINANCE REPEALING ORDINANCES NO. NS97, NS98, NS100, NS106, NS108, NS109, NS116, NS118, NS123, NS126, NS129, NS131, NS132, NS133, NS134, NS135, NS138, NS140, NS143, NS147, NS153, NS154, NS161, NS164, NS169, NS170, NS172, NS173, NS178, NS179, NS180, NS181, NS182, NS186, NS187, NS188, NS199, NS200, NS201, NS211, NS213, NS225, NS226, NS228, NS232, NS235, NS236, NS240, NS241, NS242, NS243, NS244, NS245, NS246, NS248, NS249, NS250, NS255, NS259, NS260, AND NS263.

Whereas, in the course of codifying the ordinances of the city of Bend a number of ordinances have been found obsolete or invalid; and

Whereas, the provisions of some ordinances have been consolidated; and

Whereas, some ordinances are missing;

Now, therefore,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance no. NS97, requiring removal of garbage and rubbish, passed February 8, 1916, and ratified September 21, 1932, is hereby repealed.

Section 2. Ordinance no. NS98, regulating sale of alcohol, passed October 27, 1916, and ratified September 21, 1932, is hereby repealed.

Section 3. Ordinance no. NS100, relating to nuisances, passed March 18, 1919, and ratified September 21, 1932, is hereby repealed.

Section 4. Ordinance no. NS106, regulating the storage and handling of gasoline, passed May 20, 1919, and ratified September 21, 1932, is hereby repealed.

Section 5. Ordinance no. NS108, regulating storage of explosives, passed May 20, 1919, and ratified September 21, 1932, is hereby repealed.

Section 6. Ordinance no. NS109, providing for fire escapes, passed May 20, 1919, and ratified September 21, 1932, is hereby repealed.

Section 7. Ordinance no. NS116, pertaining to plumbers' licenses, passed July 6, 1925, and ratified September 21, 1932, is hereby repealed.

Section 8. Ordinance no. NS118, relating to disorderly conduct, passed January 6, 1920, and ratified September 21, 1932, is hereby repealed.

Section 9. Ordinance no. NS123, providing a women's protective division, passed February 4, 1921, and ratified September 21, 1932, is hereby repealed.

Section 10. Ordinance no. NS126, regulating gas and oil pumps, passed August 18, 1922, and ratified September 21, 1932, is hereby repealed.

Section 11. Ordinance no. NS129, regulating sale of newspapers, approved September 13, 1923, and ratified September 21, 1932, is hereby repealed.

Section 12. Ordinance no. NS131, regulating traffic during fires, approved August 15, 1924, and ratified September 21, 1932, is hereby repealed.

Section 13. Ordinance no. NS132, regulating hauling of passengers, passed March 11, 1927, and ratified September 21, 1932, is hereby repealed.

Section 14. Ordinance no. NS133, providing health regulations, passed September 16, 1927, and ratified September 21, 1932, is hereby repealed.

Section 15. Ordinance no. NS134, providing traffic regulations, passed January 20, 1928, and ratified September 21, 1932, is hereby repealed.

Section 16. Ordinance no. NS135, providing for protection of public health, passed January 6, 1920, and ratified September 21, 1932, is hereby repealed.

Section 17. Ordinance no. NS138, regulating plumbing, drainage, and sewerage, ratified September 21, 1932, is hereby repealed.

Section 18. Ordinance no. NS140, providing for the licensing of occupations, is hereby repealed.

Section 19. Ordinance no. NS143, providing for the licensing of certain occupations, passed September 21, 1932, is hereby repealed.

Section 20. Ordinance no. NS147, providing for business licenses, passed September 21, 1932, is hereby repealed.

Section 21. Ordinance no. NS153, providing for business licenses, passed May 7, 1930, is hereby repealed.

Section 22. Ordinance no. NS154, prohibiting boats on Deschutes River, passed May 7, 1930, is hereby repealed.

Section 23. Ordinance no. NS161, providing for business licenses, passed February 18, 1931, is hereby repealed.

Section 24. Ordinance no. NS164, providing for business licenses, passed May 11, 1931, is hereby repealed.

Section 25. Ordinance no. NS169, providing for business licenses, passed July 1, 1931, is hereby repealed.

Section 26. Ordinance no. NS170, which is missing, is hereby repealed.

Section 27. Ordinance no. NS172, providing for business licenses, passed December 2, 1931, is hereby repealed.

Section 28. Ordinance no. NS173, relating to dog control, passed February 3, 1932, is hereby repealed.

Section 29. Ordinance no. NS178, providing traffic regulations, passed June 1, 1932, is hereby repealed.

Section 30. Ordinance no. NS179, concerning auction sales, passed June 1, 1932, is hereby repealed.

Section 31. Ordinance no. NS180, providing for business licenses, passed June 1, 1932, is hereby repealed.

Section 32. Ordinance no. NS181, regulating the storage of inflammables, passed August 3, 1932, is hereby repealed.

Section 33. Ordinance no. NS182, regulating conduct along Deschutes River, passed August 24, 1932, is hereby repealed.

Section 34. Ordinance no. NS186, providing for business licenses, passed April 19, 1933, is hereby repealed.

Section 35. Ordinance no. NS187, regulating explosives, passed May 17, 1933, is hereby repealed.

Section 36. Ordinance no. NS188, pertaining to plumbers' licenses, passed June 7, 1933, is hereby repealed.

Section 37. Ordinance no. NS199, pertaining to plumbers' licenses, passed April 1, 1934, is hereby repealed.

Section 38. Ordinance no. NS200, which is missing, is hereby repealed.

Section 39. Ordinance no. NS201, which is missing, is hereby repealed.

Section 40. Ordinance no. NS211, providing traffic regulations, passed May 15, 1936, is hereby repealed.

Section 41. Ordinance no. NS213, providing for business licenses, passed June 5, 1935, is hereby repealed.

Section 42. Ordinance no. NS225, providing traffic regulations, passed May 6, 1936, is hereby repealed.

Section 43. Ordinance no. NS226, providing traffic regulations, passed July 1, 1936, is hereby repealed.

Section 44. Ordinance no. NS228, providing health regulations, passed September 2, 1936, is hereby repealed.

Section 45. Ordinance no. NS232, providing for business licenses, passed April 7, 1937, is hereby repealed.

Section 46. Ordinance no. NS235, regulating bicycles, passed September 1, 1937, is hereby repealed.

Section 47. Ordinance no. NS236, providing for business licenses, passed September 1, 1937, is hereby repealed.

Section 48. Ordinance no. NS240, licensing and regulating shooting galleries, passed December 15, 1937, is hereby repealed.

Section 49. Ordinance no. NS241, regulating awnings, passed December 29, 1937, is hereby repealed.

Section 50. Ordinance no. NS242, providing fire and building regulations, passed December 29, 1937, is hereby repealed.

Section 51. Ordinance no. NS243, providing for business licenses, passed December 29, 1937, is hereby repealed.

Section 52. Ordinance no. NS244, providing for business licenses, passed December 29, 1937, is hereby repealed.

Section 53. Ordinance no. NS245, relating to dog control, passed January 19, 1938, is hereby repealed.

Section 54. Ordinance no. NS246, providing traffic regulations, passed January 19, 1938, is hereby repealed.

Section 55. Ordinance no. NS248, regulating games, passed February 16, 1938, is hereby repealed.

Section 56. Ordinance no. NS249, relating to obstructions in streets, passed April 6, 1938, is hereby repealed.

Section 57. Ordinance no. NS250, providing for business licenses, passed April 20, 1938, is hereby repealed.

Section 58. Ordinance no. NS255, providing for business licenses, passed August 16, 1939, is hereby repealed.

Section 59. Ordinance no. NS259, on building regulations, passed February 21, 1940, is hereby repealed.

Section 60. Ordinance no. NS260, an electric code, passed April 3, 1940, is hereby repealed.

Section 61. Ordinance no. NS263, amending ordinance no. NS248, passed July 8, 1940, is hereby repealed.

Section 62. No repeal of an ordinance by this ordinance shall be deemed to revive any ordinance repealed previously to the enactment of this ordinance.

Read for first time November 20, 19 40

Read for second time December 4, , 19 40.

YEAS 3

NAYS 0

Put upon its passage December 4, , 19 40.

Submitted to and approved by the mayor this 4th day of Dec., 19 40.

W. S. Simpson
Mayor

Attest:

George Simerville
Recorder

NS-297

293

ORDINANCE NO. N.S. 293

An Ordinance providing for the exclusive parking at the entrance of each residence upon application of the owner or occupant.

WHEREAS, an abuse has arisen in the City of Bend in that the occupants of many residence properties are excluded from entrance and exit from their own property by reason of automobiles being parked solidly around their properties making it impossible for them to park their cars at the residence entrance, and

WHEREAS, it appears that the said owners and occupants should have the privilege of ingress and egress to their said residences, now, therefore

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Any Owner, lessee or occupant of residential property used as such in the City of Bend may make application to the Recorder of the City of Bend for an exclusive parking space in front of the sidewalk entrance to their residence (other than the driveway) accompanying said application with a deposit of a two dollar fee and such other information as may be required by the City of Bend for convenience of its records.

SECTION 2. Upon receipt of such application and payment of the fee, the City of Bend shall forthwith cause to be painted a yellow parking space of convenient width and size in the street opposite the sidewalk entrance to the residence, which parking space may be marked with any convenient legend, such as "Reserved" or "No Parking", and such parking space shall thenceforth, during the calendar year, be deemed the exclusive parking space servicing said residence.

SECTION 3. The reserved parking space may be renewed from year to year by the payment of $2.00 for each year's reservation at the office of the Recorder of the City of Bend, together with any further application or information required by the City of Bend.

SECTION 4. It shall be unlawful within the City of Bend for any owner or driver of an automobile to park the same within such reserve residential parking space without the consent of the owner or lessee of the property to which the said space is reserved.

SECTION 5. Police Officers, as far as is reasonably possible, shall themselves enforce this Ordinance and any occupant of a residence may file a complaint against the owner or operator of the offending automobile.

SECTION 6. Any person, firm or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof before the Municipal Judge, be subject to a fine of not less than $1.00 nor more than $25.00, and in default of payment thereof may be imprisoned in the City Jail for one day or fraction thereof for each $2.00 of the fine unpaid.

SECTION 7. Complaints are being made by residents of the City of Bend that they are wholly excluded by reason of persons parking

solidly in front of them and that the situation is such that it constitutes a menace and element of danger in the use of automobiles within the said City of Bend, therefore an emergency is hereby declared to exist and that this Ordinance is necessary for the immediate preservation and safety of the City of Bend, and this Ordinance shall become effective immediately upon its passage by the City Commission and its approval by the Mayor.

Read for the first time: February 5, 1941
Read for the second time: February 24, 1941
Put upon its passage: February 24, 1941.

Yeas - 3
Nays - 0

Submitted and approved by the Mayor this 24th day of February, 1941.

W. S. Simpson
Mayor

ATTEST:

George Dinerville
Recorder of the City of Bend

ORDINANCE NO. N.S. 294

An Ordinance designating Greenwood Avenue in the City of Bend as a through street or highway, and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That Greenwood Avenue in the City of Bend is hereby designated as a through street or highway.

SECTION 2. It shall be unlawful for a driver of any vehicle to enter upon or cross Greenwood Avenue without first bringing said vehicle to a stop at the place where such cross street meets Greenwood Avenue.

SECTION 3. Any person violating the provisions of this Ordinance shall, on conviction thereof, be punished by fine not more than $50.00 or by imprisonment in the city jail not more than 10 days, or by both such fine and imprisonment.

SECTION 4. It is hereby declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the peace, health and safety of the City of Bend and an emergency is hereby declared to exist and this Ordinance shall take effect from and after its passage by the City Commissioners of the City of Bend and approvale by the Mayor.

Read for the first time: February 5, 1941
Read for the second time: February 24, 1941
Put upon its passage: February 24, 1941

Yeas: 3
Nays: 0

Submitted to and approved by the Mayor this 24th day of February, 1941.

C. S. Simpson
Mayor

ATTEST:

George Sinnerville
Recorder of the City of Bend

ORDINANCE NO. N.S. 295

An Ordinance granting unto the Brooks-Scanlon Lumber Company, Inc., a corporation, the temporary right and privilege of constructing and maintaining a railroad across Shevlin Park.

WHEREAS, the Brooks-Scanlon Lumber Company, Inc., a corporation, is engaged in building a railroad west and northwest of the City of Bend for the purpose of connecting the mill operations with logging and timber tracts, and

WHEREAS, the said railroad is now surveyed, staked out and fully located, and

WHEREAS, according to the said survey the said railroad will pass over what is known as Shevlin Park, being the property of the City of Bend, and

WHEREAS, the said Brooks-Scanlon Lumber Company, Inc., a corporation, expect to use said railroad only temporarily and has agreed to remove any piling, trestle work or other construction work by reason of the building of the said railroad across said park when the said railroad is no longer needed or used, and

WHEREAS, since the said survey calls for said railroad track to cross over said park at a point such as will leave a portion of said park on either side of the said railroad and trestle, and

WHEREAS, after investigation no inconvenience in the use of said park would be occasioned if a proper and sufficient underpass will be arranged for vehicular and other traffic, and

WHEREAS, the said Brooks-Scanlon Lumber Company, Inc., a corporation, has agreed to save the city harmless from and on account of any damage or injury that may result by reason of any accident that may happen on said railroad track or trestle or by reason of the said railroad track or trestle being located across said park where occupants of the said park may be using the same or for any other reason where personal injury or property damage may result by reason of said construction, now, therefore, in consideration of the premises,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the City of Bend does hereby give and grant unto the Brooks-Scanlon Lumber Company, Inc., a corporation, full right and privilege of constructing, operating and temporarily maintaining their railroad over and across Shevlin Park, and that this right and privilege shall continue to exist and be in full force and effect as long as the said company shall desire to operate its railroad now in the process of construction, without charge, not exceeding a period of ten (10) years.

SECTION 2. The foregoing right and privilege is granted on the condition that the said Brooks-Scanlon Lumber Company, a corporation, shall, when the said railroad is no longer used, remove any piling, trestles or other construction made necessary

for the building of said railroad over and across said park, and on the further condition that during all times the said railroad and/or trestle is maintained across said park, it shall maintain the same in a manner such as shall not cause any damage or inconvenience in said park, and further that it shall construct and maintain a suitable passageway under the said trestle for vehicular and other traffic.

SECTION 3. This franchise is further granted on the further condition and on the understanding that the said Brooks-Scanlon Lumber Company, Inc., a corporation, shall at all times operate and maintain said railroad and trestle in a safe manner and at all times save the City of Bend harmless and defendant any action brought against it for and on account of any injury or damage suffered by any person through the operation or maintenance of said railroad and trestle in said park.

SECTION 4. That the construction and maintenance of said railroad and trestle will operate as a full and complete acceptance of this franchise and the conditions under which the same is granted.

Read for the first time: February 5th, 1941
Read for the second time: February 24th, 1941
Put upon its passage: February 24th, 1941

Yeas: 3
Nays: 0

Submitted to and approved by the Mayor this 24th day of February, 1941.

K. S. Simpson
Mayor

ATTEST:

George Dinerville
Recorder of the City of Bend

ORDINANCE N. S. Number 296

AN ORDINANCE PROVIDING FOR THE SECURING AND FILING; WITH THE CITY RECORDER, OF PETITIONS SIGNED BY NOT LESS THAN SIXTY PER CENTUM OF THE PROPERTY OWNERS WITHIN A RADIUS OF FIVE HUNDRED FEET FROM ANY PROPOSED GASOLINE SERVICE STATION BEFORE THE ISSUANCE OF THE BUILDING PERMIT, AS PROVIDED BY ORDINANCE N. S. NUMBER 281 AND PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:-

Sec. 1 Before the City Recorder of the City of Bend shall issue any building permit for the erection, construction and/or establishment of any building or buildings to be used as a gasoline service station, the applicant for such permit shall procure and file with the Recorder a petition, of property owners within a radius of five hundred feet from the center of the property on which such proposed station is to be erected, constructed and/or established, requesting the Commission of the City of Bend to allow such permit to be issued by the said Recorder: Provided, however, that the following described property within said City shall be exempt from complying with the provisions of this Ordinance, to-wit:- All real property now used for and occupied by such a service station, and all property within, abutting upon or contiguous to the following boundary line:- Beginning at a point caused by the intersection of the northerly side of Vermont Place with the westerly side of Wall street: thence southerly to the southerly side of Franklin avenue; thence easterly to the easterly side of the alley between Bond Street and Lava Raod; thence northerly to the southerly side of Irving Avenue; thence easterly to the westerly side of Harriman street; thence northerly to the southerly side of Greenwood Avenue; thence easterly to the westerly side of Division Street; thence northerly to the northerly side of Greenwood avenue; thence westerly to the easterly side of Bond Street; thence northerly to the southerly side of Vermont Place; thence westerly to the point of beginning.

Sec. 2 If such petition does not contain sixty per centum of the names of such owners of real property no permit for such erection, construction or establishment of such service station shall be issued.

Sec. 3 If such petition contains less than eighty per centum of the names of such owners of real property within such radius, the granting or refusing of the issuance of such permit shall be within the discretion of the Commission of the City of Bend, and shall not be granted if it appears unto the Commission that the granting of the said permit would be detrimental to public health, safety or the welfare and growth of the City of Bend.

Sec. 4 Any person, firm, partnership or corporation erecting, constructing or establishing such service station without first procuring and filing the petition as herein provided shall, upon conviction thereof in the Municipal court, be punished by a fine of not more than Five hundred dollars, or by imprisonment in the City jail for a period of not more than sixty days, or by both such fine and imprisonment; provided further, that any building erected, constructed or established in violation of this ordinance shall be deemed a public nuisance and the same shall be abated.

First Reading June 18, 1941.
Second Reading July 2, 1941

YEAS 3

NAYS 0

Approved this 2nd day of July, 1941

C. S. Simpson
Mayor

ATTEST:

George Sinnerville
Recorder

N.S. 296

ORDINANCE N. S. 297

An Ordinance providing for the improvement of Newport Avenue from the west line of Lot 4, in Block 2 of Kenwood (being the west end of the present pavement) to the west city limits of the City of Bend, and Awbrey Road from Newport Avenue to Portland Avenue; Federal Street from Galveston Street to Cumberland; West 6th Street from Newport Avenue to Drake Road; Louisiana Avenue from Wall Street to Bond Street, Hill Street from Irving Avenue to Franklin Avenue; State Street from Kansas Avenue to Tumalo Avenue; State Street from Tumalo Avenue to Congress Street; Idaho Street from Congress Street to Riverside Boulevard; and Kansas Avenue from Congress Street to Riverside Boulevard, with what is known as "Oil Mat Surfacing" and declaring an emergency.

WHEREAS, The City of Bend, is now the owner of various street improvement equipment, and by reason thereof is in a position to improve some of the streets of the City of Bend, with "Oil Mat Surfacing" and other improvement methods, and

WHEREAS, under and by virtue of authority conferred upon the City Commission by Section 2 of Chapter 8 of the Charter of the City of Bend, the City Commission to delegate the authority and power to an officer of the City of Bend, to improve streets, walks and the streets hereinbefore named needing and requiring improvement, and

WHEREAS, It is proposed to improve said streets with what is known and designated as "Oil Mat Surfacing", now therefore,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That C. G. Reiter, City Engineer, be and he hereby is authorized and empowered to establish the grade of, and to improve Newport Avenue from the west line of Lot 4, in Block 2, of Kenwood (being the west end of the present pavement) to the west city limits of the City of Bend, and Awbrey Road from Newport Avenue to Portland Avenue; Federal Street from Galveston Street to Cumberland; West 6th Street from Newport Avenue to Drake Road; Louisiana Avenue from Wall Street to Bond Street; Hill Street from Irving Avenue to Franklin Avenue; State Street from Kansas Avenue to Tumalo Avenue; State Street From Tumalo Avenue to Congress Street; State Street from Congress to Riverside Boulevard; and Kansas Avenue from Congress Street to Riverside Boulevard, with "Oil Mat Surfacing."

SECTION 2. That the said officer be and he hereby is, required to proceed with the said improvement in accordance with Section 2 of Chapter 8 of the City of Bend, and to make the expense of such improvement a lien upon the property, liable therefore in the manner prescribed by the City Charter for apportionment thereof, as contained in Section 4 of said Chapter 8.

SECTION 3. That the City Engineer be and he hereby is instructed and directed to prepare plans, specifications and estimates of the cost of said improvements in separate projects and submit the same to the Commission for further consideration.

SECTION 4. That the streets herein named are in such a condition that the general public is demanding repairs thereof, and arein such condition, that the condition of said streets are a menace to the welfare of the residents of the City of Bend, therefore an emergency is hereby declared to exist and that this ordinance is necessary for the immediate preservation, safety and health of the City of Bend, and this ordinance shall therefore become effective immediately upon its passage by the City Commission, and its approval by the Mayor.

Read for the first time: May 21, 1941.
Read for the second time: July 16, 1941.
Put upon its passage: July 16, 1941.

Yeas - 3
Nays - 0

Submitted to and approved by the Mayor this 16th day of July, 1941.

F. S. Simpson
Mayor.

ATTEST:

George Sinnerville
Recorder of the City of Bend.

N.S 297

8-107

ORDINANCE NO. N.S. 298

An Ordinance licensing and regulating the owners and operators of passenger carrying busses establishing hours of labor for drivers of said busses. Providing for the establishment of bus routes. Requiring the owners and operators of said busses to carry liability insurance and file a bond or undertaking in lieu thereof, requiring safety inspection of busses by the Chief of Police or by others appointed by the said Chief of Police. And providing penalties for the violation of this ordinance and declaring an emergency.

The City of Bend does ordain as follows:

SECTION I. As used herein, the term "bus" or "passenger carrying bus" shall include all motor vehicles operated for hire, carrying six or more passengers which does now, or shall hereafter receive passengers at any point within the City Limits of the City of Bend and carry said passengers over the public streets and thoroughfares of the City of Bend, save and except the motor vehicles owned by, or under contract to, any school district of the State of Oregon, while used in the carrying of pupils to and from public schools, and any motor vehicle duly designated and licensed as a taxicab, stages and buses shall not be deemed to be subject to the provisions of this ordinance.

SECTION II. The term "owner" shall include any person, firm, copartnership, lessee or corporation, which shall operate as owner, lessee or otherwise any bus or passenger carrying bus upon the streets of the City of Bend, Oregon.

SECTION III. From and after the effective date of this ordinance it shall be unlawful for any owner to operate any bus on any of the streets of the City of Bend, Oregon, without first having applied for and obtained a license in accordance with the terms of this ordinance. Each license shall be for a calendar year, except any license and licenses which may be issued for a remaining fraction of the calendar year 1941. Every owner of every bus shall on or before 10 days from the effective date of this ordinance and prior to January 1st of each year thereafter, file with the Recorder of the

City of Bend, an application for a license to operate a bus or busses on the streets of the City of Bend, and such application shall contain a statement of the following facts: (a) The number and type of busses to be operated by said owner. (b) A complete description, by streets and street-intersections of each and every route over which the owner proposes to operate said busses. (c) Each owner shall file with the Recorder of the City of Bend, a policy of Public Liability Insurance in a sum not less than $10,000, covering each and every bus to be operated by said owner with respect to accidental injuries to, or death of any person. And a policy of Property Damage Insurance in the sum of $5,000, covering each and every bus to be operated by said owner with respect to the damage to property of any person. Such insurance policies shall be for the indemnification of the patrons of such owner, and of the public against damage or injury for which such owner may be liable by reason of the operation of any bus owned or operated by such owner. Each such policy shall be issued by an Insurance Company or Reciprocal Insurance Exchange duly authorized to transact business as such, within this state, and in accordance with the policies forms and manuals on file with the Insurance Commissioner. No policy furnished under the provisions of this ordinance may be cancelled or otherwise terminated at any time, prior to its expiration, until the Insurance Company, or Reciprocal Insurance Exchange, which executed the same, has filed with the Recorder of the City of Bend, a notice of cancellation, such cancellation to be effective not less than 15 days from the date of receipt of such notice by the said Recorder of the City of Bend, and no agreement between the parties to such policy shall operate to avoid this restriction upon cancellation. In lieu of such liability policies, an owner may furnish and deposit with the Recorder of the City of Bend, a bond or undertaking, equal in amount to the amounts of the insurance policies herein required, with two or more sureties whose qualifications as such sureties shall be determined by the City Attorney, and such sureties shall justify

in a like manner as is required of sureties on bail as set forth in the Oregon laws. Such bond or undertaking, so deposited, shall be subject to liabilities which would have been imposed upon the insurer in the event policies of insurance had been filed and such bond or undertaking shall not be subject to withdrawal or cancellation by the licensee or sureties, either voluntarily or by operation of law until the expiration of one year after the licenses of the owner shall have expired and then the said bond shall not expire at said time if any right of action exists in favor of any person, persons, corporations or other concern, for and on account of injuries or damage suffered for which the said owner may be subject to an action at law for and on account thereof.

SECTION IV. Each application shall be accompanied by a fee in the sum of $30.00, for each and every bus to be licensed. It being understood that the said license may be transferred from one bus to another. That such license shall entitle only one bus to be operated thereunder, and in no instance shall more than one bus be permitted to operate at the same time on one license.

SECTION V. The City Commission of the City of Bend, is hereby authorized and empowered to restrict the number of busses licensed to the end that there shall be no undue traffic congestion or other hazards at any point within the City that might be caused by an excessive number of busses operating over and upon any of the streets of the said City, and to the end that competition between owners shall not endanger the maintenance and continuation of adequate mass transportation within said City. The City Commission shall grant such licenses to owners of busses complying with the provisions hereof as is in the opinion of the majority of the said City Commission best protect the public health and safety and tend to insure to the City of Bend an adequate and continuous mass transportation system.

SECTION VI. Upon the granting of a license to any owner based on the application of said owner designating the streets over

which the said owner proposes to operate his bus or busses; the said schedule as contained in said application shall become a part of this ordinance, and any violation or deviation from the said schedule of streets over which the said bus is proposed to be operated shall be deemed to be a violation of this section of this ordinance.

SECTION VII. That the intervals at which said busses shall be operated over said designated streets as contained in said application shall not be more than 30 minutes between hours of six o'clock A.M., and 12 o'clock midnight on each and every day unless the said application shall specify other intervals and hours, and in which event such application shall govern and become a part of this section of this ordinance; except that the City Commission of the City ofBend by motion may permit the alteration, enlargement or curtailment of such route or routes, and intervals at which said busses shall be operated.

SECTION VIII. No permit shall be granted to any owner if the City Commission of the City of Bend finds that such owner is not capable of conducting the transportation service contemplated and in compliance with the provisions of this ordinance; or who has been an habitual or intentional law violator. No person whose application for permit has been denied shall be eligible to renew the application for a period of six months or to operate or participate directly or indirectly in the proposed operation for a period of six months from the date of application. The granting or refusal of licenses pursuant to this ordinance shall be done by the City Commission of the City of Bend, upon motion duly seconded and carried by a majority of said Commission, and no licenses shall be issued unless the said City Commission are satisfied that the applicant is financially responsible and adequately equipped to perform the services proposed, and that the equipment listed is safe for operation; that the service proposed will not be attended with substantial damage to the streets or danger to other users thereof, or to the public; that the granting of such license will not result in the impairment of the maintenance of adequate mass transportation within the limits of the City of Bend.

SECTION IX. Any license issued under authority of this ordinance shall not be assigned or otherwise transferred, without the approval of the City Commission, expressed by motion and any such license, once issued, under this ordinance, shall be revokable for cause and failure of the licensee to maintain in full force and effect insurance policies required by this ordinance, or repeated violations of other provisions of this ordinance shall be deemed cause. Any such revokation shall be accomplished through motion, duly seconded and carried by a majority of said City Commission.

SECTION X. No owner shall permit the drivers or operators of their bus or busses, nor shall the owner of said busses, remain on duty as such driver or operator for a longer period of time than 10 consecutive hours. And whenever such driver or operator shall have been constantly on such duty for 10 hours, he shall be relieved and shall not be required or permitted to again go on duty until he has had at least 10 consecutive hours off duty. And no such driver who has been on such duty 10 hours in the aggregate in any 24 hour period shall be required or permitted to continue or again go on duty without having had at least 10 consecutive hours off duty and no such driver or operator shall be required or permitted to be on duty more than 60 hours in any consecutive 7 day period.

SECTION XI. At least once every 60 days each owner shall cause any and all busses owned by him and operated under and by virtue of this ordinance to be inspected by the Chief of Police, or some other person authorized by the said Chief of Police. Said inspection to consist of a thorough examination of the brakes, lights and other safety equipment of each bus, and if in the opinion of the Chief of Police, or his duly authorized agent, any bus is not safe or is in a defective or dangerous condition, such owner shall cause such bus to be altered or repaired and placed in a safe condition before the same is again operated upon the streets of the City of Bend.

SECTION XII. Any person found guilty of a violation of this ordinance shall upon a conviction thereof, be fined in a sum not less

than $25.00, nor more than $100.00, or be imprisoned in the City jail for a period of time not to exceed 30 days, or by both such fine and imprisonment.

SECTION XIII. If any provision, section, subsection, subdivision, sentence, clause or phrase of this ordinance shall for any reason be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid such judgment or decision shall not affect the validity of the remaining portions of this ordinance, but shall be confined in its operation to the provision, section, subsection, subdivision, sentence, clause, phrase directly involved in the controversy in which such judgment or the decision shall have been rendered, and it hereby is expressly declared that every other provision section, subsection, subdivision, sentence, clause or phrase hereof shall have been enacted irrespective of the enactment or validity of the portion thereof declared or adjudged to be unconstitutional or invalid.

SECTION XIV. EMERGENCY. The business of operating passenger carrying busses upon the streets and thoroughfares of the City of Bend, is hereby declared to be a business affected with the public interest. The rapid increase of motor carrying traffic, and the fact that under existing law, many passenger carrying busses are not effectively regulated, have increased the dangers and hazards on the public streets and thoroughfares, and made it imperative that more strict regulations be employed to the end that the said streets and thoroughfares may be rendered safe for the use of the general public. That the wear of said streets and thoroughfares may be reduced. That the minimum of inconvenience to other users of the streets and thoroughfares compatable with needs of the public for adequate transportation service may be effected. That the streets and thoroughfares may be safeguarded from improper or unnecessary usage. That operation by irresponsible persons or any other operation threatening the safety of the public or detrimental to the general welfare of the community be prevented. That congestion of traffic on the streets and thorough-

fares may be minimized. That the for hire passenger carrying busses within the City of Bend may be so adjusted and regulated that the streets and thoroughfares may serve the best interest of the citizens of the said City, and provide them with adequate and satisfactory mass transportation. And the City Commission of the City of Bend hereby declares that to effect the foregoing ends and propositions the adoption of this ordinance is made necessary for the public health, peace and safety of the City of Bend and that by reason thereof an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the commission and approval by the mayor.

Read for the first time: August 20, 1941
Read for the second time: September 3, 1941
Put upon its passage: September 3, 1941

Yeas: 3
Nays: 0

Submitted to and approved by the Mayor this 3rd day of September, 1941.

F. L. Simpson
Mayor

ATTEST:

George Dinerville
Recorder of the City of Bend.

ORDINANCE N.S. NO. 299

An Ordinance to amend Section 5 of Ordinance N.S. 281 being an ordinance regulating the construction, erection, raising, lowering, altering, repairing and use of buildings; to provide protection against fire; to establish the fire limits of the City of Bend; providing for a penalty for the violation thereof, and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Section 5 of Ordinance N.S. 281 be and the same is amended to read as follows:

Section 5. All property lying within the boundaries in this Section set forth is hereby declared to lie within the fire limits of the City of Bend, Oregon, to-wit:

> Commencing at a point on Division Street where the same is intersected by the alley in block 25 of the Original town of Bend; thence westerly along the center line of said alley to its intersection with Harriman Street; thence south along Harriman Street to its intersection with Irving Avenue; thence westerly on Irving Avenue to its intersection with the center line, extended, of the alley in Block 15 of the original town of Bend; thence southwesterly along said alley to its intersection with Kansas Avenue; thence westerly on Kansas Avenue, existing and extended, to an intersection with the center line, extended, of the alley in block 6 of the original town of Bend; thence along said alley to an intersection with the southwesterly line of Oregon Avenue; thence northwesterly along the southwesterly boundary line of Oregon Avenue to the south corner of lot 6 in block 2 of the Original town of Bend; thence northeasterly along the northwesterly side of Brooks Street to the east corner of lot 1 of block 2 of Bend, which is the southwest corner of Brooks Street and Greenwood Avenue, thence southeasterly along Greenwood Avenue to its intersection with Wall Street; thence northeasterly on Wall Street to its intersection with Vermont Place; thence along Vermont Place to its intersection with Hill Street; thence south on Hill Street to Kearney Avenue, thence easterly on Kearney Avenue to Division Street, thence southerly on Division Street to the point of beginning.

Unless otherwise specified, the center line of the streets, alley, and public ways above mentioned is intended in all cases.

Section 16. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend, in this, that a proper fire limit should be established, and that a change in the present fire limit is necessary and an emergency is therefore hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the commission and approval by the Mayor.

Read for the first time September 17, 1941
Read for the second time October 1, 1941
Put upon its passage October 1, 1941
Yeas 3
Nays 0

Submitted to and approved by the Mayor this first day of October, 1941.

F. S. Simpson
Mayor

ATTEST:
George Simerville
Recorder of the City of Bend

N.S. 299 - amending Sec 5 N.S. 281

300

ORDINANCE NO. N. S. 300

An ordinance vacating a portion of the street at the junction of Deschutes Place and Hill Street in Bend, Deschutes County, Oregon,

WHEREAS, the portion of the street hereinafter particularly described was formerly dedicated for use as a street but has never been used as such and said area constitutes a large rock pile and can never feasibly be used as a street, and

WHEREAS, another street is now in use serving the same purpose for which this street was dedicated, and

WHEREAS, in order that improvements may be placed on the said premises by private owners for the benefit of the City of Bend and no inconvenience to other property owners by reason of said proposed vacation is apparent, and

WHEREAS, under authority of Section 6 of Chapter 259 of the General Laws of the State of Oregon for 1931 as amended and codified in Oregon Compiled Laws, Annotated, and the authority vested in the City Commission of the City of Bend by virtue of the City Charter, the City Commission on its own initiative, by resolution, duly adopted on September 17, 1941, proposed to vacate

A portion of the Street at the Junction of Deschutes Place and Hill Street in Bend, Deschutes County, Oregon, more particularly described as follows:

Beginning at a point which is located on the east boundary of the NW¼ of the NE¼ of Section 32, Twp. 17 S., R. 12 E., W.M., which point is further located South 0° 14' 22" East 45.67 feet from the northeast corner of the said NW¼ of the NE¼; thence East 37.58 feet; thence North 45° 00' 0" West 64.76 feet; thence South 25° 35' 46" East 112.52 feet; thence North 0° 14' 22" West 55.76 feet to the point of beginning all situated in the NW¼ of the NE¼ of Section 32, Twp. 17 S., R. 12 E., W.M.

WHEREAS, after due consideration the City Commissioners of the City of Bend duly adopted said resolution of intention and directed that notice of said intention be published and posted as required by law and that a public hearing be had on said resolution on Wednesday, the 15th day of October, 1941, at the hour of 8 o'clock in the afternoon in the Commission Chambers in the City Hall in Bend, Oregon, at which time any objections to said resolution will be considered and

WHEREAS, said notice of vacation was duly published and posted as required by law and no objections to said resolution having been filed, therefore

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That portion of the Street at the Junction of Deschutes Place and Hill Street in Bend, Deschutes County, Oregon, more particularly described as follows:

Beginning at a point which is located on the east boundary of the NW¼ of the NE¼ of Section 32, Twp. 17 S., R. 12 E., W.M., which point is further located South 0° 14' 22" East 45.67 feet from the northeast corner of the

said NW¼ of the NE¼ thence East 37.58 feet; thence North 45° 0' 0" West 64.76 feet; thence South 25° 35' 46" East 112.52 feet; thence North 0° 14' 22" West 55.76 feet to the point of beginning all situated in the NW¼ of the NE¼ of Section 32, Twp. 17 S., R. 12 E., W.M.

be, and the same hereby is vacated.
Read for the first time: October 15th, 1941.
Read for the second time: November 5th, 1941.
Put upon its passage: November 5th, 1941.

Yeas: 3
Nays: 0

Submitted to and approved by the Mayor this ~~15th~~ 5th day of November, 1941.

F. S. Simpson
Mayor

ATTEST:

George Sinnerville
Recorder of the City of Bend.

ORDINANCE NO. NS 301

AN ORDINANCE REGULATING THE USE OF LAMPS AND OTHER LIGHTS IN SHOPS, STABLES AND OTHER PLACES; AUTHORIZING THE CHIEF OF POLICE TO CAUSE TO BE SOUNDED AN AIR RAID WARNING SIGNAL AND AN ALL CLEAR SIGNAL WHEN NOTIFIED SO TO DO BY THE DESCHUTES COUNTY CIVIL DEFENSE COUNCIL CONTROL CENTER; AUTHORIZING THE CHIEF OF POLICE TO ADOPT AND PROMULGATE REASONABLE RULES AND REGULATIONS PERTAINING TO PERSONS, VEHICLES AND ILLUMINATION DURING PERIODS OF AIR RAID ALARM; PROVIDING FOR THE SUSPENSION OF ANY ORDINANCE OR REGULATION IN CONFLICT HEREWITH DURING A PERIOD OF AIR RAID ALARM; DELCARING CERTAIN ACTS AND OMISSIONS TO BE MISDEMEANORS AND PROVIDING PENALTIES THEREFOR; PROVIDING THAT ANY ILLUMINATION IN VIOLATION OF THIS ORDINANCE OR OF THE RULES OR REGULATIONS ADOPTED HEREUNDER CONSTITUTES A NUISANCE AND PROVIDING FOR THE SUMMARY ABATEMENT THEREOF; AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. As used in this ordinance the following words and phrases shall mean:

"Air raid warning signal" shall mean a signal, by siren, whistle, horn or other audible device, of two minutes duration consisting of either a fluctuating or warbling signal of varying pitch or a succession of intermittent blasts of about five seconds duration separated by a silent period of about three seconds.

"All clear signal" shall mean a continuous signal, by siren, horn or other audible device, of two minutes duration at a steady pitch.

"Period of air raid alarm" shall mean the interval of time between the giving of an air raid warning signal and the giving of the next succeeding all clear signal.

"Blackout structure" shall mean any space so enclosed that any illumination maintained or existing therein is not visible from any point outside such structure.

SECTION 2. The Chief of Police is hereby authorized and directed to cause the sounding of an air raid warning signal and of an all clear signal when, and only when, he is notified so to do by the Deschutes County Civil Defense Council Control Center.

SECTION 3. Any person or persons, association or corporation, who effects or maintains any illumination, or permits any illumination under his control to be effected or maintained, at any place within the City of Bend during any period of air raid alarm between sunset and sunrise, except within a blackout structure, shall be guilty of a misdemeanor.

SECTION 4. The maintenance or leaving of any illumination, except within a blackout structure, without adequate provision for its extinguishment within one minute after the commencement of a period of air raid alarm by a competent person over the age of eighteen years attendant at the place where such illumination is controlled, is hereby prohibited.

SECTION 5. In order to enable the Chief of Police to conform to any request or order of the Deschutes County Civil Defense Control Center with reference to the obscuration, diminution or extinguishment of any illumination in said City, deemed by said Control Center to increase the vulnerability of said City or any part thereof or of the country adjacent thereto, to air attack, or for the regulation of traffic during a period of air raid alarm, the Chief of Police may adopt and promulgate reasonable rules and regulations for such purposes, and any rules or regulations so adopted by him shall be and remain in effect for thirty (30) days thereafter, but no longer unless approved within said time by resolution of the City Commission of said city; provided, however, that any rule or regulation of the Chief of Police may at any time be rescinded by resolution of said City Commission. Violation of any such rule or regulation so adopted and promulgated is hereby declared to be a misdemeanor.

SECTION 6. It shall be unlawful to disobey any lawful direction or order of a peace officer, highway patrolman, or fireman given during a period of air raid alarm, which order is reasonably necessary for the maintenance of public safety or to effect the extinguishment or obscuration of any artificial illumination.

SECTION 7. Any illumination contrary to the provisions of this ordinance, or any rule or regulation adopted and promulgated in accordance with section 5 hereof, constitutes a public nuisance, and the same may be summarily abated by any peace office, highway patrolman or fireman. Any structure may be entered by any peace officer, highway patrolman or fireman, using all necessary reasonable force, for the purpose of abating such a nuisance.

SECTION 8. At the commencement of a period of air raid alarm, the operator of any motor vehicle on any street, road or highway in said city, shall forthwith bring such vehicle as far as possible to the side said of said street, road or highway off the main travelled portion thereof, and the operator of any such motor vehicle or any other vehicle shall bring such vehicle to a stop clear of any crossing, intersection, firehouse, fire plug, hospital or other emergency depot or area, and during the hours between sundown and sunrise shall extinguish therein or thereon all of the lights thereof, and such vehicle shall remain so situated and the lights thereof in such condition during the period of air raid alarm, unless ordered otherwise by a peace office, highway patrolman or fireman.

SECTION 9. The provisions of this ordinance shall not apply to blackout emergency vehicles, which shall include the following:

1) All Army and Navy vehicles;

2) All vehicles with United States Government credentials indicating the necessity of emergency movement;

3) All authorized emergency vehicles as defined by Chapter 428, Oregon Laws 1941;

4) All vehicles of volunteer personnel engaged in the operation of the Aircraft Warning Service of the Second Interceptor Command while such personnel are actually engaged in going to and from their posts of duty;

5) All vehicles certified by sheriffs, district attorneys, the Oregon State Police, police chiefs, and firechiefs, when within the respective territorial jurisdictions of the certifying office, as being essential to the preservation of the public peace and safety or to the dissemination of public information or to the national defense; provided, however, that such vehicles shall conform to the uniform lighting regulations approved by the Superintendent of the Oregon State Police for blackout emergency vehicles. No certificate shall be issued which conflicts with any regulation or order of the United States Army applicable to the area for which the certificate is issued.

6) All steam or electrical operated vehicles used in interstate commerce while so used

SECTION 10. It shall be unlawful for any person without authority, during any air raid alarm, to use, wear, exhibit, or possess any uniform, insignia, credential, or other indication of authority, or any imitation thereof, adopted or issued by any official civilian defense organization.

SECTION 11. Any person who shall operate any siren, whistle or other audible device in such a manner as to simulate an air raid warning signal or an all clear signal, except upon order of the Chief of Police or other proper authority, shall be guilty of a misdemeanor.

SECTION 12. The provisions of every ordinance of this city and every administrative order made pursuant thereto, requiring any illumination to be maintained in conflict with this ordinance or

with any rule or regulation made pursuant to section 5 of this ordinance, shall be deemed suspended during the period between any air raid warning signal and the next succeeding all clear signal.

SECTION 13. Any person who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not exceeding five hundred dollars ($500) or by imprisonment in the City Jail not exceeding six months, or by both such fine and imprisonment.

SECTION 14. This ordinance is required for the immediate preservation of the public peace, health and safety of this City, and the following is a statement of the facts constituting such urgency: The United States is at war and this city is in great and continuing danger of air or other attack by the enemy; wherefore, an emergency is declared to exist and this ordinance shall become immediately effective upon its passage, its signing by the mayor and its attestation by the city recorder.

SECTION 15. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application; and to this end the provisions of this ordinance are declared to be severable.

Read for the first time: Dec 9th - 1941

Read for the second time: Jan. 2nd - 1942

Put upon its passage:

Yeas: 3

Nays: 0

Submitted and approved by the Mayor this 2nd day of January, 1942.

F. S. Simpson

Mayor

Attest:

George Dimerville

City Recorder.

****

ORDINANCE NO. NS 302

An Ordinance defining terms used herein, providing for the licensing of and regulating junk dealers and second hand dealers as defined herein, fixing the license fees, providing penalties for violation of the provisions hereof, repealing Article VIII of Ordinance No. NS 288, and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The term "junk" as used herein is defined to mean any material, mineral, metal, scrap, wood, glass, paper, rags, rubber, cordage or other substance or matter which has been fabricated for use, but which is purchased and/or dealt in commercially for re-fabrication for further use.

The term "second hand goods" as used herein is defined to mean any material, mineral, metal, wood, glass, paper, books, rubber, clothing, cordage or other substance or thing which has been fabricated for use and has been used, and which is purchased and/or dealt in commercially for further use without re-fabrication.

The term "person" shall include persons, co-partnerships, associations and corporations.

The term "junk dealer" shall mean any person who, either for himself or as agent for another, purchases or deals in junk commercially; provided, however, that such term shall not include any person who buys junk and re-fabricates the same within the City of Bend.

The term "second hand dealer" shall mean any person who, either for himself or as agent for another, purchases or deals in second hand goods commercially; provided, however, that this term shall not include persons who deal in second hand goods the principal value of which is in its age or former association; and provided further, that this term shall not include dealers in new merchandise who in the sale of such new merchandise accept second hand goods of the same kind as part payment therefor.

The term "place of business" shall mean the place, store, shop, warehouse, lot, or vehicle wherein and whereby any person shall conduct the business of a junk dealer or second hand dealer.

The term "purchase" shall mean any transaction whereby junk or second hand goods is delivered into the possession of or under the control of a junk dealer or second hand dealer, whether by gift, sale, consignment, bailment or otherwise.

Section 2. It shall be unlawful for any person to engage in business in the City of Bend as a junk dealer and/or second hand dealer without first securing a license therefor as herein provided for each place of business so operated; provided, however, that any junk dealer or second hand dealer who shall have a permanent and fixed place of business as such dealer within the City of Bend, shall be entitled, without other license as such junk dealer or second hand dealer, to the use of not to exceed one movable vehicle for use in connection with said permanent and fixed place of business.

Section 3. It shall be unlawful for any person to operate a vehicle on or over the streets of Bend in the business of buying or selling junk without having painted on each side of such vehicle and plainly visible to the passing public the words "Junk Dealer" together with the number of his license as such, in neat and legible form with letters and figures not less than 3 inches high and proportionately wide.

Section 4. Every junk dealer and every second hand dealer shall keep a register, in form approved by the City Manager of Bend, in which shall be entered in the English language, in legible writing, a complete description of each article of personal property purchased, including the number or numbers, if any, on each of said articles, whether new or used, the name and residence, including street number, of the person from whom such property was purchased, the signature of the person from whom purchased together with a complete description of such person, the date of the purchase, and the amount paid therefor. The record in the register shall be made in duplicate, the first copy of which shall be deposited with the chief of police of the City of Bend before 12 o'clock noon of the next legal business day following the purchase. When any article of junk or second hand goods is purchased from any person under the age of 21 years, the dealer shall require a written statement from the parent or guardian of such minor, in which it shall be stated that the minor is the owner of the property, and in case the minor has purchased the articles of personal property, then the statement of the parent or guardian shall also give the name and residence address of the party from whom purchased, together with the date of the purchase.

Section 5. No junk dealer or second hand dealer shall be required to furnish the description of property which he purchases from manufacturing, wholesale, or retail dealers having an established place of business, or of any purchases secured from any person doing business and having an established place of business in the City of Bend. Sale of such goods must be accompanied by a bill of sale, however, or other evidence of legitimate purchase, which must be shown to the chief of police or other peace officer of the City of Bend, upon demand therefor.

Section 6 No junk or second hand goods purchased by a dealer shall be resold without the dealer making a written record of such sale, including description of property sold, date and name and address of purchaser. No such resale or other disposition of such junk or second hand goods shall be had within three days after the purchase thereof by the dealer unless such purchase be made in accordance with the provisions of Section 5 hereof.

Section 7. It shall be unlawful for any junk dealer or second hand dealer to sell or otherwise dispose of any article of personal property within fifteen days after notice by the chief of police or other peace officer of the City of Bend to hold the same, unless sooner released bysuch officer; provided, however, that such hold order shall not continue more than thirty days from the date of first notice except by order of a court of competent jurisdiction.

Section 8. Any junk dealer or second hand dealer shall permit the examination at reasonable hours by any peace officer of the City of Bend, of his register of purchases, his record of sales and any or all articles of junk or second hand goods kept at his place of business or any other place. Refusal to permit such examination shall be deemed a violation of this ordinance.

Section 9. All junk dealers' licenses and second hand dealers' licenses shall be issued as other licenses of the City of Bend in accordance with the provisions of Ordinance NS 288 of said City and shall be governed by the provisions of said ordinance except as herein otherwise provided; such junk dealers' and second hand dealers' licenses shall be issued only for the calendar year at the time of the issuance of such license and shall terminate on the 31st day of December of the year in which issued; the fees for such licenses shall be as follows:

Junk Dealers	$40.00
Junk Dealers & Second Hand Dealers combined	$40.00
Second Hand Dealers	$20.00

Section 10. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not exceeding $300.00, or by imprisonment in the city jail for a period of not exceeding 90 days, or by both such fine and imprisonment, and in addition thereto in the discretion of the municipal judge shall forfeit any license he may have to operate such business.

Section 11. Article VIII of Ordinance NS 288 is hereby repealed.

Section 12. Whereas, the City of Bend does not have an ordinance adequately regulating and licensing junk dealers and second hand dealers, and it is deemed that such an ordinance is necessary for the immediate preservation of the peace, health and safety of the City, an emergency is declared to exist and this ordinance shall become immediately operative upon its approval by the affirmative vote of all members of the City Commission, its signing by the Mayor and its attestation by the Recorder.

Read for the first time January 7, 1942

Read for the second time January 21, 1942

Put upon its passage January 21, 1942

Yeas: 3

Nays: 0

Submitted to and approved by the Mayor this 21st day of January, 1942.

F. S. Simpson
Mayor.

ATTEST:

George Dinsmore
Recorder.

ORDINANCE NO. N. S. 303

An ordinance vacating a portion of the street at the junction of Deschutes Place and Hill Street in Bend, Deschutes County, Oregon,

WHEREAS, the portion of the street hereinafter particularly described was formerly dedicated for use as a street but has never been used as such and said area constitutes a large rock pile and can never feasibly be used as a street, and

WHEREAS, another street is now in use serving the same purpose for which this street was dedicated, and

WHEREAS, in order that improvements may be placed on the said premises by private owners for the benefit of the City of Bend and no inconvenience to other property owners by reason of said proposed vacation is apparent, and

WHEREAS, under authority of Section 6 of Chapter 259 of the General Laws of the State of Oregon for 1931 as amended and codified in Oregon Compiled Laws, Annotated, and the authority vested in the City Commission of the City of Bend by virtue of the City Charter, the City Commission on its own initiative, by resolution, duly adopted on September 17, 1941, proposed to vacate

> A portion of the Street at the Junction of Deschutes Place and Hill Street in Bend, Deschutes County, Oregon.

. and

WHEREAS, the City of Bend did on or about the 15th day of October, 1941 approve an ordinance intending to vacate certain lands at said location, and

WHEREAS, the discription in said ordinance was erroneously inserted therein, and

WHEREAS, it being the intention of the City Commission to vacate property described as follows, to-wit: A piece of land in the

> Northwest quarter of the Northeast quarter of Section 32, Township 17 South, Range 12 E. W. M., Beginning at point which is located on the East boundary of the Northwest quarter of the Northeast quarter of Section 32, Township 17 South, Range 12 E. W. M., further located South 0° 14' 22", East 45.67 feet from the Northeast corner of said Northwest quarter of the Northeast quarter; thence West 37.58 feet; thence North 45° 0' 0", West 64.76 feet; thence South 25° 35' 46" East 112.52 feet; thence East 35 feet; thence North 0° 14' 22" West 55.76 feet to point of beginning, and

WHEREAS, after due consideration the City Commissioners of the City of Bend duly adopted said resolution of intention and directed that notice of said intention be published and posted as required by law and that a public hearing be had on said resolution on Wednesday, the 15th day of October, 1941, at the hour of 8 o'clock in the afternoon in the Commission Chambers in the City Hall in Bend, Oregon, at which time any objections to said resolution will be considered and

WHEREAS, said notice of vacation was duly published and posted as required by law and no objections to said resolution having been filed, therefore

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That portion of the Street at the Junction of Deschutes Place and Hill Street in Bend, Deschutes County, Oregon, more particularly described as follows: A piece of land in the

Northwest quarter of the Northeast quarter of Section 32, Township 17 South, Range 12 E. W. M. Beginning at a point which is located on the East boundary of the Northwest quarter of the Northeast quarter of Section 32, Township 17 South, Range 12, E. W. M., further located South 0° 14' 22", East 45.67 feet from the Northeast corner of said Northwest quarter of the Northeast quarter; thence West 37.58 feet; thence North 45° 0' 0", West 64.76 feet; thence South 25° 35' 46" East 112.52 feet; thence East 35 feet; thence North 0° 14' 22", West 55.76 feet to point of beginning

be, and the same hereby is vacated.

Read for the first time: March 18, 1942
Read for the Second time: April 1, 1942
Put upon its passage: April 1, 1942

Yeas: 3
Nays: 0

Submitted to and approved by the Mayor this 1st day of April 1942.

W. S. Simpson
Mayor.

ATTEST:

George Simerville
Recorder of the City of Bend.

Ord File (Original)

ORDINANCE No. N. S. 304

An Ordinance authorizing and directing the issuance and sale of general obligation bonds of the City of Bend, Oregon, to be designated "AIRPORT BONDS, SERIES 1942", for the purpose of purchasing land and constructing thereon buildings and facilities for use as an aviation field; providing the form of such bonds, the total amount thereof in the sum of $25,000.00, the interest rate and time of payment, the times of maturity thereof and the option of the City Commission to redeem such bonds or part thereof in advance of the maturity date on notice on or after three years from the date of such bonds; providing for the disposition of the proceeds of the sale of such bonds; and declaring an emergency.

WHEREAS, on the 18th. day of March, 1942, the City Commission of the City of Bend, Oregon, adopted and filed with the City Recorder its Resolution No. 135 declaring its intention to purchase certain described lands outside the city limits of said city for a municipal aviation field, and to improve the same by the construction thereon of proper buildings and facilities necessary for the use thereof as such aviation field, and directing that a special municipal election be held for the purpose of submitting to the legal voters of said city for their approval or rejection an amendment to the Charter thereof authorizing said City Commission to purchase said land and to construct said buildings and facilities, and to issue and sell the general obligation bonds of said city in a sum of not exceeding $25,000.00 for the payment thereof, said bonds to bear interest at a rate of not to exceed 3% per annum, payable semi-annually and maturing serially annually thereafter and not to exceed ten years from the date thereof; and

WHEREAS, proper notices of said election were given, said election was held in said city on the 20th. day of April, 1942, at said election 904 votes were cast in favor of said Charter Amendment and 259 votes were cast against said Amendment, and pursuant thereto the Mayor issued his proclamation declaring said Charter Amendment to be in full force and effect on and as of the 21st. day of April, 1942; and

WHEREAS, for two weeks prior to April 24th. 1942, the City Recorder published a notice calling for bids for the sale of said $25,000.00 general obligation bonds of said city, with interest, and maturing as above set out and redeemable at the option of the City Commission after three years from the date of such bonds, subject to the adoption of said Charter Amendment by the legal voters at said election, said bids to be sealed and filed with the City Recorder before 7:30 P. M. on April 24th. 1942, at which time said bids would be opened and considered by said City Commission; and

WHEREAS, at 7:30 o'clock P. M. on April 24th. 1942, the City Commission of said city met in special session, ratified the publication of said notice of call for bids, opened all of the sealed bids filed with the City Recorder and considered the same, and it appearing therefrom that the bid of Fordyce and Company of Portland Oregon, for said bonds, was and is interest at the rate of two percent per annum with a premium bid of $100.383 for each $100.00 of said bonds, and that the said bid was the best bid offered for said bonds, the said bid was accepted by the City Commission; now, therefore, based upon the foregoing proceedings

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That there be issued and sold to Fordyce and Company of Portland, Oregon, for the sum of $100.383 for each $100.00 of said bonds, the general obligation bonds of the City of Bend, Oregon,

in the total sum of $25,000.00, to be known as the "Airport Bonds, Series 1942", for the purpose of purchasing said lands and constructing thereon said buildings and facilities for such aviation field.

Section 2. That said bonds shall be dated May 1st. 1942, and shall bear interest at the rate of two percent per annum from said date, interest payable semi-annually thereafter; that said bonds shall be in denominations of $500.00 each; that said bonds shall be numbered consecutively and shall mature serially at the rate of $2,500.00 each year beginning May 1st. 1943, and shall be subject to call or redemption at the option of the City Commission in whole or in part at any interest paying date on or after May 1st. 1945; that such option shall be exercised by the City Commission by the publicationof a notice of intention, specifying the call or redemption date, to call or redeem the said bonds or certain of the said bonds serially, which publication shall be had in a newspaper printed and published in Deschutes County, Oregon, at least thirty days prior to the call or redemption date, and, after such publication, interest on said bonds called shall cease as of said call or redemption date.

Section 3. That such bonds shall be of the following form, which form and the provisions therein contained are adopted as a part of this ordinance as fully as if separately set out herein, to-wit:

* *

UNITED STATES OF AMERICA

STATE OF OREGON

No. _____ COUNTY OF DESCHUTES $500.00

CITY OF BEND

AIRPORT BOND, SERIES 1942

The City of Bend, a municipal corporation of the State of Oregon, hereby acknowledges itself indebted and for value received promises to pay to the bearer, on the first day of _____ 19____, the sum of

FIVE HUNDRED DOLLARS

and to pay interest thereon at the rate of two per cent (2%) per annum, payable on May 1st. and November 1st. in each year until maturity, upon surrender of the annexed coupons as they severally become due. Both principal and interest of this bond are payable in lawful money of the United States of America, at the office of the Treasurer of the City of Bend, in Bend, Oregon, For the punctual payment of this bond, with interest thereon as aforesaid, and for the levy and collection of taxes sufficient for that purpose, the full faith and credit of said City of Bend are hereby irrevocably pledged.

This bond is issued subject to the right and privilege of the City Commission of said City of Bend to call or redeem unmatured bonds of this issue, in serial order, on or after three years from the date of issue. Such privilege to be exercised by giving a published notice of at least thirty days prior to redemption date; said notice to be published in at least one issue of a newspaper printed and published in Deschutes County, Oregon, and said redemption or

call date shall be on an interest paying date; after said call date interest on said bonds shall cease.

This bond is issued by the City of Bend for the purpose of financing the purchase and construction of an airport near said City, by virtue of a majority vote of the legal voters of said City voting at a special Charter election, duly called and held on the 20th day of April, 1942, and by virtue of a resolution of the City Commission of the City of Bend, duly passed and adopted on the 18th day of March, 1942, and pursuant to the provisions of the Charter of the City of Bend.

It is hereby certified and recited that all the conditions, acts and things required by the Constitution and laws of the State of Oregon and the Charter of the City of Bend to exist, to have happened, and to have been performed, precedent to, and in the issuance of this bond, exist, have happened, and have been performed, and that the issue of bonds, of which this is one, together with all other indebtedness of the City of Bend, is within every debt and other limit prescribed by the Constitution and laws of said State, and the Charter of the City of Bend; that due provision has been made for the levy and collection of unlimited, direct, annual, ad valorem tax upon all the taxable property in said City sufficient to pay the principal and interest of this bond as the same shall fall due.

IN WITNESS WHEREOF, the City of Bend has caused this bond to be signed in itsname by the Mayor of the City of Bend, to be countersigned by the Recorder of the City of Bend, and to be sealed with its corporate seal, and the coupons thereunto annexed to be signed by the facsimile signatures of said Mayor and Recorder of the City of Bend, and this bond to be dated as of the first day of May, 1942.

CITY OF BEND

By F.S. SIMPSON
Mayor.

(SEAL)

Countersigned:

George Sumerville
Recorder of the City of Bend

* * * *

(Form of Coupon)

Coupon
No._____ $5.00

The City of Bend, a Municipal Corporationof the State of Oregon, will pay to the bearer, on the first day of _____ 19_____, the sum of Five Dollars ($5.00), in lawful money of the United States of America, at the office of the Treasurer of the City of Bend, in Bend, Oregon, being six months' interest then due on its Airport Bond Series 1942, unless this said bond is sooner redeemed as therein provided, which redemption will render this coupon void.

Dated May 1st, 1942, and bearing Bond number_____.

George Sumerville
Recorder of the City of Bend.

F. S. SIMPSON
Mayor of the City of Bend.

Section 4. The Mayor and Recorder are hereby authorized to cause the said bonds to be engraved in a suitable manner and to issue the same by the signing and sealing thereof by the Mayor and the countersigning thereof by the City Recorder on behalf of the City of Bend and to deliver them to the City Treasurer, who shall deliver them to the purchaser in exchange for the full price thereof.

Section 5. The proceeds of the sale of the said bonds shall be placed with the City Treasurer of the City of Bend in a special fund for the purpose of use for the purchase of said land and the construction of said buildings and facilities and for no other purpose.

Section 6. That it is necessary for the immediate preservation of the peace, health and safety of the City of Bend and of the people thereof that an adequate aviation field be established and constructed in the vicinity of said city and that bonds issue for such establishment and construction for the reason that there is no adequate aviation field in the vicinity of said city for the training of pilots, that this country is now engaged in a great war and that the training of pilots is of the utmost importance for the defense of this country as well as for the successful termination of that war, and for the further reason that the Central Oregon country is particularly well adapted for the training of pilots on account of the mild climate and prevailing clear weather in such area; wherefor, an emergency is hereby declared to exist, and this Ordinance shall become effective and of full force immediately upon its adoption, its signing by the Mayor and its attestation by the Recorder.

Read for the first time April 24th. 1942.
Read for the second time May 6th. 1942.
Put upon its passage May 6th. 1942.

Vote: Yeas 3
Nays 0

Submitted to and approved by the Mayor this 6th. day of May, 1942.

K. L. Simpson
Mayor

Attest:

George Sinnerville
Recorder.

* * * *

Repealed by N.S. 306

ORDINANCE NO.N.S. 305

An ordinance providing for the regulation, parking and location of automobile house trailers used for living purposes; for the licensing and regulation of automobile trailer-house camps and parking places, providing a penalty for the violation thereof and declaring an emergency.

Section 1; Definitions:

(A) "Automobile house trailers, or trailers" shall be defined to be any vehicle used as sleeping quarters mounted on wheels and propelled by its own power or by other power-driven vehicle to which it may be attached. For brevity an automobile trailer-house may be referred to asa triler.

(B) "Automobile Trailer-House Camps" shall be understood to be any trailer parking place, camp-site, lot, parcel or tract of land used for the purpose of supplying a location or accomodations for three (3) or more trailers and upon which any trailers are parked and used as living quarters including any buildings or equipment whether a charge is made, or not, for the facilities.

(C) "A unit" means a tract of ground in a trailer camp of not less than 600 square feet of space in an area designated as the location for only one automobile and one trailer.

(D) The word "person" shall be construed to mean persons, partnerships, firm, company, corporation, tenant, owner, lessee, or licensee, and agents or assigns.

(E

REPEALED BY N.S. 306

Section 2; License and permits required for automobile house-trailer camps, or trailers parked on private or public land:

(A) No automobile trailer-house camp shall be established or maintained within the limits of the City of Bend unless a license has been obtained from the City Recorder after application therefor has been approved by the City Commission.

(B) No license shall be issued for a location within the fire limits.

(C) ~~The applicant shall present a petition signed by at least 65% of the property owners living within 600 feet of the boundaries of the proposed camp before application will be considered by the City~~ Commission.

(D) No automobile trailer-house shall be parked on any private or public owned land for more than four (4) hours without having obtained a permit from the City Recorder after the approval by the Chief of Police.

(E) The fees to be paid for a license of a trailer camp as herein defined shall be $25.00 per year (12 consecutive months) and may be transferred upon approval by the City Commission and upon the payment of a transfer fee of $10.00

(F) A permit fee of $2.50 shall be paid at the time of approval for parking a trailer on private or public owned land and shall cover the allowanble period.

(G) Any failure on the part of the licensee to maintain orderly, safe and sanitary conditions shall be considered as grounds for revocation of a license or permit, by the City Commission.

Section 3; Information to be furnished by applicant:

Every application for the establishment of a trailer camp-cite shall submit to the Recorder of the City of Bend an application and a plan showing the location and arrangement of the camp and shall give full information relative to the facilities that are to be supplied, showing the location and character of construction of buildings arrangement of driveways, arrangement of sanitation, lighting and fire protection, etc. If it appears to the City Commission that the fire protection and sanitary arrangements are adequate and that the establishment of the camp will not be a detriment to the neighborhood or to the City as a whole, the commission may approve the issuance of a license.

Section 4; Arrangement of trailer camp:

(A) There shall be a suitable drive-way affording access to and egress from each unit; a suitable system of lighting shall be provided and such lighting shall be maintained from dark to dawn when the camp is open to be used by the public.

(B) Each unit shall have not less than 600 square feet and the boundaries thereof shall be plainly marked.

(C) Sinks, lavatories, water closets, laundry trays etc. provided for the occupants of trailers shall be kept in a sanitary condition and properly lighted at night. There shall be at least one toilet for each sex for each ten (10) trailer camp capacity, and one (1) urinal for each twenty (20) trailer camp capacity; there shall be at least one bath tub or shower for each twenty (20) trailers, and one (1) slop sink for each ten (1o) trailers. These facilities must be within 250 feet of any trailer. There shall be at least one garbage can within 100 feet of any trailer; No waste water shall be thrown on the ground. Pure drinking water must be furnished and no common drinking vessels are to be used.

(D) All facilities shall be governed by and fully comply with other ordinances of the City of Bend and the laws of the State of Oregon with reference to building sanitation, wiring, plumbing, fire hazard, etc.

Section 5: Management and registeration book for trailer camp:

(A) Every camp shall have a registeration book and the names, occupation and address of all members of the trailer party shall be entered therein by a member of the party, together with information relative to the make and year of manufacture and license number of the trailer and the propelling vehicle. The registeration book shall show the date of arrival and departure of every trailer and the trailer unit occupied; also the place of last location and length of stay. This registeration book shall be available for the inspection of officers or employees of the City, County, State, or Federal Government, upon request.

(B) The manager of a camp shall report without delay to the health department any illness of any member of the trailer party; whether such illness appears to be of a contageous nature or not.

(C) Dogs, cats, or other animals or pets shall be prevented from running at large

Section 6; Limitation of stay in trailer camp;

It shall be unlawful for any person to remain in any trailer camp for more than 90 days in each 12 month period, except that upon a showing and proof that one or more occupants of the trailer are engaged in vital national defense work and that there exists in the community a shortage of adequate housing facilities, in which event, the City Commission may grant additional time in which the said person may remain in said trailer camp. This time limitation shall not apply to the licensee of the trailer camp or his bonafide employee.

Section 7: Trailers except in trailer camps:

(A) Those in charge of automobile trailers shall observe the parking regulations of the City. Outside of regulated districts, they shall not park on streets or highways for a longer period than four (4) hours and then the trailer shall not be used for cooking or sleeping purposes.

(B) Trailers shall not bs used by a number of persons greater than the designated capacity.

(C) When a person desires to park a trailer on a tract of land occupied by a residence, the written permission of the owner must be first obtained together with a permit from the recorder of the City of Bend. The trailer must be parked on the rear of the lot and if the trailer is to be used as living quarters, it must be maintained in an orderly, safe and sanitary condition.

(D) Provided a permit is issued, trailers may be parked on private or public land for a period of 90 days in any 12 months, except,

NS 305

that upon a showing, and proof, that one or more occupants of the trailer are engaged in vital national defense work and that there exists in the community a shortage of adequate housing facilities, in which event the City Commission may grant additional time in which the said person may remain in said location.

(E) Trailers may park at a tourist camp when a trailer cabin and not the trailer is occupied as living quarters.

Section 8: Adoption of State Law:
It shall be unlawful for any person to maintain a parked house trailer in violation of any of the laws of the State of Oregon now in existence or hereafter enacted, and any and all laws of the State of Oregon pertaining to trailer-house camps and any and all sanitary conditions as well as laws requlating fire hazards are hereby adopted as a portion of this ordinance and made a part hereof wherever applicable.

Section 9: REvocation and suspension:
Any license or permit granted hereunder may be revoked or suspended by the City Commission for any violation of the provisions of this ordinance.

Section 10; PENALTY
Any person found guilty of violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and may be fined not less than $5.00 and not more than $500.00, or imprisoned in the City Jail for note more than 30 days, or by both such fine and imprisonment, and every day such fiolation exists shall constitute a separate offense and shall be punished as such hereunder.

Section 11: Validity of ordinance:
If any part of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts which are not held void or unconstitutional shall continue in full force and effect.

Section 12: Emergency:
In as much as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the citizens of the City of Bend and allresidents therein, in this that in order to maintain proper sanitary conditions and eliminate fire hazards and other risks incidental and surrounding trailer house locations, it is necessary and an emergency is therefore hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the commission and approval by the mayor.

Read for the first time October 21, 1942
Read for the second time November 4,,1942.
Put upon its passage November 4, 1942.
Yeas, 3
Nays, 0

Submitted to and approved by the mayor this 4th day of November, 1942.

E. L. Simpson
Mayor

ATTEST:

George Dinerville
Recorder of the City of Bend.

INDEX: