ORDINANCE # NS-446

AN ORDINANCE AMENDING ORDINANCE NO. NS-342 BY CHANGING PART OF THE PRESENT R-RESIDENCE DISTRICT INTO A C-I NEIGHBORHOOD COMMERCIAL DISTRICT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That that portion of Ordinance No. NS-342, to-wit: Part I of Section 1, adopting a "zoning map of the City of Bend, Oregon" and the zoning map itself, together with Part III, Section 15 of the said Ordinance No. NS-342, establishing the boundaries of districts by reference to the official zoning map of the City of Bend, Oregon, shall be amended so as to change the presently constituted R-Residence District as herein defined, to-wit:

Lots 19 and 20, Block 14, Highland Addition,
Lots 1 and 2, Block 15, Highland Addition,
Lots 3, 4, 5, and 6, Block 12, Highland Addition,
according to the official plat of the City of
Bend on file in the office of the Clerk of
Deschutes County

from R-Residence district to a C-I Neighborhood Commercial District.

SECTION 2. All of the allowable property uses in the presently constituted C-I Neighborhood Commercial district shall apply to the district herein changed from the R-Residence District to a C-I Neighborhood Commercial District.

Read for the first time on the 18th day of May, 1955.

Read for the second time on the 1st day of June, 1955

Placed upon its passage on the 1st day of June, 1955.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 1st day of June, 1955.

Hans Klagsvold
Mayor

ATTEST:

Julia S. Johnson
Recorder

NS-446

ORDINANCE NO. NS-447

AN ORDINANCE VACATING ALL THAT PORTION OF THE FOLLOWING DESCRIBED STREET LOCATION DESCRIBED AS FOLLOWS:

Butte Drive from the east line of East 11th Street to the South line of Penn Avenue, according to the official plat thereof on file in the office of the County Clerk, Deschutes County, State of Oregon.

WHEREAS the City Commission of the City of Bend heretofore on the 6th day of April, 1955, duly and regularly initiated the vacation proceedings to vacate the street above described in response to a petition for said vacation presented by Mr. E. Albert Moody, one of the petitioners, and

WHEREAS the City Commissioners having considered said vacation proceedings and found them to be in order and to meet the requirements of the law regulating the vacation of streets, and

WHEREAS after due notice as required by law, a public hearing was held at the Commission Chambers at the City Hall in the City of Bend at 8:00 o'clock P.M., on the 18th day of May, 1955, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following described street, located in the City of Bend, Deschutes County, State of Oregon, more particularly described as:

Butte Drive from the east line of East Eleventh Street to the South line of Penn Avenue, according to the official plat thereof on file in the office of the County Clerk, Deschutes County, State of Oregon.

be and the same is hereby vacated.

Read for the first time May 18, 1955
Read for the second time June 1, 1955
Placed upon its passage June 1, 1955

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 1st day of June, 1955.

Hans Flagerud Mayor

ATTEST:

Lucia L Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-448

AN ORDINANCE GRANTING A FRANCHISE, RIGHT AND AUTHORITY TO BEND TV DISTRIBUTORS TO OPERATE WITHIN THE PUBLIC STREETS, ALLEYS, AND PUBLIC HIGHWAYS AND AVENUES OF THE CITY OF BEND, DESCHUTES COUNTY, OREGON, AND TO ERECT APPURTENANCES THEREON TO MAINTAIN AND USE A COAXIAL CABLE SUBSCRIPTION SYSTEM FOR TELEVISION SIGNAL DISTRIBUTION TO HOMES AND BUSINESSES; INCORPORATING CONTRACTS OF BEND TV WITH OTHER ENTITIES HAVING FRANCHISE RIGHTS; RESERVING TO PUBLIC USE OF PUBLIC PROPERTY; SETTING CONSTRUCTION AND INSTALLATION STANDARDS; RESERVING INSPECTION RIGHTS; ALLOWING EXCAVATIONS IN PUBLIC PROPERTY; PROVIDING FOR RESTORATION AFTER EXCAVATION; RESERVING THE RIGHT TO IMPROVE PUBLIC PROPERTY; SETTING UP PROCEDURE FOR THE MOVEMENT OF BUILDINGS, MACHINERY, ETC; RESERVING USE OF INSTALLATIONS OF BEND TV FOR CITY-OWNED FACILITIES; SETTING UP INDEMNITY PROVISIONS; PREVENTING AN ASSIGNMENT OF THE FRANCHISE; PROVIDING FOR WRITTEN ACCEPTANCE; GRANTING EXCLUSIVENESS FOR SIX MONTHS WITH PROVISION FOR EXTENSIONS; SETTING UP A SCHEDULE OF FEES; RESERVING THE RIGHT TO EXAMINE THE RATE STRUCTURE AND ALSO THE DISTRIBUTION POLICIES; AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend, hereinafter designated as City, does hereby grant to Bend TV Cable, Inc., an Oregon Corporation, hereinafter called Bend TV, the right, privilege, authority and franchise of providing and furnishing a television cable and antenna system and to place, erect, lay, maintain and operate in, upon and under the streets, alleys, avenues, thoroughfares and public highways within the City of Bend, poles, wires, antenna and other appliances and conductors thereon, and to maintain and use the same as coaxial cable subscription system for television signal distribution to subscribers' homes and business establishments within the City of Bend.

Section II. That any existing contracts or agreements between Bend TV and any other person, firm, corporation, partnership or other entity relative to the use of existing poles and transmittal facilities or any other facilities, any of which may have been the subject of a franchise right given by the City to said entity, shall be made a part hereof by incorporation and, before this ordinance is finally passed, shall be appended to and made a part hereof.

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

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

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

Section VI. It shall be lawful for said Bend TV to make all needful excavations in any of such streets, alleys, avenues, thoroughfares and public highways in the City for the purpose of placing, erecting, laying,

and maintaining poles or other supports or conduits for said wires or repairing, renewing or replacing same. Said work shall be done in compliance with the necessary rules, regulations, ordinances, or orders which may, during the continuance of the franchise, be adopted from time to time by the City or its lawfully constituted agents.

Section VII. Whenever Bend TV shall disturb any of the streets for the purposes aforesaid, it shall restore the same to good order and condition as soon as practicable without unnecessary delay, and failing to do so the City shall have the right to fix a reasonable time within which such repairs and restoration of streets shall be completed, and upon failure of such repairs being made by Bend TV the City shall cause such repairs to be made at the expense of said Bend TV.

Section VIII. Nothing in this ordinance shall be construed in any way to prevent the City or its lawfully constituted agents from sewering, grading, planking, rocking, paving, repairing, altering, or improving any of the streets, alleys, avenues, thoroughfares and public highways within the City in or upon which the poles, wires, or other installations of Bend TV shall be placed, but all such work or improvements shall be done if possible so as not to obstruct or prevent the free use of said poles, wires and other installations of Bend TV, with Bend TV to be responsible for moving its cables and equipment.

Section IX. Whenever it becomes necessary to temporarily rearrange, remove, lower, or raise the aerial cables or wires or other apparatus of the Bend TV to permit the passage of any building, machinery, or other object, the said Bend TV will perform such rearrangement on seven (7) days' written notice from the person or persons desiring to move said building, machinery or other objects. Said notice shall bear the approval of such official as the City Commission may designate, shall detail the route of movement of the building, machinery or other objects, shall provide that the costs incurred by the Bend TV in making such rearrangement of its aerial plant will be borne by the person or persons giving said notice and shall further provide that the person or persons giving said notice will indemnify and save said Bend TV harmless of and from any and all damages or claims of whatsoever kind or nature caused directly or indirectly from such temporary rearrangement of the aerial plant of the Bend TV. Before Bend TV shall be required under the terms of this section to move or rearrange its installations in any manner or way, an arrangement satisfactory to Bend TV as to a guarantee of its costs in moving or rearranging its installations as in this section provided shall be made between Bend TV and the party or parties giving such notice.

Section X. The City reserves to itself the right at any time to use the poles and other installations of Bend TV erected or installed under the authority granted in this ordinance for any City-owned facilities of whatsoever nature, but it is agreed that such use shall not interfere with Bend TV's use thereof.

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

(a) Compensation Insurance in compliance with all Workmen's Compensation Insurance and Safety Laws of the State of Oregon and amendments thereto;
(b) Bodily Injury Liability Insurance with limits of $100,000, each person, and $200,000. each occurrence; and
(c) Property Damage Liability Insurance with limits of $50,000, each accident, and $100,000 aggregate.

(d) That included within such coverage as above set forth there shall be a save harmless clause in favor of the City of Bend, protecting the City from any injuries, property damage and any other liabilities arising in any way from the operation of Bend TV, including installation and maintenance of its various facilities.

Section XII. No assignment of this franchise shall be permitted on the part of Bend TV without prior approval of the City Commission of the City of Bend.

Section XIII. Bend TV shall within 30 days after the effective date of this ordinance file with the City Recorder its written acceptance of the obligations contained herein and its agreement to abide with any regulations herein imposed.

Section XIV. The City agrees that it shall not, for a period of six months, from the final date of passage of this ordinance, grant to any other competing group, partnership, corporation, individual, or any other entity, any right that may conflict with the rights granted herein. That Bend TV agrees that it will provide to the City Commission of the City of Bend monthly progress reports, commencing one month after the final passage hereof, and on the basis thereof the City Commission reserves the right to extend the six-month period of exclusiveness herein granted for such additional periods as they may designate. That it is understood between the parties hereto that coaxial television distribution is in the experimental stage in this area and that the period of exclusiveness granted herein is designed to foster and facilitate the development of the scientific and mechanical aspects leading to the ultimate and final satisfactory distribution of television signals to subscribers throughout the City of Bend and the surrounding area. That the City reserves the right at any time to make the period of franchise a determined period not to exceed 20 years in duration and further retains the right to grant exclusive or non-exclusive rights at the City's option, but until such time the City only grants this franchise on a six-month basis.

Section XV. (a) Bend TV shall pay to the City not later than 30 days after the end of the first year during which any rentals for the use of Bend TV's equipment shall be paid to Bend TV by its subscribers, said first year shall not be considered as meaning a calendar year but rather a period of time measured from the day and month of the first installation of equipment for rental use thereof, for a period of time twelve full calendar months thereafter, an amount of money equal to 1% of Bend TV's gross local service receipts as above described as rentals. For the second and third years of operation measured by the above set forth standards, the said Bend TV shall pay to the City an amount of money equal to 1% of Bend TV's gross local service receipts as above described as rentals.

(b) Bend TV shall pay to the City for the next two succeeding years, measured by the above set forth standards in Paragraph (a) above, an amount of money equal to 2% of its gross local service receipts as above described as rentals.

(c) That after the five years of operation measured as above set forth, Bend TV shall pay to the City of Bend on a yearly basis as above set forth an amount equal to 3% of its gross local service receipts as above described as rentals and shall continue to pay at such rate for the duration of time covered by this franchise.

(d) Gross local service receipts as herein used shall exclude income or sums received by Bend TV for installation, construction or connection work, so long as these types of revenue are not in fact a part of the rental price structure.

Section XVI. Payment of the amounts by Bend TV as provided in Section XV will be accepted by the City of Bend as payment in lieu of any license, privilege or occupation tax or fee for revenue, or for any other purpose now or hereafter to be imposed by the City of Bend upon the grantee,

Bend TV, during the term of this franchise.

Section XVII. The City reserves the right at any time during the period of this franchise to examine the rate structure of Bend TV and to direct certain and any rate changes which, in the opinion of the City Commission, are dictated in view of the following considerations:

(a) That Bend TV shall have the right to charge and collect reasonable compensation from persons and groups to whom it shall furnish TV reception and the term "reasonable compensation" may be defined at the discretion of the City after a study and consideration of national figures pertaining thereto and as affected by local conditions in the local system.

(b) The City bases its rights reserved hereunder upon the inherent and statutory right of the City to perform in the best interests of the people of the City of Bend and to prevent any possible flagrant misuse of the rights granted hereunder.

Section XVIII. The City also reserves the right to consider the situation of the area and streets served by Bend TV lines and installations and to make recommendations for service to other areas not being served, at any given time. It is agreed that Bend TV will attempt to serve as many people and areas as it is physically possible for it so to do and that it is also agreed that Bend TV will serve all areas without discrimination.

Section XIX. Bend TV agrees to indemnify and save harmless the City from any and all liability arising from bodily injury or property damage caused by use of the rights granted hereunder.

Section XX. Inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof in that the grantee of this franchise is ready to commence construction of its facilities and that the people of the City of Bend are desirous of and are entitled to obtaining television reception in the mode herein provided for their peace, health and safety and general welfare at the earliest practicable date, NOW THEREFORE

AN EMERGENCY is hereby declared to exist and upon the passage hereof by the affirmative vote of all members of the Commission this ordinance shall become immediately operative.

Read for the first time June 15, 1955.
Read for the second time June 25, 1955.
Placed upon its passage June 25, 1955.

Submitted to and approved by the Mayor this 25th day of June, 1955.

Hans Klagsvold
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend.

NS-448

ORDINANCE NO. NS-449

AN ORDINANCE FOR THE IMPOUNDING AND DISPOSITION OF ABANDONED VEHICLES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. DEFINITIONS. As used in this ordinance, unless the context requires otherwise:

(1) "Abandoned" shall mean left unoccupied and unclaimed or in a damaged or dismantled condition upon the streets or alleys of the City.
(2) "City" shall mean the City of Bend, Oregon.
(3) "Costs" shall mean the expense of removing, storing or selling an impounded vehicle.
(4) "Chief of Police" includes any authorized law enforcement officer of the City.
(5) "Owner" shall mean any individual, firm, corporation or unincorporated association with a claim, either individually or jointly, of ownership or any interest, legal or equitable, in a vehicle.
(6) "Vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Section 2. (1) It shall be the duty of the police department, whenever a vehicle is found abandoned upon the streets, alleys and public parking lots in the same position for a period of three (3) days, to:

(a) Make a routine investigation to discover the owner and request removal of the vehicle, and
(b) If the owner is not found, to place a notice upon the windshield, or some other part of the vehicle easily seen by the passing public.

(2) Such notice shall state that the police department will remove and impound the vehicle under the provisions of this ordinance, within 24 hours of the day and time of the posting, unless:

(a) The owner removes the vehicle; or
(b) Good cause is shown, satisfactory to the Chief of Police, why such vehicle should not be removed by the owner or removed and impounded by the City.

Section 3. (1) An abandoned vehicle which remains in the same position for a period of 24 hours after a notice to remove has been posted upon such vehicle, and no person has appeared to show good cause why such vehicle should not be moved, shall constitute a nuisance.
(2) It shall be the duty of the Police Department to remove any vehicle which shall constitute a nuisance, under the provisions of this ordinance, and store such vehicle upon city property, or upon private property designated by the city, pending investigation into the ownership of such vehicle.

Section 4. The Police Department, after impounding any vehicle in accordance with the provisions of this ordinance, shall:

(1) Make a diligent inquiry as to the name and address of the owner of the vehicle.
(2) Examine such vehicle for license number, motor number, serial number, make, style, and any other information which will aid in the identification of the ownership of the vehicle, and
(3) Thereafter, immediately transmit all available information pertaining to such vehicle to the Secretary of State of Oregon, with an inquiry for the name and address of the owner, whenever such vehicle is required by law to be registered with the office of the Secretary of State of the State of Oregon.

Section 5. If the owner is identified, he shall be notified immediately by registered mail that such vehicle is held by the Police Department of the city. The notice to the owner shall also state:

(1) The reason for impounding the vehicle.

(2) The existing costs charged against the vehicle.

(3) An estimate of future costs, including the cost of advertising the vehicle for sale, and

(4) That unless the owner redeems the vehicle, within 10 days from the day of mailing the notice if the address of the owner is within the State of Oregon, or within 20 days of the day of mailing the notice if the address of the owner is without the State of Oregon, and pays all the costs, the vehicle:

(a) Will be advertised for sale, in accordance with Section 6 of this ordinance; and

(b) Will be sold at a public auction, at a definite time and place within the city to the highest and best bidder for cash.

Section 6. (1) If the owner cannot be identified after compliance with Section 4, or no claim is made by a notified owner within the time specified by Section 5 (4) of this ordinance, the Chief of Police shall cause to be published in a newspaper of general circulation within the City a notice of sale. The notice of sale shall state:

(a) The sale is of abandoned property in possession of the City.

(b) A description of the vehicle, including the type, make, motor number, serial number, and any other information which will aid in accurately identifying the vehicle.

(c) The terms of the sale, and

(d) The date, time and place of the sale.

(2) The notice of sale shall be published two times, the first publication shall be made not less than 10 days prior to the date of the proposed sale, and the second shall be made not less than 3 days prior to the date of the proposed sale.

Section 7. (1) An owner may redeem a vehicle impounded under the provisions of this ordinance, before a sale has taken place, by applying to the police department, whereupon he shall:

(a) Submit evidence of his ownership or interest in the vehicle, satisfactory to the Chief of Police, that such claim is rightful, and

(b) Pay the costs due and owing at the time the application to redeem is made.

(2) Upon compliance with Subsection (1) of this Section, the Chief of Police shall execute a receipt for the owner and cause the vehicle to be returned to him.

Section 8. (1) If no claim shall have been made to redeem an impounded vehicle before the time set for the sale of such vehicle, the Chief of Police shall hold a sale at the time and place appointed within the view of the vehicle to be sold.

(2) The vehicle shall be sold to the highest and best bidder, providing that if no bids are entered, or those bids which are entered are less than the costs incurred by the City, the Chief of Police shall enter a bid on behalf of the city in an amount equal to such costs.

(3) The proceeds of such sale shall be applied:

(a) To the payment of costs incurred by the City, and

(b) The balance, if any, shall be transferred to the Recorder-Treasurer of the City to be credited to the general fund, or

(c) If a private garage is utilized, then to said private garage for such services as may be rendered by such private garage.

Section 9. (1) At the time of payment of the purchase price, the Chief of Police shall execute a certificate of sale, in duplicate, the original of

which shall be delivered to the purchaser, and the copy thereof filed with the Recorder-Treasurer of the City.

(2) The certificate of sale shall be substantially as follows:

CERTIFICATE OF SALE

This is to certify that under the provisions of Ordinance No._____ entitled, "An Ordinance for the Impounding and Disposition of Abandoned Vehicles" and Pursuant to due notice of the time and place of sale, I did on the _____ day of _____,19__, sell at public auction to _____ _____for the sum of$_____ cash, he being the highest and best bidder, and that being the highest and best sum bid therefor, the following described personal property, to-wit:

(brief description of the property)

And in consideration of the payment of the said sum of $_____, receipt whereof is hereby acknowledged, I have this day delivered to said purchaser the foregoing property.

Dated this _____ day of _____,19__.

_____

Note: The City of Bend assumes no responsibility as to the condition of title of the above described property. In case this sale shall for any reason be invalid, the liability of the City is limited to the return of the purchase price.

Section 10. Upon such sale being consummated the Chief of Police shall deliver the vehicle and the certificate of sale to the purchaser. Such sale and conveyance shall be without redemption.

Section 11. This ordinance shall apply to all abandoned vehicles now in the possession of the City as well as to all such vehicles as may hereafter be impounded.

Section 12. In the enforcement and execution of the provisions of this ordinance, the Chief of Police shall charge and collect a reasonable fee for:

(a) For towing.
(b) For Storage.

Section 13. Where the City employs the services of a private garage, in lieu of its own towing and storage:

(1) The City shall not be liable for services rendered by a private garage from any source other than such amounts as may be collected from the owner on redemption, or from a purchaser upon sale, after the City shall have deducted its expenses, unless the City shall be the purchaser of the vehicle.

(2) No lien shall be created by this ordinance in favor of the private garage upon the vehicle for such services.

(3) The vehicle shall not be released from the private garage except upon a receipt, signed by the Chief of Police, proffered by the purchaser.

Section 14. Ordinances of the City of Bend coming in conflict with the terms of this ordinance are hereby repealed. Specifically Section 5 of Ordinance No. NS-269 be and the same hereby is repealed.

Read for the first time on this 6th day of July, 1955.

Read for the second time on this 20th day of July, 1955.

Placed upon its passage on this 20th day of July, 1955.

Yeas: 7 Nays: 0

Submitted to and approved by the Mayor on this 20th day of July, 1955.

Hans Klagstad
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-450

AN ORDINANCE AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY IN THE NAME AND ON BEHALF OF THE CITY OF BEND, OREGON, OF A CONTRACT WITH PACIFIC POWER & LIGHT COMPANY, A CORPORATION, PROVIDING FOR THE FURNISHING BY SAID PACIFIC POWER & LIGHT COMPANY TO SAID CITY OF ADDITIONAL ELECTRIC LIGHTING SERVICE UPON GREENWOOD AND FRANKLIN AVENUES WITHIN THE CORPORATE LIMITS OF SAID CITY FOR A PERIOD OF TEN (10) YEARS FROM AND AFTER THE EFFECTIVE DATE OF THIS ORDINANCE, A COPY OF THE CONTRACT SO AUTHORIZED BEING SET FORTH IN THIS ORDINANCE, AND DECLARING SUCH SERVICE ESSENTIAL TO THE SECURITY AND WELFARE OF SAID CITY AND ITS INHABITANTS;

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That the City of Bend make and enter into a contract with Pacific Power & Light Company, a corporation, providing for the furnishing by said Pacific Power & Light Company to the City of Bend of electric lighting service for lighting Greenwood and Franklin Avenues within the corporate limits of the City of Bend, for the period of ten (10) years from and after the effective date of this ordinance, which contract shall be signed by the Mayor, sealed with the corporate seal of the City and attested by the Recorder of the City of Bend, and shall be in words and figures as follows:

CONTRACT FOR STREET LIGHTING SERVICE
SUPPLIED FROM A MERCURY VAPOR STREET LIGHTING SYSTEM
INSTALLED, OWNED, OPERATED AND MAINTAINED BY
PACIFIC POWER & LIGHT COMPANY

THIS CONTRACT, made and entered into this ____ day of _____, 1955, by and between the CITY OF BEND, a municipal corporation of the State of Oregon, hereinafter designated as the "City," and PACIFIC POWER & LIGHT COMPANY, a corporation, hereinafter designated as the "Company," WITNESSETH:

WHEREAS the execution of this contract by the City of Bend has been duly authorized and directed by Ordinance No. _____ of the City of Bend, approved by the Mayor on the ____ day of _____, 1955; and the Company has accepted the undertakings, terms and conditions hereinafter in this contract set forth:

NOW, THEREFORE, the City and the Company do hereby mutually agree as follows:

Section 1. Beginning on the date upon which the Company shall have completed installation of facilities to be installed by the Company hereunder and continuing until this contract shall have been terminated as hereinafter provided, the Company agrees to furnish to the City and the City agrees to take and pay for under the provisions hereof, street lighting service supplied by means of a post-type lighting system as hereinafter described, which the City requires for lighting Greenwood and Franklin Avenues within the City. This contract shall continue in full force and effect for the term of ten (10) years, beginning upon the date of passage and approval of Ordinance No. _____ and terminating on _____, 1965.

Section 2. The service to be furnished by the Company and paid for by the City hereunder shall consist of the installation, operation and maintenance by the Company of twenty-three (23) mercury vapor type street lamps at the locations shown on the maps marked Exhibit "A," and

"A-1," attached hereto and made a part hereof. Twenty-one of the lighting units to be furnished hereunder shall consist of a tapered steel post, complete with up-sweep bracket arm and pendent type luminaire, so designed as to bring the light center of said luminaire to a mounting height of approximately thirty feet (30'). Each of said posts shall be mounted upon a concrete base not less than twenty-four inches (24") square by thirty-six inches (36") in depth, except where rock formation may be encountered. In each of said pendent luminaires there shall be installed one (1) 20,000 mercury vapor lamp. Two of the lighting units to be furnished hereunder shall consist of generally the same type of up-sweep bracket arm as above mentioned but shall be mounted on wood poles at locations as shown on Exhibit A attached. The pendent luminaire and mercury vapor lamp shall be of the same type in all twenty-three units and shall, as nearly as practicable, be of the same design as the presently existing post type system. Electric energy will be supplied to said lamps from overhead wires.

Section 3. For the street lighting service to be furnished by the Company as hereinbefore provided, the City will pay the Company at the rate of eight dollars and fifteen cents ($8.15) per month for each 20,000 lumen mercury vapor lamp mounted on a steel pole and six dollars and twenty-five cents ($6.25) for each such lamp mounted on a wood pole.

Section 4. It is understood that the Company's rates and charges for said street lighting service are and at all times shall be subject to the lawful orders or regulation of the Public Utilities Commissioner of the State of Oregon or any other governmental authority having jurisdiction thereof.

Section 5. Should the Company at any time become unable to obtain new mercury vapor type lamps for replacements hereunder of any lamps theretofore in service hereunder, because of the manufacturers' discontinuing the making of lamps of the same types and lumen ratings, or for any other good cause, the Company will install and thereafter operate at the locations of the lamps so superseded a like number of mercury vapor lamps of approximately similar standard lumen ratings then commercially available, and thereafter the City will pay for the operation and maintenance of such substitute lamps the Company's rates applicable thereto.

Section 6. The Company will at all times hereunder, except when prevented by accident or other cause beyond its reasonable control, supply the necessary electric energy, and the necessary service for switching on and off such energy, for continuous dusk to daylight operation of all lights or lamps provided for hereunder, and will promptly replace all such lights or lamps which shall have burned out or ceased to be useful.

Section 7. Payment for service furnished each month under this contract shall be made by the City to the Company at the Company's office in Bend, Oregon, within ten (10) days after receipt of bill for the service furnished during such month.

Section 8. This contract and all of the terms and provisions hereof shall inure to the benefit of and be binding upon the successors and assigns of the parties hereto, respectively.

Section 2. It is hereby determined by the Commission of the City of Bend that the lighting service provided for in the contract hereby authorized is necessary to enable said City to provide proper protection for itself and the inhabitants thereof, and is essential to the security and welfare of said City and its inhabitants.

Section 3. The Mayor of the City of Bend is hereby authorized and directed to execute and deliver such contract with Pacific Power & Light Company in the name and on behalf of the City of Bend, and the Recorder of the City of Bend is hereby authorized and directed to affix the seal of said City to said contract and to attest the same, upon execution thereof by the Mayor as herein provided.

Passed by the Commission this 20th day of July, 1955.

Approved by the Mayor this 20th day of July, 1955.

Hans Klagsvold
Mayor

ATTEST:

Julene S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-451

AN ORDINANCE REPEALING ORDINANCE NO. NS-99.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That Ordinance No. NS-99, i.e., "An ordinance providing for the sprinkling of streets, alleys, and public ways of the City of Bend, or any portion thereof, and for the application thereto of oil or other dust preventative; assessing the cost thereof on the abutting property; providing a method of collecting the same and the cost", shall be and the same hereby is repealed.

Read for the first time this 20th day of July, 1955.

Read for the second time this 3rd day of August, 1955.

Placed upon its passage this 3rd day of August, 1955.

Yeas: 7 Nays: 0

Submitted to and approved by the Mayor this 3rd day of August, 1955.

Mayor

ATTEST:

Recorder of the City of Bend

ORDINANCE NO. NS-452

AN ORDINANCE ANNEXING TO THE CITY OF BEND CERTAIN REAL PROPERTY AS DESCRIBED IN THE WITHIN ORDINANCE: CITING A RESOLUTION DISPENSING WITH SUBMITTING THE QUESTION OF THE ANNEXATION TO THE REGISTERED VOTERS OF THE CITY OF BEND; AND RECOGNIZING THE RECEIPT OF CONSENTS TO ANNEXATION FROM THE PROPERTY OWNERS OF THE PROPERTY WITHIN THE TRACT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The legislative body of the City of Bend does by the enacting of this ordinance recognize the following facts:

(a) That under date of July 6, 1955, Resolution No. 480 was passed by the City of Bend wherein the said City Commission of the City of Bend did elect to dispense with submitting the question of the annexation of the following described lands and property to the registered voters of the City.

(b) That the aforesaid Resolution No. 480 was published once a week for two successive weeks in the Bend Bulletin, a newspaper of general circulation within the City of Bend. That said Resolution was also posted in four public places within the said City of Bend. That said publication and posting ran concurrently.

(c) That within the said Resolution No. 480 there was also given notice of a public hearing to be held on the aforesaid annexation proceedings which said public hearing was to be held on the 27th day of July, 1955, at the hour of 8:00 o'clock P.M., in the Commission Chambers in the City Hall in Bend, Oregon. That at said public hearing no persons appeared to remonstrate against the proposed annexation.

(d) That at the time of the public hearing as set forth above there was presented to the City Commission of the City of Bend consents to annexation by 100% of the property owners of the property described to be annexed.

Section 2. Now, therefore, the City Commission of the City of Bend, the legislative body of said City, does hereby proclaim that the following described property located within the County of Deschutes and State of Oregon shall be and the same hereby is annexed to the City of Bend and shall become a part thereof. That the said property is more particularly described as follows, to-wit:

Tracts 1, 2, 3 and 4 of the Sub-division known as Enterprise Acres according to the plat thereof on file in the office of the Recorder of Deschutes County, Oregon, together with a strip of land 50.0 feet in width measured at right angles to the south boundary of said Enterprise Acres, said strip of land to be immediately adjacent to the southerly boundary of tracts 1, 2, 3, and 4 and bounded on the west by the east line the Century Drive Highway and bounded on the east by the west line of Columbia Street extended.

Read for the first time the 27th day of July, 1955

Read for the second time the 17th day of August, 1955.

Placed upon its passage the 17th day of August, 1955.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 17th day of August, 1955.

Mayor

ATTEST:

Recorder of the City of Bend

NS 452

ORDINANCE NO. NS-453

An ordinance amending Ordinance No. NS-436, by adding to the District therein set forth, an additional area to be known also as C-IIIa Commercial District.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That Section 1 of Ordinance No. NS-436, presently amending Ordinance No. NS-342, be amended by adding to Section 1 thereof a new paragraph setting forth a further area which shall hereinafter be termed a C-IIIa Commercial District, to-wit:

> Beginning at the intersections of the center lines of the Alley in Block 10. Lytle Addition to Bend and Deschutes Place; thence due east to the westerly right of way line of the Oregon Trunk Railroad; thence southwesterly along said right of way line to the center line of Norton Ave.; thence west along the center line of Norton Avenue. to the center line of Hill Street; thence north along the center line of Hill Street to the center line of Deschutes Place; thence northeasterly along the center line of Deschutes Place to the point of beginning.

Section 2. That it is the intent of the ordinance to reclassify the aforedescribed district, to effect a change in the official zoning map of the City of Bend, and to make the regulations applicable to this above described district as are presently applied to districts known as C-IIIa Commercial District as set forth in the amended Ordinance No. NS-436.

Read for the first time this 17th day of August, 1955.

Read for the second time this 7th day of September, 1955.

Placed upon its passage this 7th day of September, 1955.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 7th day of September, 1955.

Hans Klagsvold
Mayor

ATTEST:

Julia L. Johnson
Recorder

NS 453

ORDINANCE NO. NS-454

AN ORDINANCE MAKING IT UNLAWFUL TO MOVE ANY STRUCTURE ONTO A REAL PROPERTY SITE WITHIN THE CITY OF BEND WITHOUT HAVING FIRST OBTAINED A LICENSE THEREFOR; SETTING FORTH THE QUALIFICATIONS FOR SAID LICENSE; PROVIDING AN APPEAL PROVISION; THE LICENSE FEE AND THE PENALTY FOR VIOLATION OF THIS ORDINANCE, AND REQUIRING A POLICE ESCORT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. From and after the effective date of this ordinance it shall be unlawful for any person or other entity to move any structure onto a site consisting of real property within the City of Bend without having first obtained a license so to do, issued by the Recorder of the City of Bend and counter-signed by the zoning officer of the City of Bend.

Section 2. That such license as provided for in Section 1 hereof shall not issue as a matter of course but shall only issue upon application duly made to the City Recorder and after consideration by the zoning officer. That before such license shall issue, the zoning officer of the City of Bend shall ascertain that the structure proposed to be moved shall be of such architectural appeal and functional plan so as not to be so at variance with other buildings and sites in its proposed new site as to cause substantial depreciation in property values of the neighborhood, and further that such moving to a new site shall not be at variance with any ordinance of the City of Bend and particularly any of which shall consist of zoning ordinances.

Section 3. That any persons or other entities aggrieved by the decision of the zoning officer in compliance with Section 2 hereof shall have the right to appeal to the Planning Commission of the City of Bend which said Commission shall have the authority and right to overrule the decision of the zoning officer. Their findings shall be made a record in their minutes and such findings shall specifically state that the architectural appeal and functional plan are such that the structures moved to its new site will not be so at variance with other buildings in sites in said area so as to cause depreciation in property values of the neighborhood, and that such moving to a new site is not at variance with any ordinance of the City of Bend and particularly any of which shall consist of zoning ordinances.

Section 4. Upon the Planning Commission overruling the zoning officer as in Section 3 provided, the City Recorder shall issue the license as provided for in Section 1 hereof.

Section 5. That there shall be paid by the applicant for each license set forth in Section 1 hereof, a sum of $25.00 at the time application is made. That if issued the aforesaid $25.00 shall be the license fee, but that if the said license is not issued as in this ordinance provided, a refund to the applicant of $10.00 shall be made upon and at the time of the notice of rejection, the balance being retained by the said City of Bend.

Section 6. All persons or other entities after having received the aforesaid license, but before said structure as described herein shall be moved, shall make arrangements with the Police Department of the City of Bend for a Police escort during the moving operation and no structure as described in this ordinance shall be moved without said police escort.

Section 7. Any person or other entity violating this ordinance shall, upon conviction therefor in a municipal court of the City of Bend be deemed as having committed a misdemeanor and as such shall be liable to a fine of not less than $25.00 and not more than $200.00 or by imprisonment in the City jail of the City of Bend for a period of time not exceeding 90 days, or both such fine and imprisonment. Each day of violation of this ordinance shall be deemed a new and separate violation and each day's violation shall be punishable as in this section provided.

Read for the first time August 17th, 1955

Read for the second time September 7, 1955

Placed upon its passage September 7, 1955

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 7th day of September, 1955.

Thos Stagsold
Mayor

Julia S. Johnson
Recorder.

NS 454

ORDINANCE NO. NS-455

AN ORDINANCE PROHIBITING PEDESTRIANS IN THE C-III AND C-IIIa ZONES FROM CROSSING STREETS OR AVENUES AT OTHER THAN MARKED CROSSWALKS OR STREET INTERSECTIONS; PROHIBITING PEDESTRIANS CROSSING STREETS OR AVENUES ABUTTING ON ANY SCHOOL GROUNDS AT OTHER THAN MARKED CROSSWALKS OR INTERSECTIONS; PROHIBITING CROSSINGS OF STREETS OR AVENUES OTHER THAN IN A CROSSWALK WITHIN 300 FEET OF A CROSSWALK; SETTING FORTH PUNISHMENT AND PENALTY FOR VIOLATION AND SETTING FORTH AN EMERGENCY CLAUSE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. From and after the effective date of this ordinance it shall be unlawful and punishable, as in this ordinance provided, for any person as a pedestrian to cross any street or avenue within the use districts known as C-III, Central Commercial District, and C-IIIa Commercial District of the City of Bend as defined in Ordinance No. NS-342 and amendments thereto, at any place other than within a marked crosswalk or at an intersection of streets and avenues within said use districts and at such an intersection the crossing is to be made by crossing at right angles to the curb or street line of the street to be crossed.

Section 2. In addition to the use districts as set forth in Section 1 above, all persons crossing as a pedestrian any street or avenue abutting on any school grounds within the City of Bend shall cross the said street or avenue at a marked crosswalk or at an intersection of streets or avenues and such a crossing shall be made at right angles to the curb or street line of the street to be crossed. A crossing of streets or avenues in contravention of the requirements in this section provided shall be unlawful and punishable as in this ordinance provided.

Section 3. All persons crossing as a pedestrian any street or avenue within the city limits of the City of Bend within the distance of three hundred (300) feet from a marked crosswalk, must cross the said street or avenue within the lines at said crosswalk. Failure to do so is unlawful and punishable as in this ordinance provided.

Section 4. A violation of any of the terms or provisions of this ordinance shall be deemed a misdemeanor and shall be punishable upon conviction in the Municipal Court of the City of Bend by a fine of not to exceed twenty-five ($25.00) dollars or by imprisonment in the city jail for a period of time not to exceed 10 days, or by both such fine and imprisonment.

Section 5. Inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof in that a dangerous condition exists in said City by reason of pedestrian traffic, winter weather conditions, early darkness with many school children crossing streets and that inasmuch as this ordinance is designed to remedy such conditions, NOW THEREFORE,

AN EMERGENCY is hereby declared to exist and upon the passage hereof by the affirmative vote of all members of the Commission, this ordinance shall become immediately operative.

Read for the first time this 16th day of November, 1955.

Read for the second time this 7th day of December, 1955.

Placed upon its passage this 7th day of December, 1955.

Yeas: 7 Nays: 0

Submitted to and approved by the Mayor this 7th day of December, 1955.

John Skagerud
Mayor

ATTEST:

Juliet S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-456

AN ORDINANCE AMENDING ORDINANCE NO. NS-342 BY CHANGING PART OF THE PRESENT R-RESIDENCE DISTRICT INTO A C-III CENTRAL COMMERCIAL DISTRICT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That that portion of Ordinance No. NS-342, to-wit, Part I of Section 1, adopting a "Zoning Map of theCity of Bend, Oregon" and the Zoning Map itself, together with Part III, Section 15 of the said ordinance No. NS-342 establishing the boundaries of districts by reference to the official Zoning Map of the City of Bend, Oregon, shall be amended so as to change the part of R-Residence District, as herein defined, to-wit:

Beginning at the intersection of the south boundary of Franklin Avenue with the center-line of Lava Road; thence northeasterly along the center line of Lava Road to the center-line of Harriman Street at a point opposite the north line of Hawthorne Avenue; thence northerly along the center-line of Harriman Street, to a point opposite the alley in Block 21, Bend Original; thence easterly through the alleys in Blocks 21 and 26, Bend Original, to an intersection with the east line of Division Street; thence southerly along the east line of Division Street to a point opposite the north line of the alley in Block 30, Park Addition; thence westerly along said north line to the east line of Hill Street; thence on said north alley line extended across Hill Street to a point on the west boundary of Hill Street; thence south along the west boundary of Hill Street to the south boundary of Lot 5, Block 29, Park Addition; thence westerly along the south boundary of Lots 5 and 16, Block 29, Park Addition to the easterly boundary line of Harriman Street; thence northerly along said east line of Harriman Street to a point opposite the north line of the alley in Block 28, Park Addition; thence northwesterly along said north line of the alley in Block 28, Park Addition to the easterly boundary of Sisemore Street; thence along said east line of Sisemore Street, to the south boundary of Franklin Avenue; thence northwesterly along said south boundary of Franklin Avenue to the point of beginning,

from R-Residence District to C-III Central Commercial District.

Section 2. That it is the intent of the ordinance to reclassify the aforedescribed district, to effect the change in the official Zoning Map of the City of Bend, and to make the regulations applicable to this above described district as are presently applied to districts known as C-III Central Commercial District.

Read for the first time the 18th day of January, 1956.

Read for the second time the 1st day of February, 1956.

Placed upon its passage the 1st day of February, 1956.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 1st day of February, 1956.

Hoyt Taylor
Mayor

ATTEST:

Julia L. Johnson
Recorder of the City of Bend.

ORDINANCE NO. NS-457

AN ORDINANCE AMENDING SECTION 5 OF ORDINANCE NO. NS-372 BY ADDING TO THE SAID SECTION A NEW PARAGRAPH DESCRIBING ADDITIONAL PROPERTY FOR INCLUSION IN THE FIRE LIMITS OF THE CITY OF BEND

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 5 of Ordinance No. NS-372 is hereby and herewith amended by adding to the said Section 5 all property lying within the boundaries as herein set forth, to-wit:

Beginning at the intersection of the south boundary of Franklin Avenue with the center-line of Lava Road; thence northeasterly along the center-line of Lava Road to the center-line of Harriman Street at a point opposite the north line of Hawthorne Avenue; thence northerly along the center-line of Harriman Street, to a point opposite the alley in Block 21, Bend Original; thence easterly through the alleys in Blocks 21 and 26, Bend Original, to an intersection with the east line of Division Street; thence southerly along the east line of Division Street to a point opposite the north line of the alley in Block 30, Park Addition; thence westerly along said north line to the east line of Hill Street; thence on saidnorth alley line extended across Hill Street to a point on the west boundary of Hill Street; thence south along the west boundary of Hill Street to the south boundary of Lot 5, Block 29, Park Addition; thence westerly along the south boundary of Lots 5 and 16, Block 29, Park Addition to the easterly boundary line of Harriman Street; thence northerly along said east line of Harriman Street to a point opposite the north line of the alley in Block 28, Park Addition; thence northwesterly along said north line of the alley in Block 28, Park Addition to the easterly boundary of Sisemore Street; thence along said east line of Sisemore Street, to the south boundary of Franklin Avenue, thence northwesterly along said south boundary of Franklin Avenue to the point of beginning,

Section 2. This ordinance shall in no way be construed to change the fire limits existing prior to the passage hereof, and its intention is merely to add new areas to come within the provisions of the aforesaid Ordinance No. NS-372 which said other provisions are not affected by this ordinance.

Read for the first time the 18th day of January, 1956.

Read for the second time the 1st day of February, 1956.

Placed upon its passage the 1st day of February, 1956.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 1st day of February, 1956.

Mayor

ATTEST:

Recorder of the City of Bend.

ORDINANCE NO. NS-458

AN ORDINANCE to provide for the issuance and sale of City of Bend Water Bonds in the sum of Three Hundred Sixty-five Thousand Dollars ($365,000.00) for the purpose of providing funds with which to make additions, extensions, and improvements to the water system, providing the form of said bonds, and for the advertisement and sale thereof, and declaring an emergency.

WHEREAS, at an election duly called and held in the City of Bend, Oregon, on the 23rd day of January, 1956, the Commission of said City was duly authorized and empowered to issue and sell bonds in the sum of Three Hundred Sixty-five Thousand Dollars ($365,000.00) to procure funds with which to make additions, extensions and improvements to the water system; and

WHEREAS, it is necessary at this time to issue and sell said bonds, now, therefore,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That the City of Bend does issue its bonds in the sum of Three Hundred Sixty-five Thousand Dollars ($365,000.00) par value in amount, said bonds to be in denominations of One Thousand Dollars ($1,000.00) each, numbered from 1 to 365, inclusive, to be dated March 1, 1956, and to mature serially in numerical order as follows:

$18,000.00 on March 1, 1957
18,000.00 on March 1, 1958
18,000.00 on March 1, 1959
18,000.00 on March 1, 1960
18,000.00 on March 1, 1961
18,000.00 on March 1, 1962
18,000.00 on March 1, 1963
18,000.00 on March 1, 1964
18,000.00 on March 1, 1965
18,000.00 on March 1, 1966
18,000.00 on March 1, 1967
18,000.00 on March 1, 1968
18,000.00 on March 1, 1969
18,000.00 on March 1, 1970
18,000.00 on March 1, 1971
19,000.00 on March 1, 1972
19,000.00 on March 1, 1973
19,000.00 on March 1, 1974
19,000.00 on March 1, 1975
19,000.00 on March 1, 1976

provided that all bonds which mature thereafter, shall be subject to call and redemption on March 1, 1966, and on any interest paying date thereafter, said bonds to bear interest at the rate of not to exceed six percent

(6%) per annum, payable semiannually on the 1st day of March and September in each year, principal and interest to be payable in lawful money of the United States at the office of the City Treasurer of the City of Bend, Oregon, said bonds to be signed by the Mayor and countersigned by the Recorder under the corporate seal of said City, the interest of said bonds to be represented by semi-annual interest coupons attached thereto bearing the facsimile signatures of said Mayor and Recorder, which said bonds shall be known as "City of Bend Water Bonds Series 1956".

Section 2. That the said City of Bend Water Bonds and the coupons attached thereto shall be in substantially the following form:

No. _____ $1,000.00

UNITED STATES OF AMERICA

STATE OF OREGON

DESCHUTES COUNTY

CITY OF BEND WATER BOND SERIES 1956

CITY OF BEND, DESCHUTES COUNTY, OREGON, for value received, hereby promises to pay to bearer the sum of

ONE THOUSAND DOLLARS

on the first day of March, 19__, with interest thereon at the rate of _____ percent (%) per annum, payable semiannually on the first days of March and September in each year, to the bearer of the respective coupons therefor hereto attached upon presentation and surrender thereof as they mature, both principal and interest being payable in lawful money of the United States of America at the office of the City Treasurer of the City of Bend, Oregon.

This bond is one of an issue of like date and tenor, except as to maturities, aggregating Three Hundred Sixty-five Thousand Dollars ($365,000.00), par value in amount, authorized by an amendment to the charter of said City, duly submitted to and approved by the legal voters of said City at an election held for said purpose on the 23rd day of January, 1956, after due notice given, at which said election an indebtedness in said sum was authorized by the legal voters of said city, to be created for the purpose of procuring funds with which to make additions, extensions and improvements to the water system of the City.

It is hereby certified that every requirement of law relating to the issue hereof has been duly complied with and that this bond is within every

debt and other limit prescribed by the Constitution or laws of the State of Oregon or the charter of said City.

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

IN WITNESS WHEREOF the City of Bend 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 to bear the facsimile signatures of said Mayor and Recorder this first day of March, 1956.

_____
Mayor

Countersigned

_____
Recorder

On the face of all bonds which mature after 1966, there shall be added a paragraph to read as follows:

"This bond is subject to call and redemption on March 1, 1966, and on any interest paying date thereafter."

COUPON

No._____ $_____

On the 1st day of March / September 19__, City of Bend, Deschutes County, Oregon, will pay to bearer

_____DOLLARS

in lawful money of the United States of America at the office of the City Treasurer of the City of Bend, Oregon, for six months' interest then due on City of Bend Water Bond Series 1956 dated March 1, 1956, No._____.

_____
Mayor

Countersigned:

_____
Recorder

At the end of all coupons coming due after March 1, 1966, there shall be added after "No.____" the following:

"Unless said bond is sooner redeemed as therein provided, which redemption will render this coupon void."

Section 3. The Commission undertakes and agrees that it will fix and maintain such rates and charges for the use of the facilities of the water system that the net revenues of said system applicable to indebtedness shall be sufficient to pay the principal of and the interest on the bonds hereby authorized as they fall due and become payable.

Section 4. The Commission shall each year make a tax levy in an amount which, with the applicable revenues of the water system, shall be sufficient to pay the principal of and interest on said bonds as they become due.

Section 5. The Recorder is hereby instructed to advertise the aforesaid bonds for sale at the Commission meeting to be held on the 29th day of February, 1956 at the Commission Chambers in the City of Bend, by publishing a notice of sale in The Bend Bulletin once each week for two successive weeks before the said date of sale.

Section 6. WHEREAS, the aforesaid bonds have been heretofore authorized at an election and it is necessary that the inhabitants of the city have an ample supply of pure and wholesome water, and that the contemplated work be started at the earliest possible moment, and it is necessary for the peace, health and safety of the inhabitants of the City that this ordinance take immediate effect, now, therefore,

AN EMERGENCY is hereby declared to exist and this ordinance shall go into force and effect immediately upon its passage and approval.

Passed by the Commission this 8th day of February, 1956, by the following vote: YEAS; 7 NAYS: 0

Submitted to and approved by the Mayor this 8th day of February, 1956.

H. J. Kaylor
Mayor

Countersigned:

Julia S. Johnson
Recorder of the City of Bend.

NS-458

ORDINANCE NO. NS-459

AN ORDINANCE granting a franchise right and authority to Bend T. V. Cable, Inc., providing and furnishing a television cable and antenna system within the streets, alleys, and other public ways of the City of Bend, to erect appurtenances and other equipment therein and thereon for a period of twenty years; making other contracts of Bend T. V. subservient to this franchise; preserving the public's rights; providing for inspection of installations; providing for the removal of offending installations; allowing excavations in public property; providing for restoration after excavation; reserving the right to improve public property; setting up procedure for the movement of buildings, machinery, etc.; reserving use of installations of Bend T. V. for city owned facilities; setting up indemnity provisions; preventing an assignment of the franchise; providing for written acceptance; providing procedures in the event of abandonment; setting up a schedule of fees; providing for regulation of rates and extensions; providing procedures in the event of non-compliance with the terms of this franchise; and declaring an emergency.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend, hereinafter designated as City, does hereby grant to Bend T. V. Cable, Inc., an Oregon Corporation, hereinafter called Bend TV, the right, privilege, authority and franchise of providing and furnishing a television cable and antenna system and to place, erect, lay, maintain and operate in, upon and under the streets, alleys, avenues, thoroughfares and public highways within the City of Bend, poles, wires, antenna and other appliances and conductors thereon, and to maintain and use the same as coaxial cable subscription system for television signal distribution to subscribers' homes and business establishments within the City of Bend. That the rights, privileges, authorities and franchise as within this ordinance set forth shall be for the term of 20 years from and after the effective date of this ordinance.

Section 2. That any existing contracts or agreements between Bend TV, and any other person, firm, corporation, partnership or other entity relative to the use of existing poles and transmittal facilities or any other facilities, coming in conflict with the terms of this franchise shall not have any force and effect upon the city and any such conflicting contracts or agreements are specifically hereby made subservient to the terms of the franchise herein set forth.

Section 3. That any rights granted hereunder shall always be subject to the right of the public to free use of public property and that nothing herein shall be construed as granting any right that may interrupt or infringe upon the free use by the people. In the event there is a conflict, Bend TV hereby agrees to remove said offending installation at its own expense and further, in the event it fails to do so, authorizes the City to do so and charge the cost thereof to Bend TV.

Section 4. That all installations made under the authority granted in this franchise shall be made in such a manner as to conform to any and all applicable regulations now in force or which may be enacted in the future for the public health, safety and welfare of the City of Bend and its inhabitants.

Section 5. That the City specifically reserves the right, acting through its lawfully constituted agents, to inspect any installations of whatsoever nature, installed under the rights granted herein and that upon a violation found the City may require the offending installations to be removed, replaced, or altered in such a manner as to conform to the required specifications.

Section 6. It shall be lawful for said Bend TV to make all needful excavations in any of such streets, alleys, avenues, thoroughfares and public highways in the City for the purpose of placing, erecting, laying, and maintaining poles or other supports or conduits for said wires or repairing, renewing or replacing same. Said work shall be done in compliance with the necessary rules, regulations, ordinances, or orders which may, during the continuance of the franchise, be adopted from time to time by the City or its lawfully constituted agents.

Section 7. Whenever Bend TV shall disturb any of the streets for the purposes aforesaid, it shall restore the same to good order and condition as soon as practicable without unnecessary delay, and failing to do so the City shall have the right to fix a reasonable time within which such repairs and restoration of streets shall be completed, and upon failure of such repairs being made by Bend TV the City shall cause such repairs to be made at the expense of said Bend TV.

Section 8. Nothing in this ordinance shall be construed in any way to prevent the City or its lawfully constituted agents from sewering, grading, planking, rocking, paving, repairing, altering, or improving any of the streets, alleys, avenues, thoroughfares and public highways within the City in or upon which the poles, wires, or other installations of Bend TV shall be placed, but all such work or improvements shall be done if possible so as not to obstruct or prevent the free use of said poles, wires and other installations of Bend TV, with Bend TV to be responsible for moving its cables and equipment.

Section 9. Whenever it becomes necessary to temporarily rearrange, remove, lower, or raise the aerial cables or wires or other apparatus of the Bend TV to permit the passage of any building, machinery, or other object, the said Bend TV will perform such rearrangement on seven (7) days' written notice from the person or persons desiring to move said building, machinery, or other objects. Said notice shall bear the approval of such official as the City Commission may designate, shall detail the route of movement of the building, machinery or other objects, shall provide that the costs incurred by the Bend TV in making such rearrangement of its aerial plant will be borne by the person or persons giving said notice and shall further provide that the person or persons giving said notice will indemnify and save said Bend TV harmless of and from any and all damages or claims of whatsoever kind or nature caused directly or indirectly from such temporary rearrangement of the aerial plant of the Bend TV. Before Bend TV shall be required under the terms of this section to move or rearrange its installations in any manner or way, an arrangement satisfactory to Bend TV as to a guarantee of its costs in moving or rearranging its installations as in this section provided shall be made between Bend TV and the party or parties giving such notice.

Section 10. The City reserves to itself the right at any time to use the poles and other installations of Bend TV erected or installed under the authority granted in this ordinance for any City-owned facilities of whatsoever nature, but it is agreed that such use shall not interfere with Bend TV's use thereof.

Section 11. Prior to the time this ordinance shall create any rights in Bend TV, Bend TV must provide certificate of insurance showing coverage as follows:

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

(b) Bodily Injury Liability Insurance with limits of $100,000, each person, and $200,000. each occurrence; and

(c) Property Damage Liability Insurance with limits of $50,000 each accident, and $100,000 aggregate.

(d) That included within such coverage as above set forth there shall be a save harmless clause in favor of the City of Bend, protecting the City from any injuries, property damage and any other liabilities arising in any way from the operation of Bend TV, including installation and maintenance of its various facilities.

Section 12. No assignment of this franchise shall be permitted on the part of Bend TV without prior approval of the City Commission of the City of Bend.

Section 13. Bend TV shall within 30 days after the effective date of this ordinance file with the City Recorder its written acceptance of the obligations contained herein and its agreement to abide with any regulations herein imposed.

Section 14. At any time during the term of this franchise, or after this franchise shall have expired, if it appears that the facilities erected by Bend TV under the rights granted in this franchise have been abandoned by the said Bend TV, or at any other time when the same appear to have been abandoned, and by abandonment is meant non-user for a sufficient length of time that a reasonable person would believe the same to have been abandoned or when said installations have been allowed to deteriorate through non-maintenance to the point where the installations in the opinion of the city are dangerous to the people within said city, then and in that event Bend TV or its successors or assigns does hereby grant to the city the right to remove the said installations and to sell the same for salvage and to apply the proceeds thereof to itself to remunerate itself for the cost of removing the said installations. In the event the remuneration as above set forth is insufficient to compensate the city for the cost of removal then the city retains unto itself the right to recover from Bend TV the deficiency in any lawful manner. Title to said abandoned facilities shall pass to the city upon the determination that the same are abandoned in accordance with the provisons of this Section 14. Before exercising any rights as granted and retained in this Section 14 the city shall make every effort possible to contact Bend TV so as to enable the said Bend TV to protect its right, title and interest in and to the said installations. It is the purpose of this Section 14 to protect the city and its inhabitants from the danger of abandoned and unused facilities.

Section 15. (a) Bend TV shall pay to the City not later than 30 days after the end of the first year during which any rentals for the use of Bend TV's equipment shall be paid to Bend TV by its subscribers, said first year shall not be considered as meaning a calendar year but rather a period of time measured from the day and month of the first installation of equipment for rental use thereof, for a period of time twelve full calendar months thereafter, an amount of money equal to 1% of Bend TV's gross local service receipts as above described as rentals. For the second and third years of operation measured by the above set forth standards, the said Bend TV shall pay to the City an amount of money equal to 1% of Bend TV's gross local service receipts as above described as rentals.

(b) Bend TV shall pay to the City for the next two succeeding years, measured by the above set forth standards in Paragraph (a) above, an amount of money equal to 2% of its gross local service receipts as above described as rentals.

(c) That after the five years of operation measured as above set forth, Bend TV shall pay to the City of Bend on a yearly basis as above set forth an amount equal to 3% of its gross local service receipts as above described as rentals and shall continue to pay at such rate for the duration of time covered by this franchise.

(d) Gross local service receipts as herein used shall exclude income or sums received by Bend TV for installation, construction or connection work, so long as these types of revenue are not in fact a part of the rental price structure.

Section 16. Payment of the amounts by Bend TV as provided in Section 15 will be accepted by the City of Bend as payment in lieu of anylicense, privilege or occupation tax or fee for revenue, or for any other purpose now or hereafter to be imposed by the City of Bend upon the grantee, Bend TV, during the term of this franchise.

Section 17. The City reserves the right at any time during the period of this franchise to examine the rate structure of Bend TV and to direct certain and any rate changes which, in the opinion of the City Commission, are dictated in view of the following considerations:

(a) That Bend TV shall have the right to charge and collect reasonable compensation from persons and groups to whom it shall furnish TV

reception and the term "reasonable compensation" may be defined at the discretion of the City after a study and consideration of national figures pertaining thereto and as affected by local conditions in the local system.

(b) To facilitate considerations as in this Section 17 provided, Bend TV shall furnish and provide to the City a certified copy of its published rate schedule, which said rate schedule shall contain the rates and charges made by Bend TV for all of its operations. That said rate schedule after having been filed as herein provided shall be kept current and Bend TV shall file with the City at least 60 days prior to any contemplated change a new and revised rate schedule which shall be examined by the said City and unless disapproved by the said City prior to 30 days before the effective date thereof shall be deemed approved. Notification of disapproval shall be made by the City to Bend TV by registered mail or its equivalent. In the event of disapproval Bend TV shall not put the new rate schedule into effect and shall file with the City either on its own motion or in compliance with the City's request further information to justify the rate schedule changes. Negotiations shall be had in good faith between the parties. Prior to the passage of this franchise Bend TV will provide to the City its present rate schedule and passage of this franchise shall be deemed as approval of the said rate schedule. The City shall have the right to require annual statements and other records to be furnished to the City to carry out the intentions of this Section 17.

(c) The City bases its rights reserved hereunder upon the inherent and statutory right of the City to perform in the best interests of the people of the City of Bend and to prevent any possible flagrant misuse of the rights granted hereunder. Conflicts or disputes arising under this franchise shall be subject to judicial review.

Section 18. The City also reserves the right to consider the situation of the area and streets served by Bend TV lines and installations and to make recommendations for service to other areas not being served, at any given time. It is agreed that Bend TV will attempt to serve as many people and areas as it is physically possible for it so to do and that it is agreed that Bend TV will serve all areas without discrimination. The City reserves unto itself the right to demand and require of Bend TV that they serve any given area within the corporate limits of the City of Bend but, when such demand and right is exercised Bend TV shall have the right to adjust its rates which shall include its installation charges so as to reasonably compensate Bend TV for the investment necessary in making said extension in service. Further no such extension of service shall be required until Bent TV has been granted such easements or permits as may be necessary for the said extension.

Section 19. Bend TV agrees to indemnify and save harmless the City from any and all liability arising from bodily injury or property damage caused by use of the rights granted hereunder.

Section 20. The City reserves unto itself the right to demand compliance with any of the terms, conditions, agreements and payments under the terms of this franchise and upon evidence of non-compliance on the part of Bend TV the City shall notify the said Bend TV of its non-compliance objection by registered mail or equivalent and upon such notification Bend TV shall have a reasonable time to comply and bring itself within the terms of this franchise. Failure so to do within the aforesaid reasonable time will be grounds, at the option of the city, to declare a forfeiture of the franchise herein granted or, the City may take whatever other lawful and legal means are available to enforce compliance with the terms of this franchise. The City agrees to be reasonable and further agrees not to exercise bad faith in enforcing the provisions of this franchise.

Section 21. Inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof in that the grantee of this franchise has invested large sums of money in a television distribution system within the City of Bend based upon

the rights granted by a temporary franchise and the renewal and extension thereof and that the grantee is desirous of receiving more permanent protection and that the people of the City of Bend are desirous of and are entitled to uninterrupted television reception in the mode herein provided for their peace, health, safety and general welfare, NOW THEREFORE

AN EMERGENCY is hereby declared to exist and upon the passage hereof by the affirmative vote of all members of the Commission this shall become immediately operative.

Read for the first time this 7th day of March, 1956.

Read for the second time this 4 day of April, 1956.

Placed upon its passage this 4 day of April, 1956

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 4 day of April, 1956.

Mayor

ATTEST:

Recorder of the City of Bend

ORDINANCE NO. NS-460

AN ORDINANCE providing for the issuance of City of Bend Improvement Bonds in the sum of $24,000.00; providing and approving the form of the bonds to be issued and the coupons attached thereto; providing for the advertisement and sale of said bonds, and declaring an emergency.

****

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

WHEREAS, the owners of the property so assessed for such street improvements in the sum of Twenty-five Dollars ($25.00) or more, aggregating in all the sum of $24,000.00, have within ten (10) days after notice of such assessment was first published, filed with the City Recorder of the said City, written applications to pay said assessments in instalments, each and all of which written applications did state that the said applicant and property owner does thereby waive all irregularities or defects, jurisdictional or otherwise, in the proceedings to improve the street for which said assessment is levied, and in the apportionment of the cost thereof; and

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

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

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

WHEREAS, after the expiration of the time for filing applications for

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

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1: That the City of Bend shall issue bonds in the name of and under the corporate seal of said City in the amount of Twenty-Four Thousand Dollars ($24,000.00), in the denomination of One Thousand Dollars ($1,000.00) each, numbered consecutively from 1 to 24, both numbers inclusive, said bonds to bear date May 1, 1956, and to be signed by the Mayor and countersigned by the Recorder of the City of Bend and the corporate seal of said City to be affixed thereto and said bonds shall, by the terms thereof, mature serially at the rate of Two Thousand Dollars ($2,000.00) on the first day of May in each of the years 1957 to 1965, inclusive, and Three Thousand Dollars ($3,000.00) on the first day of May in each of the years 1966 and 1967. All of said bonds which mature thereafter, shall be subject to call and redemption on May 1, 1958, and on any semiannual interest paying date thereafter, shall bear interest at the rate of not to exceed six percent (6%) per annum, interest payable semi-annually, said interest to be evidenced by coupons attached to said bonds, which said coupons shall have the signature of the Mayor and the signature of the Recorder of the City of Bend lithographed thereon, which bonds, together with interest thereon, shall be payable at the office of the Treasurer of the City of Bend, and shall be known as City of Bend Improvement Bonds, Series 5.

On the face of all bonds maturing after May 1, 1958, add a paragraph reading:

> This bond is subject to call and redemption on May 1, 1958, and on any semiannual interest paying date thereafter.

(COUPON)

No._____ $_____

THE CITY OF BEND, STATE OF OREGON, will pay to bearer on the first day of MAY / NOVEMBER 19___

_____ DOLLARS

in lawful money of the United States at the office of the Treasurer of the City of Bend, being six months' interest on Improvement Bond No.____, Series 5.

_____
Mayor

Countersigned:

_____
Recorder

On all coupons maturing after May 1, 1958, add the following:

> unless said bond is sooner redeemed, as therein provided, which redemption will render this coupon void.

Section 2. That the bonds hereby authorized and the coupons attached thereto shall be in substantially the following form, to-wit:

No._____ $1,000.00

UNITED STATES OF AMERICA

STATE OF OREGON

COUNTY OF DESCHUTES

CITY OF BEND IMPROVEMENT BOND

SERIES 5

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

ONE THOUSAND DOLLARS

in lawful money of the United States on the presentation and surrender of this obligation on the 1st day of May, 19___, without grace, with interest thereon, at the rate of _____percent (____%) per annum, payable semiannually on the 1st days of May and November of each year on the presentation and surrender of the proper coupons hereto annexed, principal and interest payable at the office of the Treasurer of the City of Bend, Oregon.

This bond is one of a series of bonds authorized by and under the provisions of the charter of said City and Chapter 223-205 Oregon Revised Statutes, et seq, as amended, providing for the issuance of bonds for street and sewer improvements and for the payment of the costs of such improvements, and is an obligation of the City of Bend aforesaid, and it is further certified that all of the requirements of law have been fully complied with by the proper officers in the issuances of this bond.

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

IN WITNESS WHEREOF this bond has been signed by the Mayor and countersigned by the Recorder of the City of Bend, and the corporate seal of said City hereto affixed this 1st day of May, 1956.

_____
Mayor

Countersigned:

_____
Recorder

Section 3. The Recorder is hereby authorized and instructed to advertise the aforesaid bonds for sale at the Commission meeting to be held on the 25th day of April, 1956, by the insertion of an advertisement thereof once each week for two successive weeks in the Bend Bulletin, a newspaper published in the City of Bend.

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

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

Read for the first time March 21, 1956.

Read for the second time April 4, 1956.

Placed upon its passage April 4, 1956.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 4th day of April, 1956.

Mayor

ATTEST:

Recorder

ORDINANCE NO. NS-461

AN ORDINANCE SETTING FORTH FACTS ABOUT THE SEWER CONDITION WITHIN THE CITY OF BEND; PROVIDING FOR MONTHLY SEWER CHARGES DESIGNED TO ALLEVIATE THE SEWER PROBLEM; SETTING FORTH A SCHEDULE OF SEWER CHARGES; PROVIDING DIRECTIONS FOR THE DISPOSITION OF THE FUNDS COLLECTED; AND SETTING FORTH AN EFFECTIVE DATE OF THE ORDINANCE.

Repealed by NS-783

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the City of Bend heretofore has been maintaining a system for the disposal of sewage within a generally compact area located within the C-III Central Commercial zone and it is deemed advisable to provide for expansion, improvement and eventual changes in the disposal system, and that, at the present time, there is no charge being made or collected for the use of the aforesaid sewer system, and it being further deemed advisable to commence a reserve fund from which monies may be drawn to finance later studies as to what best may be done to improve the aforesaid sewerage system.

SECTION 2. To provide the reserve fund as set forth in Paragraph 1 above, the authority is hereby delegated and direction is hereby made to the Recorder of the City of Bend to provide the necessary procedures and facilities for the billing and collection of charges for the use of the aforesaid sewer system.

SECTION 3. That the sewer use charges that the City Recorder is directed to charge and collect shall be in accordance with the following schedule:

Residence	$0.50 per month
Commercial - flat water rate or using less than 10,000 cu. ft. water per month	1.50 per month
Commercial - using over 10,000 cu. ft. water per month	2.50 per month

SECTION 4. That the City Recorder is directed to place the funds collected as in this ordinance provided into a separate and distinct reserve fund from which no monies shall be taken except upon order of the City Commission of the City of Bend.

SECTION 5. That the sewer use charges as provided for in this ordinance shall commence on the first day of July, 1956.

Read for the first time the 4th day of April, 1956.

Read for the second time the 18th day of April, 1956.

Placed upon its passage the 18th day of April, 1956.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 18th day of April, 1956.

Mayor

ATTEST:

Recorder of the City of Bend

ORDINANCE NO. NS-462

NS-462 repealed by NS-1496, passed 7-15-87.

AN ORDINANCE REPEALING RESOLUTION OF BEND CITY COMMISSION ENTERED FEBRUARY 6, 1952, and PROHIBITING THE ADDITION OF FLUORIDE COMPOUNDS TO THE CITY OF BEND WATER SUPPLY:

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the resolution of the City Commission of Bend, Deschutes County, Oregon, dated February 6, 1952, whereunder and whereby the fluoridation of the Bend Public Watter Supply was authorized, be repealed, and

That henceforth no person, persons, firm, corporation (municipal or otherwise), partnership, or any other entity shall cause any of the chemical fluorine (whetern natural or artificial in the process known as fluoridation) to be added to the water supply of the City of Bend, nor shall any such person, persons, firm, corporation (municipal or otherwise), partnership, or any other entity install or attempt to install at any phase or point of the water system of the City of Bend any apparatus, equipment or machine designed to augment, assist or do the process of adding the chemical fluorine (whether natural or artificial) into the water supply of the City of Bend.

Approved by voters of the City of Bend at a primary nominating election for the City of Bend on May 18, 1956, by a vote of 2,545 in favor of the ordinance, against 1,407 opposed to the ordinance.

H. P. Hayden
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend.

ORDINANCE NO. NS-463

AN ORDINANCE AMENDING ORDINANCE NO. NS-372 BY DELETING FROM SAID ORDINANCE NO. NS-372 CERTAIN SECTIONS THEREOF.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That Ordinance No. NS-372 is hereby and herewith amended by deleting from said Ordinance No. NS-372 Section 6 and Section 14 thereof.

Section 2. That the reasons for the deletions as set forth in Section 1 hereinabove are to remove conflicts in the aforesaid Ordinance No. NS-372 with provisions of the Uniform Building Code.

Read for the first time this 16th day of May, 1956.

Read for the second time this 6th day of June, 1956.

Placed upon its passage this 6th day of June, 1956.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 6th day of June, 1956.

Mayor

ATTEST:

Recorder of the City of Bend

ORDINANCE NO. NS-464

An ordinance vacating all that portion of the following described alley area located within the City of Bend, County of Deschutes, State of Oregon, more particularly described as follows:

> That portion of the Alley in Block Seven, Center Addition to Bend between the Lots One (1), Two (2), Three (3) and Four (4), on the north, and Lots Fifteen (15), Sixteen (16), Seventeen (17) and Eighteen (18) on the south.

WHEREAS the City Commission of the City of Bend heretofore on the 2nd day of May, 1956, duly and regularly initiated the necessary proceedings to vacate the alley above described on its own motion, and

WHEREAS the City Commissioners having considered the said vacation proceedings to vacate the alley area above described and found them to be in order and to meet the requirements of the law regulating the vacation of alleys, and

WHEREAS after due notice as required by law, a public hearing was held at the Commission Room in the City Hall of the City of Bend at 8:00 p.m., on June 6, 1956, at which hearing no objections or remonstrances to such proposed vacation were presented,

NOW, THEREFORE, THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following portion of the following described alley area located within the City of Bend, County of Deschutes, State of Oregon, more particularly described as:

> That portion of the Alley in Block Seven (7), Center Addition to Bend between the Lots One (1), Two (2), Three (3) and Four (4), on the north and Lots Fifteen (15), Sixteen (16), Seventeen (17) and Eighteen (18) on the south

be and the same is hereby vacated, provided that nothing herein contained shall cause or require the removal of or abandonment of any sewer, water main, gas main, conduit of any kind, wire, pole or thing used or intended to be used for any public service; and the right hereby is reserved for the owner of any such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild and/or enlarge any and all such things.

Read for the first time June 6, 1956.
Read for the second time June 20, 1956.
Placed upon its passage June 20, 1956.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 20th day of June, 1956.

Mayor

ATTEST:

Recorder of the City of Bend

ORDINANCE NO. NS-465

AN ORDINANCE PROVIDING FOR COURT COSTS IN THE MUNICIPAL COURT OF THE CITY OF BEND; SETTING FORTH THE AMOUNT THEREOF; CITING SITUATIONS WHERE SAID COSTS APPLY REQUIRING SAME TO BE POSTED WITH THE BAIL; PROVIDING FOR REIMBURSEMENT TO THE DEFENDANT WHERE ACQUITTAL OR DISMISSALS OF CASES ARE OBTAINED; AND CONTAINING AN EMERGENCY CLAUSE.

amended by NS-1007

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. From and after the effective date of this ordinance, there shall be assessed in the Municipal Court of the City of Bend, Oregon, a sum of money in the amount of $2.50 as Court Costs in each case or matter as hereinafter set forth.

Section 2. That the aforesaid sum of money as Court Costs shall be assessed against each defendant being cited into the Municipal Court of the City of Bend for any violation of a Municipal ordinance whether the defendant appears, fails to appear, or is convicted after a trial in said Court, except violations of municipal ordinances pertaining to motor vehicle parking violations and regulations, unless a warrant is issued to enforce defendant's appearance.

Section 3. Such court costs as in this ordinance provided shall be separate and distinct from any fine or other penalty imposed in said Court for a violation of any municipal ordinance. Said Court Costs shall be considered statutory in nature and may not be suspended or otherwise disposed of. Monies collected as Court Costs as in this ordinance provided shall be disposed of and handled in the same manner in which other fines and penalties accruing from other matters in the Municipal Court are disposed of.

Section 4. All defendants posting bail shall be required, prior to their release, to post the additional sum of Court Costs as in this ordinance provided. In the event of a trial on the merits of the case, resulting in an acquittal or upon a dismissal of the case for any cause, then the said sum of money as Court Costs shall be reimbursed to the defendant.

Section 5. The Clerk of the Municipal Court of the City of Bend, or his agent, is charged with the enforcement of this ordinance.

Section 6. EMERGENCY CLAUSE: Inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative, upon the passage hereof, in that it has been determined that the above costs are necessary to help pay for the administration of justice in said Municipal Court and to prevent an undue burden on the general taxpayers, and further, inasmuch as estimates of income and expenditures are currently being made for the fiscal year 1956-1957, and it is necessary that this ordinance become operative at the earliest possible date,

NOW, THEREFORE, AN EMERGENCY is hereby declared to exist and upon the passage hereof by the affirmative vote of all members of the Commission this ordinance shall become immediately operative.

Read for the first time June 6, 1956.
Read for the second time June 20, 1956.
Placed upon its passage June 20, 1956.
YEAS: 6 NAYS: 0
Submitted to and approved by the Mayor this 20th day of June, 1956.

Mayor

Repealed by ORD. NO. NS-1399

ATTEST: Julia S. Johnson, Recorder.

(NS-465)

ORDINANCE NO. NS-466

AN ORDINANCE DESIGNATING A TRUCK ROUTE AS HEREIN DEFINED WITHIN THE CORPORATE LIMITS OF THE CITY OF BEND.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That from and after the effective date of this ordinance the street known as East Third Street from its confluence with Highway 97 in the vicinity of the Franklin Avenue intersection to Revere Avenue and Revere Avenue from East Third Street to its intersection with East First Street shall be known and designated as a truck route for north and south bound truck traffic.

Section 2. That the passage of this ordinance shall be notice to the State of Oregon, and, more particularly, the State Highway Department of the State of Oregon, of the City of Bend's desires and intentions as to the aforesaid truck route within the City limits of the City of Bend.

Read for the first time this 20th day of June ,1956.

Read for the second time this 5th day of July ,1956.

Placed upon its passage this 5th day of July ,1956.

YEAS: 4 NAYS: 0

Submitted to and approved by the Mayor this 5th day of July ,1956.

Mayor

ATTEST:

Julia D. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-467

AN ORDINANCE AMENDING ORDINANCE NO. NS-436 BY ADDING TO THE DISTRICT THEREIN SET FORTH AN ADDITIONAL AREA TO BE KNOWN ALSO AS C-IIIa COMMERCIAL DISTRICT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That Section 1 of Ordinance No. NS-436, presently amending Ordinance No. NS-342, be amended by adding to Section 1 thereof a new paragraph setting forth a further area which shall hereinafter be termed a C-IIIa Commercial District to-wit:

Lots One (1) through Sixteen (16), Block Forty-five (45);
Lots Nine (9) through Sixteen (16), Block Forty-six (46);
Lots Eight (8) through Fourteen (14), Block Fifty-one (51);
Lots One (1) through Fourteen (14), Block Fifty-two (52);
all in Center Addition; and
Lots Eleven (11) through Sixteen (16);Block One Hundred Eleven (111); Lots Eleven through Sixteen (16), Block One Hundred Twelve (112); Lots One (1) through Six (6), and Lots Twenty-one (21) through Twenty-six (26), Block One Hundred Thirteen (113); Lots One (1) through Six (6), and Lots Twenty-one (21) through Twenty-six (26), Block One Hundred Fourteen (114), all in First Addition to Bend Park.

Section 2. That it is the intent of the ordinance to reclassify the aforedescribed district, to effect a change in the official zoning map of the City of Bend, and to make the regulations applicable to this above described district as are presently applied to districts known as C-IIIa Commercial District as set forth in the amended Ordinance No. NS-436.

Read for the first time July 18, 1956

Read for the second time August 1, 1956

Placed upon its passage August 1, 1956

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 1st day of August, 1956.

Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend.

NS-467

ORDINANCE NO. NS-468

AN ORDINANCE AMENDING ORDINANCE NO. NS-412 and ORDINANCE NO. NS-342 BY DELETING CERTAIN AREAS FROM C-II TOURIST COMMERCIAL DISTRICT AND DESIGNATING SAME AS R-RESIDENCE DISTRICT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-412 is hereby amended by deleting from the area therein set forth the following described property, to-wit:

Lots One (1) through Eight (8), of Block Forty- six (46), Center Addition to Bend.

Section 2. Ordinance No. NS-342, more particularly that portion thereof known as Part I, Section 1, adopting a "Zoning Map of the City of Bend, Oregon" and the Zoning Map itself, together with Part III, Section 15, of said ordinance No. NS-342 establishing boundaries of districts by reference to the official zoning map of the City of Bend, Oregon, shall be and hereby are amended so as to change part of C-II Tourist Commercial District as herein defined, to-wit:

Lots One (1) through Seven (7), Blocks Fifty-one (51), Center Addition, and Lots Seven (7) through Ten (10) and Lots Seventeen (17) through Twenty (20), Block One Hundred Eleven (111), First Addition to Bend Park, and Lots Seven (7) through Ten (10) and Lots Seventeen (17) through Twenty (20), Block One Hundred Twelve (112) First Addition to Bend Park

from C-II Tourist Commercial District to R-Residence District.

Section 3. That the purpose of this ordinance is to change the above set forth areas from C-II Tourist-Commercial District to R-Residence District.

Read for the first time July 18, 1956

Read for the second time August 1, 1956

Placed upon its passage August 1, 1956

YEAS 7 NAYS 0

Submitted to and approved by the Mayor this 1st day of August, 1956.

Mayor

ATTEST:

Recorder of the City of Bend.

NS-468

ORDINANCE NO. NS-469

AN ORDINANCE FOR TRAFFIC CONTROL ADOPTING CERTAIN PORTIONS OF THE OREGON REVISED STATUTES, DEFINING TERMS USED; SETTING FORTH POWERS; REFERRING TO SIGNS AND SIGNALS; SETTING FORTH PARKING REGULATIONS AND REFERRING TO METER HOODS, PARADES; CONTAINING GENERAL TRAFFIC REGULATIONS; PERTAINING TO BICYCLES; PROVIDING FOR IMPOUNDING VEHICLES; CONTAINING CERTAIN EXCEPTIONS; PROVIDING PENALTIES; PERTAINING TO TRAFFIC CITATIONS; CONTAINING A SAVING CLAUSE FOR INVALIDITY; APPROVING PRESENT SIGNS AND SIGNALS AND REPEALING OTHER ORDINANCES.

Amended by:
NS-996
NS-997
NS-1025
NS-1057
NS-1058
NS-1065
NS-1080
NS-1093
NS-1094

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. ADOPTION OF STATE TRAFFIC ACT. The following enumerated Motor Vehicle Laws of Oregon, together with all acts and amendments applicable to cities which are now or hereafter enacted, are hereby adopted by reference and made a part of this ordinance:

Motor Vehicle Registration and Licensing; Dealers & Wreckers.
481.005 to 481.095, inclusive, ORS pertaining definitions.

481.105 to 481.180, inclusive, containing registration requirements.

481.205 to 481.280, inclusive, pertaining to license fees, registration and plates.

481.305 to 481.370, inclusive, pertaining to dealer's business & vehicle licenses and wrecker's licenses.

481.380 to 481.400, inclusive, pertaining to transporter's permits.

481.405 to 481.440, inclusive, pertaining to transfer and alteration of vehicles.

481.505 to 481.550, inclusive, pertaining to arrests, prosecutions and actions; disposal of funds.

481.990 pertaining to penalties.

482.010 to 482.060, inclusive, pertaining to operator's and chauffeur's licenses.

482.110 to 482.180, inclusive, pertaining to persons eligible for licenses; special permits and instruction permits.

482.210 to 482.330, inclusive, pertaining to licensing procedure and fees.

482.410 to 482.530, inclusive, pertaining to renewal, revocation, suspension, and cancellation of licenses.

482.610 to 482.660, inclusive, pertaining to prohibition and jurisdiction of Courts.

482.990 pertaining to penalties.

483.002 to 483.054, inclusive, pertaining to motor vehicle traffic, equipment and construction.

483.102 to 483.140, inclusive, pertaining to speed regulations and traffic signals.

483.202 to 483.236, inclusive, pertaining to right-of-way, pedestrians and grade crossings.

483.302 to 483.350, inclusive, pertaining to proper position on highway, miscellaneous rules of road and abandoned vehicle.

483.402 to 483.472, inclusive, pertaining to lights and other equipment on vehicles.

483.502 to 483.544, inclusive, pertaining to restrictions on use of highways, weights, sizes of vehicles.

483.602 to 483.614, inclusive, and 483.618 to 483.630, inclusive, pertaining to accidents and enforcement of traffic laws.

483.990 pertaining to penalties.

483.994 to 483.998, inclusive, pertaining to penalties.

485.010 to 485.990, inclusive, pertaining to school busses.

486.301 pertaining to use of vehicle while license suspended.

164.650 to 164.670, inclusive, pertaining to entering and manipulating, and taking and using without permission motor vehicles.

The definitions in ORS Chapter 483 shall apply, where the context requires, to all other sections of this ordinance.

DEFINITIONS

Section 2. DEFINITIONS. In addition to those definitions contained in the adopted sections of the Motor Vehicle Laws of Oregon, the following words or phrases, except where the context clearly indicates a different meaning, shall mean:

(a) Alley. A narrow vehicular passageway through the middle of a block.

(b) Bicycle. Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is over 12 inches in diameter.

(c) Bus Stand. A fixed area in the roadway adjacent to the curb to be occupied exclusively by busses for layover in operating schedules or waiting for passengers.

(d) Curb. The extreme edge of the roadway.

(e) Holidays. Where used in this ordinance or on signs erected in accordance with this ordinance: Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

(f) Loading Zone. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials or freight.

(g) Park or Parking. The standing of a vehicle, whether occupied or not, except when a vehicle is temporarily standing for the purpose of and while actually engaged in loading or unloading.

(h) Parkway. That portion of a street not used as a roadway or as a sidewalk. That area between the sidewalk and curb.

(i) Passenger Loading Zone. Reserved only for the loading or unloading of passengers and their luggage.

(j) Pedestrian. Any person afoot.

(k) Person. Every natural person, firm, partnership, association or corporation.

(l) Stop. Complete cessation of movement.

(m) Taxicab Stand. A fixed area in the roadway adjacent to the curb set aside for taxicabs to stand or wait for passengers.

(n) Traffic Lane. That portion of the roadway used for the movement of a single line of vehicles.

(o) Police Chief. Police Chief shall mean either the chief, himself, or his designated agent.

TRAFFIC CONTROL

Section 3. POWER OF THE CITY MANAGER AND COMMISSION. The City Manager with the approval of the City Commission shall designate, providing, where required by the Motor Vehicle Laws of Oregon, approval by the State Highway Commission has first been secured, the following:

(a) Street, portions of streets, sides of streets or city-owned or leased land upon which parking, parking or standing shall be prohibited or prohibited during certain hours and the angle of such parking.

(b) Parking meter zones, and other parking time limited zones, including the denomination of the coin or coins that shall be deposited in parking meters, the parking time allowed following deposit of such coins and the hours during which such deposits are required. Parking time limits shall not apply on Sundays or legal holidays.

(c) Through streets.

(d) One-way streets.

(e) Truck routes.

(f) Streets where trucks, machinery or other large or heavy vehicles exceeding specified weights shall be prohibited. Such vehicles may, however, be operated on such streets for the purpose of delivering or picking up materials or merchandise but then only by entering such streets at the intersection nearest the destination of the vehicle and proceeding no farther than the nearest intersection.

Section 4. POWERS OF THE CITY MANAGER. The City Manager, with the approval of the City Commission, for best use of the streets in the public interest shall exercise the following powers based on standards established by the State Highway Commission and recognized traffic control standards such as the MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES published by the Bureau of Public Roads, providing, where required by the Motor Vehicle Laws of Oregon, approval by the State Highway Commission has first been secured:

(a) Designate where traffic control signals shall be placed and the time of operation of such signals.

(b) Establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier vehicles.

(c) Designate the location of passenger loading zones for use in front of the entrance to any hotel, auditorium, theatre, church, school or public building.

(d) Designate loading zones on each side of a block where required.

(e) Designate and cause to be placed or maintained appropriate signs, marks or lines for:

(1) Intersections where drivers of vehicles shall not make right, left, or U turns, and the time when such prohibitions shall apply.

(2) Crosswalks at intersections where deemed necessary for pedestrian safety.

(3) Safety zones of such kind and character and at such places as deemed necessary for pedestrian safety.

(4) Playstreets, or such hours when certain streets may be used as such, on which no person shall drive a vehicle upon such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then such driver shall exercise the greatest care in driving upon such street.

(5) Parking meters.

(f) Cause to be placed or marked and maintained:

(1) Traffic control signs.

(2) Parking spaces.

(3) Traffic lanes and other symbols.

(4) All other signs and markings necessary to implement traffic and parking controls enacted by the City Commission.

(g) Cause to be removed or reduced in height, or trim, any hedge, shrubbery or tree extending over the street.

(h) Emergency and Experimental Regulations. Make and enforce temporary experimental or emergency regulations, consistent with this ordinance. No such regulation shall be effective and in force until and unless adequate signs, signals, or other notices are erected clearly indicating such regulation. No such emergency or experimental regulation shall remain in effect for more than 60 days.

Section 5. AUTHORITY OF POLICE AND FIRE OFFICERS.

(a) It shall be the duty of the Police Department through its officers to enforce the provisions of this ordinance.

(b) In the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require notwithstanding the provisions of this ordinance.

(c) Members of the Fire Department, when at the scene of a fire, may direct or assist the Police in directing traffic thereat or in the immediate vicinity.

SIGNS AND SIGNALS

Section 6. DUTY TO OBEY TRAFFIC SIGNS AND SIGNALS.

(a) No driver of any vehicle shall disobey the instructions of any police officer, traffic sign, signal, marker, barrier or parking meter placed in accordance with the Motor Vehicle Laws of Oregon or this ordinance, including those erected by any authorized public utility and department of this city or other authorized person, unless it is necessary to avoid conflict with other traffic or other wise directed by a police officer.

(b) No unauthorized person shall move, remove, or alter the position of or deface or tamper with any such sign, signal, marker, barrier or parking meter.

Section 7. VEHICLES STOPPING AT STOP SIGNS. When stop signs are erected at or near the entrance to any intersection, every driver of a vehicle approaching such sign shall come to a full stop before entering any crosswalk or intersection except when directed to proceed by a police officer or traffic control signal.

Section 8. STOP WHEN TRAFFIC OBSTRUCTED. No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the opposite side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

Section 9. PRIVATE MARKING UNLAWFUL. It shall be unlawful for any person to letter, mark, or paint in any manner any letters, marks, or signs on any sidewalk, curb, street or alley, or to post on a parking strip anything designed or intended to prohibit or restrict parking in front of any sidewalk, dwelling house, business house, or in any alley, except in compliance with the provisions of this ordinance.

PARKING

Section 10. METHOD OF PARKING.

(a) No person shall stand or park a vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within 12 inches of the edge of the curb, except where the street is marked or signed for angle parking.

(b) Where parking space markings are placed on a street, no person shall stand or park a vehicle other than at the indicated direction and within a single marked space, unless the size or shape of such vehicle makes compliance impossible.

(c) Whenever the owner or driver of a vehicle discovers that such vehicle is parked immediately in front of or close to a building to which the fire department has been summoned, he shall immediately remove such vehicle from the area unless otherwise directed by police or fire officers.

Section 11. PROHIBITED PARKING. In addition to provisions of the Motor Vehicle Laws of Oregon prohibiting parking, no person shall park:

(a) a vehicle upon any bridge, viaduct or other elevated structure used as a street or within a street tunnel in this city.

(b) a vehicle in any alley except to load or unload persons or materials not to exceed 60 consecutive minutes in any 24-hour period, but such parking shall be done in such a way so as not to obstruct traffic.

(c) Any truck on any street between the hours of 12:00 O'clock midnight and 5:00 O'clock A.M. of the following day in front of or adjacent to any residence, auto court, or apartment house, or within 100 feet of any hotel.

(d) a vehicle upon any street for the principal purpose of:

(1) Displaying such vehicle for sale.
(2) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.
(3) Displaying advertising from such vehicle.
(4) Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under ordinances of this city.
(5) Storage, or as junkage or dead storage for more than 48 hours.

(e) At places where prohibited by street markings or other signs.

Section 12. USE OF LOADING ZONE. No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials, freight, or passengers in any place designated as a loading zone during the hours when the provisions applicable to loading zones are in effect. In no case shall the stop in an unmetered loading zone for loading

and unloading of passengers and personal baggage exceed 20 minutes, nor the loading or unloading of materials exceed 60 minutes.

Section 13. USE OF PASSENGER LOADING ZONE. No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the expeditious loading or unloading of passengers in any place designated as a passenger loading zone during the hours when the provisions applicable to passenger loading zones are in effect.

Section 14. STOPPING, STANDING OR PARKING OF BUSSES AND TAXICABS REGULATED. The driver of a bus or taxicab shall not stand or park such vehicle upon any street in any business district at any place other than at a bus stand or taxicab stand, respectively, except that this provision shall not prevent the driver of any taxicab from temporarily stopping for the purpose of and while actually engaged in the loading or unloading of passengers.

Section 15. 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 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 16. 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 or designated bus loading zones; provided, however, that the provision 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 17. RESTRICTED USE OF BUS AND TAXICAB STANDS. No person shall stop, stand, or park a vehicle other than a bus in a bus stand or other than a taxicab in a taxicab stand, except that the driver of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

Section 18. MOVING VEHICLE. The moving of any vehicle within the block shall not be deemed to extend the time of parking.

Section 19. LIGHTS ON PARKED VEHICLE. No lights need be displayed upon any vehicle parking in accordance with this ordinance and upon a street where there is sufficient light to reveal any person or object within a distance of five hundred (500') feet upon such street.

Section 20. EXEMPTION. The provisions of this ordinance regulating the parking or standing of vehicles shall not apply to any vehicle of a City, State or Federal department or public utility while necessarily in use for construction or repair work on the street or any vehicle owned by the United States while in use for the collection, transportation or delivery of the United States mail, or of any other

vehicles bearing City, County, State of Oregon or Federal license plates and registration when same are being used on official business of said governmental entity.

PARKING AND PARKING METERS

Section 21. DEPOSIT OF COINS. No person shall park any vehicle in any metered parking space, except as otherwise permitted by this ordinance, without immediately depositing in the parking meter adjacent to such space such lawful coin or coins of the United States as are required by such meter and as designated by directions on the meter, or by signs on said street or block, and when required by the directions of the meter, unless the parking meter indicates at the time such vehicle is parked that an unexpired portion remains of the period for which a coin or coins have been previously deposited.

Section 22. LEGAL TIME LIMIT. No person, except as otherwise permitted by this ordinance, shall permit any vehicle parked by him to remain parked in any parking meter space during any time when the parking meter adjacent to such space indicates that no portion remains of the period for which the last previous coin has been deposited, or beyond the time limit for parking in such space.

Section 23. EXTENSION OF PARKING TIME. No person shall deposit or cause to be deposited in a parking meter a coin or coins for the purpose of extending the parking time beyond the time limit for parking in a parking meter space.

Section 24. MECHANICAL DEFECT. Any unintentional violation of any provision of this ordinance by reason of a mechanical failure of a parking meter is not an offense within the meaning of this ordinance.

Section 25. ENFORCEMENT OF METER PARKING VIOLATIONS. It shall be the duty of the police chief to direct the collection of all coins deposited in parking meters. The police chief shall cause to be attached to each vehicle parked in violation of Sections 21, 22 and 23 of this ordinance a notice stating that it has been parked in violation of this ordinance and instructing the owner or operator to report to the Police Department in regard to such violation. The owner or operator may, within the first twenty-four hour period from and after the notice was attached to such vehicle, pay the amount of fifty cents ($.50); during but not beyond the second twenty-four hour period from and after the notice was attached to such vehicle, pay the amount of one dollar ($1.00); during but not beyond the third twenty-four hour period from and after the notice was attached to such vehicle, pay the amount of one dollar and fifty cents ($1.50); during but not beyond the fourth twenty-four hour period from and after the notice was attached to said vehicle, pay the amount of two dollars ($2.00). At any time from and after the fourth twenty-four hour period a warrant of arrest may be served. The above specified amounts shall be considered as bails applying on such violation. Bails as herein set forth may be paid by depositing same in boxes provided for such purposes at various locations within the City of Bend.

Section 26. OTHER PARKING VIOLATIONS. The police chief shall cause to be attached to each vehicle or handed to the driver thereof a notice stating that the car or driver has parked said vehicle in violation of this ordinance, and provisions other than Section 21, 22 and 23, as set forth in Section 25 hereinabove, instructing the owner or operator thereof to report to the Police Department in regard to such violation. The owner or operator thereof may, for the following parking violations, to-wit: overtime parking, parking in loading zone, parking in alley, parking in pedestrian lane, within the first twenty-four hour period from and after the notice was attached to such vehicle, pay the amount of fifty cents ($.50); during but not beyond the second twenty-four hour period from and after the notice was attached to such vehicle, pay the amount of one dollar ($1.00); during but not beyond the third twenty-four hour period from and after the notice was attached to such vehicle, pay the amount of

one dollar and fifty cents ($1.50); during but not beyond the fourth twenty-four hour period from and after the notice was attached to such vehicle, pay the amount of two dollars ($2.00). At any time from and after the fourth twenty-four hour period a warrant of arrest may be served.

AND for the following violations, to-wit: double parking, blocking alley, parking in front of a public entrance, parking in "No Parking" or taxi stand, blocking a driveway, and parking on a sidewalk, the owner or operator thereof may pay the amount of one dollar ($1.00) during the first twenty-four hour period from and after the notice was attached to said vehicle; two dollars ($2.00) during but not beyond the second twenty-four hour period from and after the notice was attached to said vehicle; three dollars ($3.00) during but not beyond the third twenty-four hour period from and after the notice was attached to said vehicle; and four dollars ($4.00) during but not beyond the fourth twenty-four hour period from and after the notice was attached to said vehicle. At any time from and after the fourth twenty-four hour period a warrant of arrest may be served. The above specified amounts shall be considered as bails applying on such violations. Bails as herein set forth may be paid by depositing same in boxes provided for such purposes at various locations within the City of Bend.

METER HOODS

Section 27. PARKING METER HOODS. The Police Chief may issue parking meter hoods to contractors engaged in the construction, reconstruction or repair of a building or installation of equipment in a building adjacent to a street where parking meters are installed. Such hoods shall be issued only where available, unmetered areas, including alleys which might be used or blocked off without interference with commerce, are not found reasonably close to the place where such persons are engaged and shall be issued only for use for each particular construction job. A deposit of $5.00 shall be paid for the parking meter hoods issued. A charge of five cents ($.05) per hour shall be paid for each hour the meter hood is used. The hood shall be returned to the city and the $5.00 deposit returned.

Section 28. USE OF PARKING METER HOODS. Persons with a properly issued hood shall have the privilege of placing the same upon parking meters reasonably close to the place where they are engaged, thereby reserving such parking meter space while occupied for use by such person while actually engaged upon the task for which the hood was issued.

Section 29. VIOLATION. No person shall use a parking meter hood except for the purpose for which such hood was issued.

PARADES AND PROCESSIONS

Section 30. PERMITS REQUIRED FOR PARADES. No procession or parade, except a funeral procession, the forces of the United States armed forces and the military forces of this state, shall occupy, march or proceed along any street except in accordance with a permit issued by the City Manager. Such permit may be granted where it is found that such parade is not to be held for any unlawful purpose and will not in any manner tend to a breach of the peace, cause damage or unreasonably interfere with the public use of the streets, or the peace and quiet of the inhabitants of this city.

Section 31. FUNERAL PROCESSION. A funeral composed of a procession of vehicles shall be escorted by at least one person authorized to direct traffic for such purposes and shall follow routes established by the Police Chief.

Section 32. DRIVERS IN PROCESSION. Each driver in a funeral or other procession shall drive as near to the right hand edge of the street as practical and shall follow the vehicle ahead as closely as is practical and safe.

Section 33. DRIVING THROUGH PROCESSION. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while in motion, except where traffic is controlled by traffic control signals or when otherwise directed by a police officer. This provision shall not apply to authorized emergency vehicles.

GENERAL REGULATIONS

Section 34. SPEED LIMITS IN PUBLIC PARKS. No person shall drive a vehicle upon any street in any public park of this city at a speed exceeding 15 miles per hour unless signs erected indicate otherwise.

Section 35. DRUNKEN DRIVING. Any person who, while being an habitual user of narcotic drugs or while intoxicated or under the influence of intoxicating liquor or narcotic drugs, drives any vehicle upon any street shall upon conviction be punished by imprisonment for not more than 60 days or by a fine of not more than $250.00, or both.

Section 36. DRINKING IN MOTOR VEHICLES. It shall be unlawful for any person to consume alcoholic liquor while an occupant of a motor vehicle on any street in this city, or to appear in said vehicle while intoxicated or under the influence of intoxicating liquor.

Section 37. RECKLESS DRIVING. Any person who drives any vehicle upon a street carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property, is guilty of reckless driving and upon conviction shall be punished by imprisonment for not more than 60 days or by a fine of not more than $250.00, or both.

Section 38. VEHICLES IN MOTION - RIGHT OF WAY. A vehicle which has stopped or parked at the curb shall yield to moving traffic.

Section 39. LIMITATIONS ON BACKING. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic, and shall in every case yield the right of way to moving traffic and pedestrians.

Section 40. DRIVING ON DIVIDED STREETS. Whenever any street has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across, or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space provided for vehicle movement or at an intersection.

Section 41. EMERGING FROM VEHICLE. No person shall open the door of, or enter or emerge from any vehicle in the path of any approaching vehicle.

Section 42. BOARDING OR ALIGHTING FROM VEHICLES. No person shall board or alight from any vehicle while such vehicle is in motion.

Section 43. RIDING ON MOTORCYCLES. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is equipped to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if equipped for two persons, or upon another seat firmly attached at the rear of the operator. In no event shall more than two persons ride on said motorcycle unless same is equipped with a sidecar which shall carry no more than two persons.

Section 44. UNLAWFUL RIDING. No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employe engaged in the necessary discharge of a duty, or to a person or persons riding within truck bodies in space intended for merchandise.

Section 45. CLINGING TO VEHICLES. No person riding upon any bicycle, motorcycle, coaster, roller skates, sled, or any toy vehicle shall attach the same or himself to any moving vehicle upon the streets, and no operator of such moving vehicle shall knowingly allow such an attachment.

Section 46. USE OF ROLLER SKATES RESTRICTED. No person upon roller skates, or riding in or by means of any coaster, toy vehicle or similar device, shall go upon any street except while crossing at a crosswalk, or upon a playstreet.

Section 47. SKIS ON STREETS. No person shall use the streets for travelling on skis, toboggans, sleds or similar devices except upon playstreets.

Section 48. DAMAGING STREETS, SIDEWALKS AND CURBS. (a) The driver of a vehicle shall not drive upon or within any sidewalk or parkway area except to cross at a permanent or temporary driveway. (b) No person shall 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. (c) No person shall remove or damage in any way any portion of any curb or street or move any heavy vehicle or thing over or upon a curb or sidewalk without first notifying the Police Chief, and such person shall be held responsible for any and all damage.

Section 49. OBSTRUCTING STREETS. No person shall park or leave any vehicle or any part thereof, or any trailer, box, ware or merchandise of any description, or any other thing that in any way impedes traffic, or obstructs the view, upon any street, including an alley, parking strip, sidewalk or curb, except by such lawful use and parking of vehicles upon streets and alleys as is allowed by this ordinance or other ordinances of this city.

Section 50. REMOVING GLASS AND DEBRIS. Any person causing glass to be broken upon, or any part to a collision or other vehicle accident upon, any street in this city shall immediately remove or cause to be removed from such street all glass and other foreign substance.

Section 51. OTHER WHEELED ITEMS. No person shall drive, wheel, draw or otherwise propel or move any handcard, hand truck, hand wagon, paper cart or wheelbarrow exceeding 24 inches in width upon or along any sidewalk.

Section 52. REPAIRS. It shall be unlawful for any person to repair or attempt to repair any part of any motor vehicle, except for emergency repair work, upon any street, alley or public place in the City of Bend.

Section 53. NOISES. The unnecessary racing of motor is prohibited and the blowing of horns other than when used as a reasonable warning signal is prohibited.

BICYCLES

Section 54. EFFECT OF REGULATIONS. (a) No parent of any minor child and no guardian of any minor ward shall authorize or knowingly permit any such minor child or ward to violate any of the provisions of this ordinance. (b) Provisions of this ordinance relating to bicycles shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

Section 55. LICENSE REQUIRED. No person who resides within this city shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed. Applications for such license shall be made to the Police Chief who may issue a license which shall be effective until notice is given of cancellation in a newspaper of general circulation in the City; providing the applicant submits satisfactory proof of ownership of the bicycle and evidences reasonable knowledge of traffic safety rules.

Section 56. REMOVAL OF NUMBERS - DESTRUCTION OF PLATES. No person shall wilfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frames licenses pursuant to this section. No person shall

remove, destroy, mutilate or alter any license plate, seal or registration card during the time in which such plate or card is operative.

Section 57. INSPECTION OF BICYCLE. The police chief shall inspect each bicycle before licensing and shall refuse a license for any bicycle which he determines is in unsafe mechanical condition.

Section 58. TRANSFER OF OWNERSHIP. Upon the sale or other transfer of a licensed bicycle, the licensee may upon proper application have the license assigned to the purchaser or to another bicycle owned by the applicant.

Section 59. BRAKES. Every bicycle operated upon the streets in this city shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle.

Section 60. BICYCLE DEALERS. Every person engaged in the business of buying second-hand bicycles shall maintain a record of every bicycle purchased, giving the name and address of the person from whom purchased, a description of such bicycle by name or make, the frame number thereof, and the license number, if any, found thereon.

Section 61. RENTAL AGENCIES. A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and such bicycle is equipped with all equipment required by the Motor Vehicle Laws of Oregon and this ordinance.

Section 62. RIDING ON BICYCLES. (a) A person propelling a bicycle shall not ride other than with his feet on the pedals and facing the front of the bicycle. (b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

Section 63. RIDING ON STREETS AND BICYCLE PATHS. (a) Every person operating a bicycle upon a street shall ride as near to the right-hand side of the street as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. (b) Persons riding bicycles upon a street shall not ride more than two abreast except upon paths or parts of streets set aside for the exclusive use of bicycles.

Section 64. SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

Section 65. RACING. No person shall engage in, or cause others to be engaged in, any bicycle racing upon the streets or other public places in this city.

Section 66. EMERGING FROM ALLEY OR DRIVEWAY. The operator of a bicycle entering or emerging from an alley, driveway, or building shall upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

Section 67. CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle, or article which prevents the rider from keeping at least one hand upon the handle bars and in full control of such bicycle.

Section 68. RIDING ON SIDEWALKS. No person shall ride or operate any bicycle upon a sidewalk in a business district known as C-III Central Commercial District or a C-IIIa Commercial District. Any person riding a bicycle upon a sidewalk shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

Section 69. PARKING. No person shall park a bicycle upon a street or upon a sidewalk except in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

IMPOUNDING VEHICLES

Section 70. IMPOUNDING OF VEHICLE. In the event any vehicle shall be found standing or parked in violation of any city regulation, such vehicle shall be given a traffic citation and may be removed by the Chief of Police and taken to a garage, parking lot or other suitable place, and there kept until an application for its redemption shall be made by the owner or his authorized agent.

Section 71. REDEMPTION. Redemption may be made upon payment of towing and storage charges, which amounts shall be in addition to any fine which might be made in accordance with the provisions of this ordinance.

Section 72. SALE. If the vehicle shall not be redeemed within ten (10) days, then such vehicle shall be sold in accordance with applicable provisions relating to the sale of abandoned vehicles, contained in Ordinance No. NS-449.

EXCEPTIONS

Section 73. EMERGENCY VEHICLE. The provisions of this ordinance regulating the operation, parking and standing of vehicles shall apply to authorized emergency vehicles except as provided by the Motor Vehicle Laws of Oregon, and as follows:

(a) A driver when operating such vehicle in an emergency, except when otherwise directed by a police officer or other authorized person, may park or stand notwithstanding the provisions of this ordinance.

(b) A driver of a police vehicle or fire department or patrol vehicle, when operating such vehicle in an emergency may disregard regulations governing turning in specified directions as long as he does not endanger life or property.

(c) The foregoing exemptions shall not, however, protect the driver of such vehicle from the consequences of his reckless disregard of the safety of others.

PENALTIES

Section 74. PENALTIES. (a) In addition to any other provisions and penalties provided in this ordinance, any person violating any of the provisions of this ordinance shall upon conviction thereof be punished by imprisonment in the city jail for not to exceed 100 days or by a fine not to exceed $200.00, or both. (b) In addition, bicycles may be impounded for a period not to exceed 90 days.

TRAFFIC CITATIONS

Section 75. CITATION. For the violation of any provision of this ordinance, any police or other peace officer may issue a citation which shall be in the nature of a notice to appear at a time and place certain. If any person fails to comply with the terms of a citation within a period of ten (10) days from the date of issuance, the Police Chief may send to such person or the owner of the motor vehicle, a letter informing such person or owner of the violation with a warning that in the event such letter is disregarded for a period of five (5) days a warrant of arrest will be issued.

Section 76. ILLEGAL CANCELLATION OF TRAFFIC CITATIONS. It shall be unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner except where approved by the Municipal Judge.

Section 77. WHEN WARRANT TO BE ISSUED. In the event any person fails to comply with the terms of a traffic citation, the Chief of Police shall forthwith secure and have served a warrant for the arrest of such person.

GENERAL

Section 78. EFFECT OF ORDINANCE. If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the

validity of the remaining portions of this ordinance.

Section 79. EXISTING SIGNS AND REGULATIONS OTHER THAN THOSE SPECIFICALLY REPEALED BY THIS ORDINANCE. 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 80. REPEAL. The following ordinances and parts of ordinances are hereby repealed:

Ordinance No. NS-269
Ordinance No. NS-293
Ordinance No. NS-344
Ordinance No. NS-384
Ordinance No. NS-366
Ordinance No. NS-385

Read for the first time July 18, 1956

Read for the second time August 1, 1956

placed upon its passage August 1, 1956

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor August 1, 1956.

Mayor

ATTEST:

Recorder of the City of Bend

ORDINANCE NO. NS-470

AN ORDINANCE DEFINING CERTAIN LIVE THINGS AND REQUIRING SUCH THINGS TO BE KEPT IN A SANITARY MANNER FREE OF OFFENDING ODORS TO NEIGHBORS; REQUIRING SAME TO BE PENNED; EXCEPTING PROVISIONS OF OTHER ORDINANCES; PROHIBITING LOUD AND UNUSUAL NOISES FROM SAME; PROVIDING METHODS OF ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE; REQUIRING CORRALLING OF SAID THINGS AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That from and after the effective date of this ordinance, all livestock, animals, birds, fowl, and all other live things of whatsoever nature, except humans and such other live things in their wild state, shall be kept and maintained within the corporate limits of the City of Bend as in this ordinance provided.

SECTION 2. All of the items mentioned in Section 1 hereinabove shall be kept in a sanitary, healthful, clean manner and free of offending odors to neighbors or persons within the immediate vicinity and all of the same shall be adequately and properly penned, corralled, or otherwise restrained so as not to become a nuisance or offensive to neighbors or others within the immediate vicinity; it being understood that this ordinance shall in no way affect any present ordinance except to expand possibly the provisions of the same. Animals of the canine or feline variety shall not be further restricted in their freedom by this ordinance but this ordinance shall apply to the sanitation conditions wherever and whenever the said animals are restricted in their freedom by either their owners' intent or by the provisions of other ordinances pertaining to the running at large of such animals. Feed for any of the objects of the subject matter of this ordinance shall be kept in rodent-proof containers.

SECTION 3. It shall also be a violation of this ordinance for any person within the City of Bend to keep or maintain any animal or other thing mentioned in the description above set forth which shall create or make such noise as would be considered loud, unusual or disturbing to neighbors or persons within the immediate vicinity of the place where the said things are kept. The enforcement provisions of this ordinance shall apply to this anti-noise section as well as to the sanitary provisions as in this ordinance also contained.

SECTION 4. All complaints for violation of the sanitary or anti-noise conditions of this ordinance shall be channeled through the office of the City Manager who is hereby empowered to appoint an agent or assistant from among employes of the City to investigate such complaints. If conditions are found in violation of this ordinance, notice is to be served in writing of the violations found upon the said violator. The notice shall contain a statement to the effect that if the violations are not remedied within ten days the said violation shall be deemed to be a violation of this ordinance and a complaint shall issue in the Municipal Court with the attendant process of law.

SECTION 5. All animals or other matters as in this ordinance defined running or being loose shall be immediately corralled or contained when so required according to the terms of this ordinance. Whenever the police department, or any member thereof, is involved in the apprehension or containment of any animal or thing as in this ordinance defined then their participation shall immediately result in a citation being issued for a violation of this ordinance, and the violator shall be punished as in this ordinance provided.

SECTION 6. Each day of violation of this ordinance, and as provided in this ordinance, is to be deemed a separate and distinct offense. Upon conviction thereof in the Municipal Court of the City of Bend the violators are to be punished by a fine of not less than Five ($5.00) Dollars, and not more than Two Hundred ($200.00) Dollars, or by imprisonment in the City Jail for a period of time not less than five (5) days nor more than sixty (60) days, or by both such fine and imprisonment.

Read for the first time July 18, 1956.

Read for the second time August 1, 1956.

Placed upon its passage August 1, 1956.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 1st day of August, 1956.

Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend.

ORDINANCE NO. NS-471

AN ORDINANCE AMENDING ORDINANCE NO. NS-342 BY CHANGING CERTAIN AREAS HEREINAFTER DESCRIBED AS SET FORTH THEREIN FROM R-RESIDENCE DISTRICT TO C-I NEIGHBORHOOD COMMERCIAL DISTRICT

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That that portion of Ordinance No. NS-342, to-wit: Part I, Section 1, adopting a "Zoning Map of the City of Bend, Oregon" and the zoning map itself, together with Part 3, Section 15 of the said Ordinance No. NS-342, establishing the boundaries of districts by reference to the official zoning map of the City of Bend, Oregon, shall be amended so as to change the part of R-Residence District as herein defined, to-wit:

Lots One (1) and Two (2), Block Seven (7), Staats Addition.

Lots One (1) and Two (2), Block Two (2), Larch Addition.

Lots One (1), Two (2), Eight (8) and Nine (9), Block Two (2), Hastings Addition.

from R-Residence District to C-I Neighborhood Commercial District.

Section 2. That it is the intent of this ordinance to reclassify the aforedescribed area from the R-Residence District to C-I Neighborhood Commercial District, to effect a change in the official zoning map of the City of Bend, and to make the regulations applicable to the above described area as are presently applied to districts known as C-I Neighborhood Commercial District.

Read for the first time August 1, 1956.

Read for the second time August 15, 1956.

Placed upon its passage August 15, 1956.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 15th day of August, 1956.

Hay Hayes
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-472

AN ORDINANCE AMENDING ORDINANCE NO. NS-342 BY CHANGING PART OF THE PRESENT R-RESIDENCE DISTRICT INTO A NEW DISTRICT KNOWN AS L-I LIGHT INDUSTRIAL DISTRICT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That that portion of Ordinance No. NS-342, to-wit: Part 1 of Section 1 adopting a "Zoning Map of the City of Bend, Oregon" and the zoning map itself, together with Part 3 of Section 15 of the said Ordinance No. NS-342, establishing the boundaries of districts by reference to the official zoning map of the City of Bend, Oregon, shall be amended so as to change the part of R-Residence District, as herein defined, to-wit:

> Beginning at the North city limits where the same intersects with the railroad tracks of the Oregon Trunk Railway, thence proceeding easterly to where the said northerly city limits intersect with the easterly city limits line, which for identification purposes follows the easterly boundary of East Fifth Street; thence southerly along the said easterly city limits line southerly to the north boundary of East Webster Avenue; thence westerly on the said Webster Avenue to the north-south alley line extended northerly in Block 33, Riverside Addition to Bend; thence southerly along said alley through the said Block 33 and Block 34 of Riverside Addition to Bend, Oregon, to the northerly boundary of Underwood Avenue; thence westerly along said northerly boundary of Underwood Avenue to the middle of East Third Street; thence southerly along the center line of East Third Street to its intersection with the center line of East Thurston Avenue; thence westerly to the center line extended of the alley in Block 19, Riverside Addition to Bend, Oregon; thence southerly through and along the said center line of the north-south alley in the said Block 19, and continuing southerly along said alley through Blocks 18 and 17, to where the said line extended intersects with the right-of-way line of the Pilot Butte Canal; thence continuing southwesterly along the said boundary of the Pilot Butte Canal to the present northerly boundary of the presently constituted Industrial District in the vicinity of the middle of the block between Norton and Olney Avenues; thence continuing westerly along said northerly boundary of the presently constituted Industrial District to the railroad tracks of the Oregon Trunk Railway; thence continuing in a generally northeasterly direction following said tracks to the point of beginning,

from R-Residence District to a new type district known as L-I Light Industrial District.

Section 2. That the allowable property uses in the aforedescribed area formerly regulated under the regulations of R-Residence District shall be extended in accordance with the terms of this within ordinance upon effective date. That in the new L-I Light Industrial District, as in this ordinance set forth, all premises therein may be used for any purpose permitted in the C-III Central Commercial District and for any other purpose that will meet the restrictive definitions as in this section and ordinance set forth. That any premises in the said L-I Light Industrial Zone may be used for any industrial purpose so long as the same is not offensive by reason of odor, dust, smoke,gas, noises or vibrations. It is the purpose of this restrictive definition to restrict the use of the premises in this new zone to uses that are commonly known as light industrial uses as compared and contrasted with the uses general in a heavy industrial zone.

Read for the first time September 5, 1956.

Read for the second time October 3, 1956.

Placed upon its passage October 3, 1956.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 3rd day of October, 1956.

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

H. G. Hayden
Mayor

ORDINANCE NO. NS-473

AN ORDINANCE AMENDING A PART OF ARTICLE XIX OF ORDINANCE NO. NS-288 AS AMENDED BY ORDINANCE NO. NS-309 AND ORDINANCE NO. NS_317, CHANGING THE LICENSE FEE FOR WOODSAWS, PER ANNUM.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That part of Article XIX of Ordinance No. NS-288 as amended by Ordinance No. NS-309 and Ordinance No. NS-317 as it pertains to wood saws, per annum, be amended as follows:

The license fee of $25.00 per annum required of a wood saw be amended and the same be and hereby is amended to read as follows:

Woodsaws, per annum $7.50

EMERGENCY CLAUSE: Inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof in that licensees and prospective licensees hereunder are presently entering the wood-cutting season and in order to make the license fee under this category more equitable when consideration is given to other license fees in similar categories and it is therefore necessary that this ordinance become immediately operative,

NOW, THEREFORE, an emergency is hereby declared to exist and upon the passage hereof by the affirmative vote of all members of the Commission this ordinance shall become immediately operative.

Read for the first time October 3, 1956.

Read for the second time October 17, 1956.

Placed upon its passage October 17, 1956.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 17th day of October, 1956.

Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-474

AN ORDINANCE VACATING ALL THAT PORTION OF THE FOLLOWING DESCRIBED STREET, ALLEY AND PLAT LOCATION DESCRIBED AS FOLLOWS:

That portion of Block One, north of the east-west alley in said Block One, together with all of Block Two, together with Lakeside Place from the north boundary of the alley between Lot One and Lot Sixteen, Block One to the south line of Minor Avenue; and also the north-south alley in Block One from the north line of the east-west alley in Block One to the southerly line of Vail Avenue; together with the alleys in Block Two; and also Vail Avenue from the east line of Lakeside Place to the west line of Harriman Street extended northerly; all of the above blocks, streets and alleys being in the original plat of Riverside as filed in the office of the County Recorder of Crook County, Oregon (said portion of Crook County now being Deschutes County).

WHEREAS the City Commission of the City of Bend heretofore on the fifteenth day of August, 1956, duly and regularly on its own motion under the authority of Section 271.130 O. R. S. initiated vacation proceedings for said above described street, alley and plat vacation, and

WHEREAS the City Commissioners have considered said matter and having determined that the proposed vacation will not materially affect the market value of any abutting property, and

WHEREAS the vacation proceedings appear to be in order and to meet the requirements of law regulating the vacation of street, alleys and plats, and

WHEREAS after due notice as required by law, a public hearing was held at the Commission Chambers in the City Hall in the City of Bend on the third day of October, 1956, at 8:15 p.m. o'clock, at which hearing no objection or remonstrances to such proposed vacation were presented, NOW, THEREFORE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following portion of the following described street, alley and plat located in the City of Bend, Deschutes County, State of Oregon more particularly described as:

That portion of Block One, north of the east-west alley in said Block One, together with all of Block Two, together with Lakeside Place from the north boundary of the alley between Lot One, and Lot Sixteen, Block One to the south line of Minor Avenue; and also the north-south alley in Block One from the north line of the east-west alley in said Block One to the southerly line of Vail Avenue; together with the alleys in Block Two; and also Vail Avenue from the east line of Lakeside Place to the west line of Harriman Street extended northerly; all of the above blocks, streets and alleys being in the original plat of Riverside as filed in the office of the County Recorder of Crook County, Oregon,(said portion of Crook County now being Deschutes County);

be and the same is hereby vacated.

Read for the first time October 3, 1956.

Read for the second time October 17, 1956.

Placed upon its passage October 17, 1956.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor October 17, 1956.

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

Hoyt Taylor
Mayor

ORDINANCE NO. NS-475

AN ORDINANCE VACATING ALL THAT PORTION OF THE FOLLOWING DESCRIBED STREET LOCATION DESCRIBED AS FOLLOWS:

Emerson Avenue from the west line of the east 35.0 feet of Lot Two, Block Three, Bend Park Addition, to the east line of Lot One, Block Three, Bend Park Addition.

WHEREAS the City Commission of the City of Bend heretofore on the 15th day of August, 1956, duly and regularly initiated the vacation proceedings to vacate the street above described in response to a petition for said vacation presented by Willard Fix, one of the petitioners, and

WHEREAS, the City Commissioners having considered said vacation proceedings and found them to be in order and to meet the requirements of the law regulating the vacation of streets, and

WHEREAS, after due notice as required by law, a public hearing was held at 8:00 o'clock p.m., on the Third day of October, 1956, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following described street, located in the City of Bend, Deschutes County, State of Oregon, more particularly described as:

Emerson Avenue from the west line of the east 35.0 feet of Lot Two (2), Block Three (3), Bend Park Addition to the east line of Lot One (1), Block Three (3), Bend Park Addition to Bend, Oregon, according to the official plat thereof on file in the office of the County Clerk, Deschutes County, State of Oregon

be and the same is hereby vacated.

Read for the first time October 3, 1956.

Read for the second time October 17, 1956.

Placed upon its passage October 17, 1956.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 17th day of October, 1956.

Mayor

ATTEST:

Recorder of the City of Bend

ORDINANCE NO. NS-476

AN ORDINANCE AMENDING ORDINANCE NO. NS-346 AND ORDINANCE NO. NS-404 BY ADDING A NEW SECTION AND SEVERAL WORDS AND ALSO AUTHORIZING CODIFICATION OF THE SAID ORDINANCES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Ordinance No. NS-346 (1-104) is hereby amended by adding thereto an additional section as follows, to-wit:

Section 3. If, at the sale as provided for in Section 1 hereinabove, the property is not sold because of an insufficient bid or for some other reason, the City Recorder is authorized for 120 days after said sale date to sell the said property at the appraised price, it being understood that the deposit required in Section 1 shall already have been forfeited to the City.

SECTION 2. Section 1 of Ordinance No. NS-404 shall also be and hereby is amended by adding the words "as amended" after the number "342" in the last line of said Section 1.

SECTION 3. Authority is hereby given to the City Recorder to codify the said Ordinance No. NS-404 as it has been and is hereby amended so that the amendments made by this ordinance and prior amendments will be codified within the new ordinance. Hence, after the aforesaid codification, Ordinances No. NS-346 and Ordinance No. NS-404 shall be merged into this newly codified ordinance and will be of no further force and effect.

Read for the first time October 17, 1956
Read for the second time November 7, 1956
Placed upon its passage November 7, 1956

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 7th day of November, 1956.

H. Hayden
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend.

ORDINANCE NO. NS-477

AN ORDINANCE AMENDING ORDINANCE NO. NS-372 BY ADDING TO SAID SECTION 17 THE WORDS "(1955)".

Section 1. Ordinance No. NS 372 (5-110) is hereby amended by adding to Section 17 thereof the words "(1955)" after the word "conference" in the second line of said Section 17.

Read for the first time December 12, 1956.

Read for the second time January 2, 1957.

Placed upon its passage January 2, 1957.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 2nd day of January , 1957.

W. M. Loy
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-478

AN ORDINANCE AMENDING ORDINANCE NO. NS 298 BY DELETING THEREFROM SECTION 4 AND ADDING A NEW SECTION 4 CHANGING ANNUAL LICENSE FEE TO ONE ($1.00) DOLLAR PER BUS AND DECLARING AN EMERGENCY.

Section 1. Ordinance No. NS-298 shall be and the same hereby is amended by deleting therefrom Section 4 thereof and by substituting a new Section 4 therein which said new Section 4 shall read as follows:

Section 4. Each application shall be accompanied by a fee in the sum of $1.00 for each and every bus to be licensed. It is understood that the said license may be transferred from one bus to another. Such license shall entitle only one (1) 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 2. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Bend in that bus service is a necessary part of the working life of the community and its inhabitants, and that the new license period commences within a very short time and that failure to have this ordinance immediately operative may jeopardize bus service within the City of Bend,

NOW, THEREFORE, an emergency is hereby declared to exist and upon the passage hereof by the affirmative vote of all members of the Commission, this ordinance shall become immediately operative.

Read for the first time this 19th day of December, 1956.

Read for the second time this 2nd day of January, 1957.

Placed upon its passage this 2nd day of January, 1957.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 2nd day of January, 1957.

W M Loy
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-479

AN ORDINANCE AMENDING ORDINANCE NO. NS-342 BY CHANGING PART OF THE PRESENT R-RESIDENCE DISTRING TO AN I-INDUSTRIAL DISTRICT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That that portion of Ordinance No. NS-342, to-wit: Part I of Section 1, adopting a "Zoning Map of the City of Bend, Oregon" and the Xoning Map itself, together with Part III, Section 15 of the said ordinance No. NS-342, establishing the boundaries of districts by reference to the official zoning map of the City of Bend, Oregon, shall be amended so as to change the presently constituted R-Residence District as herein defined, to-wit:

> The Northeast one-quarter ($NE\frac{1}{4}$) of the Southwest one-quarter ($SW\frac{1}{4}$) of Section Four (4), Township Eighteen (18), South Range Twelve (12), E. W.M.

from R-Residence District to an I-Industrial District.

Section 2. All of the allowable property uses in the presently constituted I-Industrial District shall apply to the area herein changed from the R-Residence District to an I-Industrial District.

Read for the first time the 19th day of December, 1956.

Read for the second time the 2nd day of January, 1957.

Placed upon its passage the 2nd day of January, 1957.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 2nd day of January, 1957.

W M Loy
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-480

AN ORDINANCE REPEALING ORDINANCE NO. NS-377 AND PROVIDING FOR ADOPTION OF NATIONAL ELECTRICAL CODE, LAWS OF THE STATE OF OREGON AND ADDING CERTAIN REGULATIONS AND REQUIREMENTS FOR ELECTRICAL WORK WITHIN THE FIRE LIMITS AND MULTIPLE DWELLINGS AS DEFINED: SETTING UP CERTAIN MINIMUM REQUIREMENTS FOR RESIDENTIAL AND OTHER ELECTRICAL WIRING: PROVIDING FOR NOTICE TO ELECTRICAL INSPECTOR: SETTING FORTH LICENSE FEES AND PROVIDING A PENALTY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-377 shall be and the same is hereby repealed.

Section 2. 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 from time to time as are set forth in what is known as the 1956 National Electrical Code, or as later amended or revised, which code is adopted and approved by this ordinance, and any and all such electrical installations shall conform to the said National Electrical Code and this ordinance and the laws of the State of Oregon, and in case of conflict of the said National Electrical 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.

Section 3. BX or armored cable shall not be used within the City of Bend.

Section 4. The wiring within the Fire Limits of the City of Bend and in all multiple dwellings in the City of Bend, defined as hospitals, motels and hotels, also dwelling buildings housing five or more families and resthomes, rooming houses and convalescent homes of five or more paying guests or patients, shall be governed by the National Electrical Code, the laws of the State of Oregon, as well as the following additional regulations and requirements, from and after the effective date of this ordinance:

a. All electrical wiring shall be in rigid conduit, steel tube, metal molding, flexible conduit or other approved fireproof raceways which said other approved raceways shall only be installed after approval in writing has been received by the installer thereof by the authority enforcing this ordinance.

b. All branch circuits over current devices shall be of the multi-breaker type except when in the opinion of the authority enforcing this ordinance the same shall not at that time be readily available, then the said branch circuits over current devices may be fusestat fused. In remodel wiring jobs existing fuse panels may be continued, but must be continuously protected with proper size fusestats.

Section 5. In all residential construction within the City of Bend the minimum capacity for residential service conductors shall be as follows:

1. Three wire, 115-230 Volt, 115 Amp.

2. Two wire, 115 Volt, 50 Amp.

Where service conduit is used to support service drops, the minimum size shall be two (2") inches. Where service conduits extend more than four feet above roof, they shall be properly guyed or otherwise supported.

The person making the installation shall consult with the serving agency regarding the location of the point of attachment for service drop to a building. The location of the service head shall be a subject of mutual agreement between such person and the serving utility. In regard to the construction of the support for the said service head a suggested method of connecting service to buildings shall be provided in chart and diagram form which same may be obtained either at the City of Bend City Hall or at the office of the serving utility. Other methods of construction may be employed so long as they ar adequate in the opinion of the Electrical Inspector and the City of Bend Building Inspector.

Section 6. It shall be the duty of the City Building Inspector to notify the State Electrical Inspector when and where there is electrical wiring or installation to be inspected.

Section 7. All installations, changes, alterations, extensions or repairs hereafter made in electrical installations shall be done in accordance with this ordinance.

Section 8. No electrical work, as provided 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 shall be had on or before thirty days after date of expiration; otherwise, the applicant shall be considered an initial applicant and the $100.00 fee shall apply, provided, however, that nothing in this ordinance shall be construed to prohibit an owner from doing his own wiring without a license.

Section 9. Any person, firm or corporation who shall violate any provision of this ordinance upon conviction shall be punished by a fine of not to exceed $50.00, or by imprisonment in the city jail not to exceed 25 days, or by both such fine and imprisonment. Each day of violation of the terms of this ordinance shall be deemed a separate and distinct offense and punishable as in this section provided.

Read for the first time the 16th day of January, 1957.

Read for the second time the 6th day of February, 1957.

Placed upon its passage this 6th day of February, 1957.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 6th day of February, 1957.

/s/ W. M. Long
Mayor

ATTEST:

/s/ JULIA S. JOHNSON
Recorder of the City of Bend

Julia S. Johnson

NS 480

ORDINANCE NO. NS-481

AN ORDINANCE RELATING TO RESIDENTIAL AND COMMERCIAL DRIVEWAY APPROACHES AND CURB CUTS; REGULATING SIZE, LOCATION, NUMBER AND CONSTRUCTION OF SAME; PROVIDING FOR VARIANCES; PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY.

NS-481 repealed by NS-1497, passed 7-15-89

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Definitions: For the purpose of this ordinance the following definitions shall apply:

a. Driveway. A driveway is an area on private property where automobiles and other vehicles are operated or allowed to stand.

b. Driveway approach. A driveway approach is an area, construction or improvement between the roadway of a public street and private property intended to provide access for vehicles from the roadway of a public street to a definite area of the private property, such as a parking area, a driveway, or a door at least seven feet wide, intended and used for the ingress and egress of vehicles. The component parts of the driveway approach are termed the apron, the end slopes or the curb return, and the sidewalk section.

c. Apron. The apron is that portion of the driveway approach extending from the property side of curb to the sidewalk section and lying between the end slopes of the driveway approach.

d. End Slopes. The end slopes are those portions of the driveway approach which provide a transition from the normal curb and sidewalk elevations to the grade of the apron, either by means of a sloping surface or by means of a curb return together with the area between the projected tangents of the curb return.

e. Sidewalk Section. The sidewalk section is that portion of the driveway approach lying between the back, or property edge of the sidewalk and the apron plus the end slopes measured at the front, or street, edge of the sidewalk.

f. Curb Return. The curb return is the curved portion of a street curb at street intersections or the curved portion of a curb in the end slopes of a driveway approach.

Section 2. Permit Required. No person, firm or corporation shall remove, alter, or construct any curb, sidewalk, driveway approach, gutter, pavement, or other improvement in any public street, alley or other property owned by or dedicated to or used by this city and over which it has jurisdiction to regulate the matters covered hereby, without first obtaining a permit from the City Recorder, and no permit shall be granted until the applicant shall file with the City Engineer for his approval

two copies of a drawing showing the location and size of all such proposed improvements to serve the property affected.

Section 3. Application for Permit. Application for permits to construct such improvements shall be made to the City Recorder on forms provided for that purpose.

Section 4. Approval of Application and Issuance of Permit. Before approving the drawing of such improvement and issuing the permit, the City Recorder shall receive from the City Engineer a certificate that the proposed improvement is in conformance with the provisions and standards hereinafter set forth.

Section 5. Prohibited Locations.

a. No driveway approach shall be permitted to encompass any municipal or other public utility facilities. Under the permit provided for herein applicant may be authorized to relocate any such utility, including any within the limits of a curb return which may be encroached upon as allowed under subsections c and d of this Section, upon application to the subject utility provider and upon making suitable arrangements for financial reimbursement to said utility provider.

b. At street intersections no portion of any driveway approach, including end slopes, shall be permitted between the limits of the intersection of the prolonged property lines and the curb, except as may be allowed under subsections c and d of this section.

c. At street intersections no portion of any driveway approach, including end slopes, shall be permitted between the limits of the intersection of the prolonged back edges of the sidewalks and the curb, except as may be allowed under subsection d of this Section.

d. On all curb returns at street intersections where the radius is twenty-five feet (25') or more, driveway approaches, including end slopes, may encroach upon each end of the return for a distance equal to twelve and one-half per cent (12½%) of the total length of the arc of the curb return, thus leaving at least seventy-five percent (75%) of the length of the arc of the curb return face free from driveway encroachment.

e. Notwithstanding the provisions of subsections b and c of this Section, at street intersections no portion of any driveway approach, including end slopes, shall be permitted between the points of curvature of the curb return where the radius of the curve is twenty feet (20') or less.

Section 6. Length of Driveway Approach Apron. The width of driveway approach aprons shall not exceed the following dimensions:

a. For residential driveways, fourteen feet (14') for single driveways and twenty feet (20') for double driveways and not more than one driveway approach shall be permitted per lot when said lot is fifty feet (50') or less in width fronting on any street or avenue.

1- An additional driveway approach will be allowed when any particular lot has 65' or more of frontage on any street or avenue.
2- Sidelines of lots may also have driveway approaches in conformity with the provisions of this sub-section, notwithstanding that said lots have driveway approaches on their frontage area.

b. For commercial driveways, when one or more driveway approaches serve a given property frontage, no single apron shall exceed thirty-five feet (35') in width, but when said establishment controls fifty feet (50') or more of street frontage the number of driveway aprons shall be limited to two for the first one hundred feet (100') or part thereof and not more than thirty-five per cent (35%) of the frontage exceeding the initial one hundred feet (100') thereafter. A safety island of not less than sixteen feet (16') of full height curb shall in all cases be provided between driveway approaches serving any one property frontage.

c. Property frontage referred to herein includes approach areas directly in front of property owned or under the control of the applicant, and such area as may be directly in front of adjoining property which is used for approach purposes by right of easement or agreement with the adjoining property owner.

Section 7. Construction Details.

a. All driveway approaches between the curb line and the property line shall be constructed of Portland cement concrete proportioned to the satisfaction of the City Engineer, except as provided in Section 9. The concrete of the driveway approach, including the sidewalk section, shall be at least four inches (4") thick for residential approaches and at least six inches (6") thick for commercial approaches.

b. The sidewalk section of the driveway approach shall be finished and scored as specified by the City Engineer for typical sidewalk construction. Apron and end slope areas of the driveway approach shall be finished, after trowelling smooth and scoring, with a fiber push broom drawn over the surface parallel to the curb line.

Section 8. Driveway Approaches Near Alleys. Driveway approaches located within five feet (5') of the existing curb return at an alley intersection may be merged with the alley intersection pavement, thus requiring the removal of the existing curb return; the total apron length plus the alley width, measured at the curb line of the apron to the opposite alley line, shall not exceed forty feet (40'), except when there is a driveway approach on both sides of an alley, then the maximum apron length plus alley width shall not exceed sixty feet (60').

Section 9. Areas of Limited Street Improvements.

a. Where standard gutters and curbs have been installed but concrete sidewalks have not been, the permit may authorize

the applicant to construct the driveway approach from the curb line to the applicant's premises of the same materials as those used for paving applicant's premises, or of any other material satisfactory to the City Engineer. Such driveway approach shall be constructed to established grade and shall be adequate and suitable for the traffic to be carried by it. The permit shall provide and the applicant shall agree that if and when thereafter concrete sidewalks are constructed the applicant or his successor shall install concrete driveway approaches.

b. Where standard gutters and curbs have not been installed, the apron widths set forth in Section 6 shall be measured along the property line and there shall be not less than sixteen feet (16') of frontage between driveway approaches serving any one property. Permits shall not be issued for any surface improvement or paving on the street right of way between driveway approaches unless a concrete curb or other physical obstruction, of a design satisfactory to the City Engineer, is constructed and maintained by the applicant along his property line, so that the entrance and exit of vehicles to and from the applicant's property will be restricted to the established driveway approaches. Pursuant to the permit provided for herein, applicant may surface the driveway approaches or other areas within the right of way by extending the same type of paving used on applicant's premises so that it merges with the street pavement, provided applicant's paving is adequate and suitable for the traffic to be carried; such extended paving between the property line and the street pavement shall be to established grade or other slope fixed by the City Engineer to provide for proper run-off. Such paving between the property line and the street pavement may meet the street pavement at a point ahead of the curb opening in order to provide for safe deceleration of vehicles turning into the applicant's premises. If applicant's paving is extended beyond the property line into a street right of way at an intersection or crossroad, the City Engineer may require applicant to construct a suitable traffic island or curb to provide for the protection of such municipal facilities as may be necessary.

Section 10. Public Property. City street rights of way may not be used for private commercial purposes. A permit for the construction of driveway approaches shall not be issued unless vehicles to be served or serviced can be parked entirely within the private property lines.

Section 11. Unusual Conditions. The City Engineer is hereby authorized to grant in writing variances from the regulations and requirements of this ordinance, provided he first determines that the following conditions are present: (a) the variance requested arises from peculiar physical conditions not ordinarily existing in similar districts in the City, or is due to the nature of the business or operation upon the applicant's property; (b) that the variance requested is not against the public interest, particularly safety, convenience and general welfare; (c) that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or tenants; and (d) that the terms of this ordinance will work unnecessary hardship upon the applicant property owner or tenant.

NS 481

Section 12. Saving Clause. If any section or part thereof of this ordinance shall be held illegal, unconstitutional, or void, this shall not be construed to render void any other provision or requirement of this ordinance.

Section 13. Penalties. Any person, firm or corporation violating any of the provisions of this ordinance, or causing, permitting, or suffering the same to be done, shall be guilty of a misdemeanor and upon conviction shall be fined not more than One Hundred Dollars ($100.00). Each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued or permitted.

Section 14. EMERGENCY CLAUSE. Inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof in that controls and guides are necessary to enable various street improvement projects to be adequately planned and accomplished at the earliest possible date and more particularly the South Third Street project to be done in conjunction with the State of Oregon, and that such project is important to the peace, health, safety and general welfare of the inhabitants of the City of Bend and the City of Bend itself, NOW, THEREFORE,

AN EMERGENCY is hereby declared to exist and upon the passage hereof by the affirmative vote of all members of the Commission this ordinance shall become immediately operative.

Read for the first time February 6, 1957

Read for the second time February 20, 1957

Placed upon its passage February 20, 1957

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 20th day of February, 1957.

W M Loy
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-482

AN ORDINANCE AMENDING ORDINANCE NO. NS-342 BY CHANGING A PART OF THE R-RESIDENCE DISTRICT AS HEREIN DEFINED TO A C-III-a COMMERCIAL DISTRICT AND ADOPTING BY REFERENCE THE USES, REGULATIONS AND RESTRICTIONS OF SUCH ZONE TO THE WITHIN DESCRIBED AREA.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That that portion of Ordinance No. NS-342, to-wit: Part I of Section 1, adopting a "Zoning Map of the City of Bend, Oregon" and the zoning map itself, together with Part III, Section 15 of the said Ordinance No. NS-342 establishing the boundaries of districts by reference to the official zoning map of the City of Bend, Oregon, shall be amended so as to change the presently constituted R-Residence District as herein defined, to-wit:

Block 2, 3, and 4, Terminal Addition
The west half (110') of Block 186, Third Addition to Bend Park

from R-Residence District to C-III-a Commercial District.

SECTION 2. That the allowable uses, regulations and restrictions pertaining to the said C-III-a Commercial District as herein constituted, shall be those as are set forth in Ordinance No. NS-436 (9-104-e) which said uses, regulations and restrictions are herewith incorporated into this within ordinance by reference and thereby made a part hereof so as to make the same applicable to the within described area.

Read for the first time the 6th day of February, 1957.

Read for the second time the 20th day of February, 1957.

Placed upon its passage the 20th day of February, 1957.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 20th day of February, 1957.

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

W M Soy
Mayor

ORDINANCE NO. NS-483

AN ORDINANCE AMENDING ORDINANCE NO. NS-436 BY ADDING AN ADDITIONAL AREA THERETO TO BE KNOWN AS C-III-a COMMERCIAL DISTRICT AND MAKING THE REGULATIONS AND RESTRICTIONS THEREIN APPLICABLE TO THE WITHIN DESCRIBED AREA.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That Ordinance No. NS-436 (9-104-e) is hereby and herewith amended by adding to the area therein contained the following described area heretofore zoned in accordance with the provisions of Ordinance No. NS-342 as C-II Tourist Commercial District, to-wit:

Block Five, Terminal Addition
Block 190, Third Addition to Bend Park
Blocks 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, and Lots 12 to 25, inclusive in Block 80, Bend Park Addition
Blocks 130, 131, 162 in Third Addition to Bend Park
Blocks 1, 2, 3, 4, 5, and 6, State Highway Addition

Section 2. That it is the purpose and intent of this ordinance to change the aforedescribed area from C-II Tourist Commercial District to C-III-a Commercial District and to apply thereto the regulations and restrictions as are made applicable to such a district by the said ordinance No. NS-436.

Read for the first time the 6th day of February, 1957.

Read for the second time the 20th day of February, 1957.

Placed upon its passage the 20th day of February, 1957.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 20th day of February, 1957.

W M Loy
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-484

AN ORDINANCE REPEALING ORDINANCE NO. NS-296.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That ordinance No. NS-296 (5-106) shall be and the same hereby is repealed.

Read for the first time February 6, 1957.

Read for the second time February 20, 1957.

Placed upon its passage February 20, 1957.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 20th day of February, 1957.

W M Long
Mayor

ATTEST:

Julia S Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-485

AN ORDINANCE REPEALING ORDINANCE NO. NS-328.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That Ordinance No. NS-328 (10-207) shall be and the same is hereby repealed.

Read for the first time February 6, 1957.

Read for the second time February 20, 1957.

Placed upon its passage February 20, 1957.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 20th day of February, 1957.

Wm Loy
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-486

AN ORDINANCE providing for the issuance of City of Bend Improvement Bonds in the sum of $41,000.00; providing and approving the form of the bonds to be issued and the coupons attached thereto; providing for the advertisement and sale of said bonds, and declaring an emergency.

****

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

WHEREAS, the owners of the property so assessed for such street improvements in the sum of Twenty-five Dollars ($25.00) or more, aggregating in all the sum of $41,000.00, have within ten (10) days after notice of such assessment was first published, filed with the City Recorder of the said City, written applications to pay said assessments in instalments, each and all of which written applications did state that the said applicant and property owner does thereby waive all irregularities or defects, jurisdictional or otherwise, in the proceedings to improve the street for which said assessment is levied, and in the apportionment of the cost thereof; and

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

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

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

WHEREAS, after the expiration of the time for filing applications

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

WHEREAS, each and every act and thing required by the laws of the State of Oregon and by the charter of the said City precedent to the issuance of these bonds have been heretofore regularly done and performed in the manner and at the time required by law, NOW, THEREFORE, THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1: That the City of Bend shall issue bonds in the name of and under the corporate seal of said City in the amount of Forty-one Thousand Dollars ($41,000.00), in the denomination of One Thousand Dollars($1,000) each, numbered consecutively from 1 to 41, both numbers inclusive, said bonds to bear date May 1, 1957, to be signed by the Mayor and countersigned by the Recorder of the City of Bend and the corporate seal of said City to be affixed thereto and said bonds shall, by the terms thereof, mature serially at the rate of Three Thousand Dollars ($3,000) on the first day of May in each of the years 1958 to 1960, inclusive, and Four Thousand Dollars ($4,000) on the first day of May in each of the years 1961 to 1968, inclusive. All of said bonds which mature after May 1, 1959 shall be subject to call and redemption on May 1, 1959, and on any semi-annual interest paying date thereafter, shall bear interest at the rate of not to exceed six percent (6%) per annum, interest payable semiannually, said interest to be evidenced by coupons attached to said bonds, which said coupons shall have the signature of the Mayor and the signature of the Recorder of the City of Bend lithographed thereon, which bonds, together with interest thereon, shall be payable at the office of the Treasurer of the City of Bend, and shall be known as City of Bend Improvement Bonds, Series 6.

Section 2. That the bonds hereby authorized and the coupons attached thereto shall be in substantially the following form, to-wit:

No._____ $1,000.00

UNITED STATES OF AMERICA

STATE OF OREGON

COUNTY OF DESCHUTES

CITY OF BEND IMPROVEMENT BOND

SERIES 6

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

ONE THOUSAND DOLLARS

in lawful money of the United States on the presentation and surrender of this obligation on the 1st day of May, 19__, without grace, with interest thereon, at the rate of ___ percent (____%) per annum, payable semi-annually on the 1st days of May and November of each year on the presentation and surrender of the proper coupons hereto annexed, principal and interest payable at the office of the Treasurer of the City of Bend, Oregon.

This bond is one of a series of bonds authorized by and under the provisions of the charter of said City and Chapter 223-205 Oregon Revised Statutes, et seq, as amended, providing for the issuance of bonds for street and sewer improvements and for the payment of the costs of such improvements, and is an obligation of the City of Bend aforesaid, and it is further certified that all of the requirements of law have been fully complied with by the proper officers in the issuances of this bond.

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

IN WITNESS WHEREOF this bond has been signed by the Mayor and countersigned by the Recorder of the City of Bend, and the corporate seal of said City hereto affixed this 1st day of May, 1957.

_____
Mayor

Countersigned:

_____
Recorder

On the face of all bonds maturing after May 1, 1959, add a paragraph reading:

This bond is subject to call and redemption on May 1, 1959, and on any semiannual interest paying date thereafter.

(COUPON)

No._____ $_____

THE CITY OF BEND, STATE OF OREGON, will pay to bearer on the first day of MAY / NOVEMBER 19___

_____DOLLARS

in lawful money of the United States at the office of the Treasurer of the City of Bend, being six month' interest on Improvement Bond No. ____, Series 6.

_____
Mayor

Countersigned:

_____
Recorder

On all coupons maturing after May 1, 1959, add the following:

unless said bond is sooner redeemed, as therein provided, which redemption will render this coupon void.

Section 3. The Recorder is hereby authorized and instructed to advertise the aforesaid bonds for sale at the Commission meeting to be held on the 1st day of May, 1957, by the insertion of an advertisement thereof once each week for two seccussive weeks in the Bend Bulletin, a newspaper published in the City of Bend.

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

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

Read for the first time March 20, 1957.

Read for the second time April 3, 1957.

Placed upon its passage April 3, 1957.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 3rd day of April, 1957.

Wm Loy
Mayor

ATTEST:

Julia S. Johnson
Recorder

ORDINANCE NO. NS-487

AN ORDINANCE MAKING IT UNLAWFUL TO PERMIT USE OF PREMISES OR TO USE SAME FOR MAINTENANCE AND REPAIR OF MOTOR VEHICLES WHEN SUCH USE IS OFFENSIVE OR DISTURBING; PROVIDING PROCEDURES FOR THE ENFORCEMENT OF THIS ORDINANCE AND PROVIDING PENALTIES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Within the residential districts of the City of Bend as defined in Ordinance No. NS-342 and amendments thereto, it shall be unlawful for any person, firm, partnership, corporation or other entity to suffer, permit or allow premises under his, her or its ownership or control to be used or to use premises within said defined area for purposes as herein set forth, i.e.;

For the maintenance and repair of motor vehicles when the said maintenance and repair is offensive or disturbing to any person in the neighborhood by reason of noise, unsightliness, hazardous or of a nuisance value likely to be injurious to the health and general welfare of such persons.

SECTION 2. Such persons as this ordinance is intended to protect may bring a complaint in the Municipal Court of the City of Bend under the terms of this ordinance, or may make a written report to the City Manager of the City of Bend who will either make or cause to be made an investigation of the purported violation and based upon such investigation may bring a complaint in the Municipal Court for the violation of this ordinance.

SECTION 3. Upon conviction in the Municipal Court of a violation of this ordinance, persons, firms, partnerships, corporations and other entities shall be fined not less than $50.00 nor more than $200.00 or may be imprisoned in the Municipal Jail for a period of time not less than 5 days or more than 30 days. Each day of violation of this ordinance shall be deemed a separate and distinct offense and each day of such violation shall be punished as in this ordinance provided.

Read for the first time the 15th day of May, 1957.

Read for the second time the 5th day of June, 1957.

Placed upon its passage the 5th day of June, 1957.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 5th day of June, 1957.

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

W M Doy
Mayor

ORDINANCE NO. NS-488

AN ORDINANCE VACATING ALL THAT PORTION OF THE FOLLOWING DESCRIBED STREET LOCATION DESCRIBED AS FOLLOWS:

> Millican Drive from the south line of E. DeKalb Avenue to the west line of E. Tenth Street extended between blocks Ten (10) and Sixteen (16) of Bend Park Addition, and to include the external area of the curved south boundary of Lot Eleven (11), Block Ten (10), Bend Park Addition

WHEREAS the City Commission of the City of Bend heretofore on the first day of May, 1957, duly and regularly initiated the vacation proceedings to vacate the street above described in response to a petition for said vacation presented by Mr. Richard Kerr, one of the petitioners, and

WHEREAS, the City Commissioners having considered said vacation proceedings and found them to be in order and to meet the requirements of the law regulating the vacation of streets, and

WHEREAS, after due notice as required by law, a public hearing was held at the Commission Chambers at the City Hall in the City of Bend at 8:00 p.m. o'clock, on the 19th day of June, 1957, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following described street, located in the City of Bend, Deschutes County, State of Oregon, more particularly described as:

> Millican Drive from the south line of E. DeKalb Avenue to the west line of E. Tenth Street extended between blocks Ten (10) and Sixteen (16) of Bend Park Addition, and to include the external area of the curved south boundary of Lot Eleven (11), Block Ten (10), Bend Park Addition

be and the same is hereby vacated.

READ FOR THE FIRST TIME JUNE 19, 1957.
READ FOR THE SECOND TIME JULY 3, 1957.
YEAS: 7 NAYS: 0
PLACED UPON ITS PASSAGE JULY 3, 1957.

Submitted to and approved by the Mayor this 3rd day of July, 1957.

W M Day
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-489

AN ORDINANCE VACATING ALL THAT PORTION OF THE FOLLOWING DESCRIBED STREET LOCATION:

> Burnside Avenue from the east boundary of Woodland Boulevard to the north boundary of East Alden Avenue, according to the official plat thereof on file in the office of the County Clerk, Deschutes County, State of Oregon

WHEREAS the City Commission of the City of Bend heretofore on the first day of May, 1957, duly and regularly initiated the vacation proceedings to vacate the street above described in response to a petition for said vacation presented by Mr. Melvin Munkers, one of the petitioners, and

WHEREAS, the City Commissioners having considered said vacation proceedings and found them to be in order and to meet the requirements of the law regulating the vacation of streets, and

WHEREAS, after due notice as required by law, a public hearing was held at the Commission Chambers at the City Hall in the City of Bend at 8:00 o'clock p.m., on the 19th day of June, 1957, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following described street, located in the City of Bend, Deschutes County, State of Oregon, more particularly described as:

> Burnside Avenue from the east boundary of Woodland Boulevard to the north boundary of East Alden Avenue, according to the official plat thereof on file in the office of the County Clerk of Deschutes County, State of Oregon

be and the same is hereby vacated.

READ FOR THE FIRST TIME JUNE 19, 1957.
READ FOR THE SECOND TIME JULY 3, 1957.
YEAS: 7 NAYS: 0
PLACED UPON ITS PASSAGE JULY 3, 1957.

Submitted to and approved by the Mayor this 3rd day of July, 1957.

W M Foy
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-490

AN ORDINANCE VACATING ALL THAT PORTION OF THE FOLLOWING DESCRIBED STREET LOCATION:

> Clay Avenue from the east boundary of East Woodland Boulevard to the westerly line of Millican Avenue, according to the official plat thereof on file in the office of the County Clerk of Deschutes County, State of Oregon.

WHEREAS the City Commission of the City of Bend heretofore on the first day of May, 1957, duly and regularly initiated the vacation proceedings to vacate the street above described in response to a petition for said vacation presented by Mr. Melvin Munkers, one of the petitioners, and

WHEREAS, the City Commissioners having considered said vacation proceedings and found them to be in order and to meet the requirements of the law regulating the vacation of streets, and

WHEREAS, after due notice as required by law, a public hearing was held at the Commission Chambers at the City Hall in the City of Bend at 8:00 o'clock p.m., on the 19th day of June, 1957, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following described street, located in the City of Bend, Deschutes County, State of Oregon, more particularly described as:

> Clay Avenue from the east boundary of East Woodland Boulevard to the westerly line of Millican Avenue, according to the official plat thereof on file in the office of the County Clerk of Deschutes County, State of Oregon,

be and the same is hereby vacated.

READ FOR THE FIRST TIME JUNE 19, 1957.
READ FOR THE SECOND TIME JULY 3, 1957.
YEAS: 7 NAYS: 0
PLACED UPON ITS PASSAGE JULY 3, 1957.

Submitted to and approved by the Mayor this 3rd day of July, 1957.

W M Loy
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-491

AN ORDINANCE AMENDING SECTION 1, OF ORDINANCE NO. NS 174 (3-204) BY REPEALING SECTION 1 THEREOF AND INSERTING A NEW SECTION 1 IN LIEU THEREOF.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance No. NS 174 (3-204) is hereby repealed and deleted from the said Ordinance No. NS174.

Section 2. In lieu of the repealed and deleted Section 1 of Ordinance No. NS 174 the following new Section 1 is adopted and placed therein, to-wit:

> Section 1. It shall be unlawful for any person, firm, or corporation, either directly or by another, to distribute, circulate, or pass to or among persons along or upon any street, alley, park, or other public place in the City of Bend, or to place in or on any automobile or other vehicle on or along any public street, alley, park, or other public place in the City of Bend, any advertising paper, handbill, dodger, circular, booklet, or other notice of commercial advertising.

Read for the first time June 19, 1957.

Read for the second time July 3, 1957.

P laced upon its passage July 3, 1957.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 3rd day of July, 1957.

W M Log
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-492

AN ORDINANCE ANNEXING TO THE CITY OF BEND CERTAIN REAL PROPERTY AS DESCRIBED IN THE WITHIN ORDINANCE; CITING A RESOLUTION DISPENSING WITH SUBMITTING THE QUESTION OF THE ANNEXATION TO THE REGISTERED VOTERS OF THE CITY OF BEND; AND RECOGNIZING THE RECEIPT OF CONSENTS TO ANNEXATION FROM THE PROPERTY OWNERS OF THE PROPERTY WITHIN THE TRACT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The legislative body of the City of Bend does by the enacting of this ordinance recognize the following facts:

a. That under date of July 3, 1957, Resolution No. 570 was passed by the City of Bend wherein the said City Commission of the City of Bend did elect to dispense with submitting the question of the annexation of the following described lands and property to the registered voters of the City.

b. That the aforesaid Resolution No. 570 was published once a week for two successive weeks in the Bend Bulletin, a newspaper of general circulation within the City of Bend. That said Resolution was also posted in four public places within the said City of Bend. That said publication and posting ran concurrently.

c. That within the said Resolution No. 570 there was also given notice of a public hearing to be held on the aforesaid annexation proceedings which said public hearing was to be held on the 17th day of July, 1957, at the hour of 8:00 o'clock P. M. in the Commission Chambers in the City Hall in Bend, Oregon. That at said public hearing no persons appeared to remonstrate against the proposed annexation.

d. That at the time of the public hearing as set forth above there was presented to the City Commission of the City of Bend consents to annexation by 100% of the property owners of the property described to be annexed.

Section 2. NOW, THEREFORE, the City Commission of the City of Bend, the legislative body of said City, does hereby proclaim that the following described property located within the County of Deschutes and State of Oregon shall be and the same hereby is annexed to the City of Bend and shall become a part thereof. That the said property is more particularly described as follows, to-wit:

The Southeast Quarter of the Southwest Quarter (SE¼SW¼) and the Southwest Quarter of the Southeast Quarter, (SW¼SE¼), Section Thirty (30), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian

and

The North Half (N½) Northeast Quarter of the Northwest Quarter (NE¼NW¼), Section Thirty-one (31), Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian.

Read for the first time the 17th day of July, 1957
Read for the second time the 7th day of August, 1957.
Placed upon its passage the 7th day of August, 1957.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 7th day of August, 1957.

Mayor

ATTEST:

Recorder of the City of Bend

ORDINANCE NO. NS-493

AN ORDINANCE AMENDING ORDINANCE NO. NS-342 BY CHANGING PARTS OF THE R-RESIDENCE DISTRICT INTO A C-I NEIGHBORHOOD COMMERCIAL DISTRICT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That that portion of Ordinance No. NS-342, to-wit: Part I, Section 1 adopting a "Zoning Map of the City of Bend, Oregon", and the zoning map itself, together with Part III, Section 15 of the said Ordinance No. NS-342, establishing the boundaries of districts by reference to the official zoning map of the City of Bend, Oregon, shall be amended so as to change the presently constituted R-Residence District as herein defined, to-wit:

> Lots Nine (9), Ten (10) and Eleven (11), Block Thirteen (13), Park Addition, Bend, Deschutes County, Oregon

from R-Residence District to a C-I Neighborhood Commercial District.

Section 2. All of the allowable property uses in the presently constituted C-I Neighborhood Commercial District shall apply to the district herein changed from the R-Residence District to a C-I Neighborhood Commercial District.

Read for the first time this 7th day of August ,1957.

Read for the second time this 21st day of August ,1957.

Placed upon its passage this 21st day of August ,1957.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 21st day of August , 1957.

W M Loy
Mayor

ATTEST:

Jean S Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-494

AN ORDINANCE AMENDING ORDINANCE NO. NS-429, BY ADDING A NEW SECTION PERTAINING TO STEALING PROPERTY UNDER A VALUE OF $35.00.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Ordinance No. NS-429 is hereby and herewith amended by adding to said Ordinance No. NS-429 a new section to be entitled 26A to read as follows:

Section 26A. No person shall steal the property of another and if the property stolen shall not exceed the value of $35.00 the Municipal Court of the City of Bend shall have jurisdiction to hear and punish such offense as a violation of this ordinance. The definitions of property as set forth in Section 164.310 Oregon Revised Statutes are adopted and made a part hereof by reference.

Read for the first time the 4th day of September, 1957.

Read for the second time the 18th day of September, 1957.

Placed upon its passage the 18th day of September, 1957.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 18th day of September, 1957.

W M Loy
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-495

AN ORDINANCE RE-ENACTING SECTION 1 OF ORDINANCE NO. NS-469 AND AMENDING SECTION 35 OF SAID ORDINANCE NO. NS-469.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 1 of Ordinance No. NS-469 pertaining to the adoption of the State Traffic Act and specifically enumerating adopted sections thereof shall be and the same hereby is re-enacted so as to adopt changes, additions and amendments in said Act and code sections enacted by the 49th Legislative Assembly (1957 Oregon Laws).

SECTION 2. Section 35 of Ordinance No. NS-469 is amended by adding the word "barbiturates" after the words "intoxicating liquor" in said Section 35.

SECTION 3. That inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend, and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof, in that the City of Bend adopts the Motor Vehicle Traffic Act of the State of Oregon and enforces the same, and it being further deemed necessary that both State law and City ordinance coincide, NOW, THEREFORE

AN EMERGENCY IS HEREBY DECLARED TO EXIST and upon the passage hereof by the affirmative vote of all members of the Commission this ordinance shall become immediately operative.

Read for the first time the 4th day of September, 1957.

Read for the second time the 18th day of September, 1957.

Placed upon its passage the 18th day of September, 1957.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 18th day of September, 1957.

W M Roy
Mayor

ATTEST:

Inez S. Johnson
Recorder of the City of Bend

2733

VIII

ORDINANCE NO. NS-496

AN ORDINANCE VACATING ALL THAT PORTION OF THE FOLLOWING DESCRIBED ALLEY LOCATION

Beginning at a point N. 3°52'04" E. 474.7 feet; thence N.89°25' E. 117.7 feet from the southwest corner of the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}NE\frac{1}{4}$) of Section 32, Township 17, South, Range 12, East, W.M., and running thence N. 0°14' E. 200' thence N. 89°25' East 12 feet; thence S. 0°14' W. 200 feet; thence S. 89°25' W. 12 feet to the point of beginning, otherwise known as the Alley in Tract 19, Lytle Acres Tracts, as shown on the official map of the City of Bend on file in the office of the Clerk of Deschutes County, Oregon

WHEREAS the City Commission of the City of Bend heretofore on the 4th day of September, 1957, duly and regularly on its own motion under the authority of Section 271.130 O.R.S., initiated vacation proceedings for said above described alley location, and

WHEREAS the City Commissioners having considered said matter and having determined that the proposed vacation will not materially affect the market value of any abutting property, and

WHEREAS the vacation proceedings appear to be in order and to meet the requirements of law regulating the vacation of alleys, and

WHEREAS after due notice as required by law, a public hearing was held at the Commission Chambers in the City Hall in the City of Bend on the 2nd day of October, 1957, at 8:00 o'clock P.M., at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following described Alley, located in the City of Bend, Deschutes County, State of Oregon, more particularly described as:

Beginning at a point N.3°52'04" E. 474.7 feet; thence N.89°25' E. 117.7 feet from the southwest corner of the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}NE\frac{1}{4}$) of Section 32, Township 17, South, Range 12, East, W.M., and running thence N. 0°14' E. 200' thence N. 89°25' East 12 feet; thence S. 0°14' W. 200 feet; thence S. 89°25' W. 12 feet to the point of beginning, otherwise known as the Alley in Tract 19, Lytle Acres Tracts, as shown on the official map of the City of Bend on file in the office of the Clerk of Deschutes County, Oregon

be and the same is hereby vacated.

Read for the first time the 2nd day of October, 1957.

Read for the second time the 16th day of October, 1957.

Placed upon its passage the 16th day of October, 1957.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 16th day of October, 1957.

W M Loy
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

No. 2733

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 16th day of December A. D. 1957 at 1:15 o'clock P M and recorded in book 118 on pages 49 Record of Deeds

Helen M. Tracy County Clerk
By Opal Sprague Deputy

Indexed

ORDINANCE NO. NS-497

AN ORDINANCE VACATING A PORTION OF LAFAYETTE AVENUE LOCATED IN CENTER ADDITION OF BEND, DESCHUTES COUNTY, OREGON, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

That portion of Lafayette Avenue lying east of the west right of way line of the Pilot Butte Canal and extending easterly to the west line of East Second Street.

WHEREAS, the City Commission of the City of Bend heretofore on the 4th day of September, 1957, duly and regularly initiated the necessary proceedings to vacate the street as above described on its own motion, and

WHEREAS, the City Commissioners having considered the said vacation proceedings to vacate the street area above described and found it to be in order and to meet the requirements of the law regulating the vacation of streets and alleys, and

WHEREAS, after due notice as required by law, a public hearing was held in the City Commission Room in the City Hall, in the City of Bend, at 8:00 o'clock P.M., on October 2, 1957, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following portion of the following described street area located within the City of Bend, County of Deschutes, State of Oregon, more particularly described as:

That portion of Lafayette Avenue lying east of the west right of way line of the Pilot Butte Canal and extending easterly to the west line of East Second Street

be and the same is hereby vacated, providing that nothing herein contained shall cause or require the removal or the abandonment of any sewer, water main, gas main, conduit of any kind, wire, pole or thing used or intended to be used for any public service; and the right hereby is reserved for the owner of such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild and/or enlarge any and all such things.

Read for the first time this 2nd day of October, 1957.

Read for the second time the 16th day of October, 1957.

Placed upon its passage the 16th day of October, 1957.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 16th day of October, 1957.

W M Loy
Mayor

ATTEST:

Julia S Johnson
Recorder of the City of Bend

8128

No. _____

STATE OF OREGON }
County of Deschutes }

I hereby certify that the within instrument of writing was received for Record the 2nd day of October A. D. 19 57 at 10:05 o'clock A M and recorded in book 120 Record on pages 231 Record

Deeds

Lucas M. Chase
County Clerk

By _____ Deputy

Indexed

Deschutes County Title & Abstract Co.
Bend, Oregon

ORDINANCE NO. NS-498

AN ORDINANCE AMENDING ORDINANCE NO. NS-472 BY ADDING TO SECTION 1 THEREOF ADDITIONAL LANDS THEREBY CHANGING THIS PROPERTY FROM R-RESIDENCE DISTRICT TO L-I LIGHT INDUSTRIAL DISTRICT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That Ordinance No. NS-472 shall be and the same hereby is amended by adding to Section 1 thereof an additional tract of land located within the City of Bend, Deschutes County, Oregon, more particularly described as follows:

> Tracts 1, 2, 3, and 4 of the sub-division known as Enterprise Acres according to the plat thereof on file in the office of the Clerk of Deschutes County, Oregon, together with a strip of land 50.0 feet in width measured at right angles to the south boundary of said Enterprise Acres, said strip of land being immediately adjacent to the southerly boundary of Tracts 1, 2, 3, and 4 and bounded on the west by the east line of the Century Drive Highway and bounded on the east by the west line of Columbia Street extended.

Section 2. That the purpose of this ordinance is to reclassify the above described tract of land known as Enterprise Acres from R-Residential District to L-I, Light Industrial District, and to make the uses and restrictions as set forth in said Ordinance No. NS-472 apply to the within described and changed area.

Read for the first time this 2nd day of October, 1957.

Read for the second time this 16th day of October, 1957.

Placed upon its passage the 16th day of October, 1957.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 16th day of October, 1957.

W M Doy
Mayor

ATTEST:

Irene S. Johnson
Recorder of the City of Bend

3-302 IC

ORDINANCE NO. NS-499

AN ORDINANCE AMENDING ORDINANCE NO. NS-469 BY ADDING A NEW SECTION THERETO PERMITTING ISSUANCE OF PARKING METER HOODS TO NON-PROFIT AND NON-COMMERCIAL ENTERPRISES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-469 relating to traffic control is amended by adding to the said ordinance a new section to be known as Section 27-A which shall read as follows:

Section 27-A: Parking meter hoods as mentioned in Section 27 may also be issued by the Police Chief to non-profit and non-commercial persons, firms and corporations who may use the same for such purposes under such terms and conditions as the Police Chief in his discretion may prescribe. Such issuance as in this section set forth shall be without charge or cost to the recipient except that the recipient shall be responsible for the return of all hoods issued under the authority of this section.

Read for the first time this 16th day of October, 1957.

Read for the second time this 6th day of November, 1957.

Placed upon its passage this 6th day of November, 1957.

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 6th day of November, 1957.

W M Doy
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. 500

AN ORDINANCE VACATING ALL THAT PORTION OF THE FOLLOWING DESCRIBED STREET AND ALLEY LOCATION

That portion of the east-west alley in Block Ten (10), Wiestoria Addition to the City of Bend, Deschutes County, Oregon, bounded on the north by Lots Six (6), Seven (7) and Eight (8), and on the south by Lots Nine (9), Ten (10) and Eleven (11) all in the said Block Ten, Wiestoria Addition, Bend, Deschutes County, Oregon.

All of Marshall Avenue bounded on the East by East Fifth Street and on the West by East Fourth Street.

That portion of Lafayette Avenue bounded on the north by Lots Nine (9), Ten (10), Eleven (11), Twelve (12) and Thirteen (13) of Block Forty (40), Wiestoria Addition to Bend, Deschutes County, Oregon and on the south by Lots Four (4), Five (5), Six (6), Seven (7) and Eight (8) of Block Thirty-one (31), Center Addition to the City of Bend, Deschutes County, Oregon.

WHEREAS the City Commission of the City of Bend heretofore on the 7th day of August, 1957, duly and regularly on its own motion under the authority of Section 271.130 O.R.S., initiated vacation proceedings for said above described street and alley locations, and

WHEREAS the City Commissioners having considered said matter and having determined that the proposed vacation will not materially affect the market value of any abutting property, and

WHEREAS the vacation proceedings appear to be in order and to meet the requirements of law regulating the vacation of streets and alleys, and

WHEREAS after due notice as required by law, a public hearing was held at the Commission Chambers in the City Hall in the City of Bend on the 19th day of February, 1958, at 8:15 p.m., at which hearing no objections or remonstrances to such proposed vacation were presented, NOW THEREFORE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following described streets and alleys, located in the City of Bend, Deschutes County, State of Oregon, more particularly described as:

That portion of the east-west alley in Block Ten (10), Wiestoria Addition to the City of Bend, Deschutes County, Oregon, bounded on the north by Lots Six (6), Seven (7) and Eight (8), and on the south by Lots Nine (9), Ten (10) and Eleven (11) all in the said Block Ten, Wiestoria Addition, Bend, Deschutes County, Oregon.

All of Marshall Avenue bounded on the East by East Fifth Street and on the West by East Fourth Street.

That portion of Lafayette Avenue bounded on the north by Lots Nine (9), Ten (10), Eleven (11), Twelve (12) and Thirteen (13) of Block Forty (40), Wiestoria Addition to Bend, Deschutes County, Oregon and on the south by Lots Four (4), Five (5), Six (6), Seven (7) and Eight (8) of Block Thirty-one (31), Center Addition to the City of Bend, Deschutes County, Oregon

be and the same are hereby vacated, provided that the City of Bend, with

regard to that portion of Lafayette Avenue hereinabove described, retains unto itself permanent easement and right of way, including the perpetual right to enter upon the said street through suitable access and to leave the said street through suitable egress at any time, neither access nor egress to be barred, and to construct, maintain and repair either over, under or upon, pipeline or pipelines and/or mains for the purpose of conveying water, over, across, through and under the said Lafayette Avenue, together with the right to excavate and refill ditches and/or trenches for the location of said pipelines or mains, and the further right to remove trees, bushes, undergrowth and other obstruction interfering with the location, construction and maintenance of said pipelines and/or mains.

Read for the first time the Nineteenth day of February, 1958

Read for the second time the Fifth day of March, 1958

Placed upon its passage the Fifth day of March, 1958

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor the Fifth day of March, 1958

J. Mel. Rogers.
Mayor

ATTEST:

Lucia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. N.S. 501

An Ordinance amending Ord. No. N.S. 477 by changing Section 17 of Ordinance No. N.S. 372 by adding the words "1958 Edition" and further changing the Building Permit Fee Schedule to conform to the schedule set forth in the 1958 Edition Uniform Building Code.

The City of Bend does ordain as follows:

Section 1. Ordinance No. N.S. 477 is hereby and herewith amended by deleting the words "(1955)" after the word "conference" in the second line of said Section 17 and by adding in lieu thereof the words "1958 Edition."

Section 2. The aforesaid adoption has contained therein a schedule of Building Permit Fees which is at variance with the schedule as is set forth in Section 1 of Ordinance No. N.S. 372. To obviate this variance Section 1 of Ordinance No. N.S. 372 is herewith and hereby amended so as to delete therefrom the schedule of Building Permit Fees as therein set forth and to insert in lieu thereof the schedule as set forth in the 1958 Edition of the Uniform Building Code.

Emergency clause:

Inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon passage hereof in that it is necessary for the building code of the City of Bend to be up to date and in conformity with the Pacific Coast Code and inasmuch as the 1958 building season is rapidly approaching.

NOW THEREFORE, an emergency is hereby declared to exist and upon the passage hereof by the affirmative vote of all members of the Commission this ordinance shall become immediately operative.

Read for the 1st time: February 19, 1958

Read for the second time: March 5, 1958

Yeas: 5 Nays: 0

Submitted to and approved by the Mayor March 5, 1958

M L Rogers
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City ofBend.

ORDINANCE NO. NS 502

AN ORDINANCE providing for the issuance of City of Bend Improvement Bonds in the sum of $61,000.00; providing and approving the form of the bonds to be issued and the coupons attached thereto; providing for the advertisement and sale of said bonds, and declaring an emergency.

* * * * * * *

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

WHEREAS, the owners of the property so assessed for such street improvements in the sum of Twenty-five Dollars ($25.00) or more, aggregating in all the sum of $61,000.00, have within ten (10) days after notice of such assessment was first published, filed with the City Recorder of the said City, written applications to pay said assessments in instalments, each and all of which written applications did state that said applicant and property owner does thereby waive all irregularities or defects, jurisdictional or otherwise, in the proceedings to improve the street for which said assessment is levied, and in the apportionment of the cost thereof; and

WHEREAS, in no application received as aforesaid, did the amount of such assessment, including all unpaid assessments or previously bonded liens, exceed double its assessed valuation as shown by the last tax roll of Deschutes County; except insofar as those applications made by educational, religious, fraternal, charitable or public corporations; and

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

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

WHEREAS, after the expiration of the time for filing applications

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

WHEREAS, each and every act and thing required by the laws of the State of Oregon and by the charter of the said City precedent to the issuance of these bonds have been heretofore regularly done and performed in the manner and at the time required by law, NOW, THEREFORE, THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1: That the City of Bend shall issue bonds in the name of and under the corporate seal of said City in the amount of Sixty-one Thousand Dollars ($61,000.00), in the denomination of One Thousand Dollars ($1,000) each, numbered consecutively from 1 to 61, both numbers inclusive, said bonds to bear date May 1, 1958, to be signed by the Mayor and countersigned by the Recorder of the City of Bend and the corporate seal of said City to be affixed thereto and said bonds shall, by the terms thereof, mature serially at the rate of Five Thousand Dollars ($5,000) on the first day of May in each of the years 1959 to 1963, inclusive, and Six Thousand Dollars ($6,000) on the first day of May in each of the years 1964 to 1969, inclusive. All of said bonds which mature after May 1, 1960, shall be subject to call and redemption on May 1, 1960, and on any semi-annual interest paying date thereafter, shall bear interest at the rate of not to exceed six percent (6%) per annum, interest payable semiannually, said interest to be evidenced by coupons attached to said bonds, which said coupons shall have the signature of the Mayor and the signature of the Recorder of the City of Bend lithographed thereon, which bonds, together with the interest thereon, shall be payable at the office of the Treasurer of the City of Bend, and shall be known as City of Bend Improvement Bonds, Series 7.

Section 2. That the bonds hereby authorized and the coupons attached thereto shall be in substantially the following form, to-wit:

No._____ $1,000.00

UNITED STATES OF AMERICA

STATE OF OREGON

COUNTY OF DESCHUTES

CITY OF BEND IMPROVEMENT BOND

SERIES 7

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

ONE THOUSAND DOLLARS

in lawful money of the United States on the presentation and surrender of this obligation on the 1st day of May, 19___, without grace, with interest thereon, at the rate of _____percent (____%) per annum, payable semi-annually on the 1st days of May and November of each year on the presentation and surrender of the proper coupons hereto annexed, principal and interest payable at the office of the Treasurer of the City of Bend, Oregon.

This bond is one of a series of bonds authorized by and under the provisions of the charter of said City and Chapter 223-205 Oregon Revised Statutes, et seq. as amended, providing for the issuance of bonds for street and sewer improvements and for the payment of the costs of such improvements, and is an obligation of the City of Bend aforesaid, and it is further certified that all of the requirements of law have been fully complied with by the proper officers in the issuances of this bond.

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

IN WITNESS WHEREOF this bond has been signed by the Mayor and countersigned by the Recorder of the City of Bend, and the corporate seal of said City hereto affixed this 1st day of May, 1958.

_____
Mayor

Countersigned:

_____
Recorder

On the face of all bonds maturing after May 1, 1960, add a paragraph reading:

This bond is subject to call and redemption on May 1, 1960, and on any semiannual interest paying date thereafter.

(COUPON)

No._____ $_____

THE CITY OF BEND, STATE OF OREGON, will pay to bearer on the first day of MAY / NOVEMBER 19___

_____DOLLARS

in lawful money of the United States at the office of the Treasurer of the City of Bend, being six months' interest on Improvement Bond No._____, Series 7.

_____
Mayor

Countersigned:

_____
Recorder

On all coupons maturing after May 1, 1960, add the following:

unless said bond is sooner redeemed, as therein provided, which redemption will render this coupon void.

Section 3. The Recorder is hereby authorized and instructed to advertise the aforesaid bonds for sale at the Commission meeting to be held on the 23rd day of April, 1958, by the insertion of an advertisement thereof once each week for two successive weeks in the Bend Bulletin, a newspaper published in the City of Bend.

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

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

Read for the first time March 19, 1958.

Read for the second time April 2, 1958.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 2nd day of April, 1958.

M L Rogers
Mayor

Julia S. Johnson
Recorder

LAND'S
COMPASABLE
BONDS
SALE
REFERENCE

ORDINANCE NO. 503

AN ORDINANCE VACATING ALL THAT PORTION OF THE FOLLOWING DESCRIBED PLAT:

The entire plat including lots, streets and alleys thereof entitled "Manzanita, an addition to Bend, Oregon", as filed February 9th, 1917, further identified and described as all of the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}$ $SW\frac{1}{4}$) of Section Thirty (30), Township Seventeen (17) S. Range Twelve (12), East of the Willamette Meridian.

WHEREAS the City Commission of the City of Bend heretofore on the 19th day of February, 1958, duly and regularly on its own motion under the authority of Section 271.130 O.R.S., initiated vacation proceedings for said above described plat, and

WHEREAS the City Commissioners having considered said matter and having determined that the proposed vacation will not materially affect the market value of any abutting property, and

WHEREAS the vacation proceedings appear to be in order and to meet the requirements of law regulating the vacation of plats, and

WHEREAS after due notice as required by law, a public hearing was held at the Commission Chambers in the City Hall in the City of Bend on the 2nd day of April, 1958, at 8:00 p.m., at which hearing no objections or remonstrances to such proposed vacation were presented, NOW THEREFORE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following described plat of Manzanita Addition to the City of Bend, Deschutes County, State of Oregon, more particularly described as:

The entire plat including lots, streets and alleys thereof entitled "Manzanita, an addition to Bend, Oregon", as filed February 9th, 1917, further identified and described as all of the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}$ $SW\frac{1}{4}$) of Section Thirty (30), Township Seventeen (17) S. Range Twelve (12), East of the Willamette Meridian,

be and the same is hereby vacated, it being understood by the City of Bend that in the southeast corner area of the above described property there has been superimposed on the plat hereby being vacated a new platted area encompassing a portion of Juniper Street and Lot Twelve (12) of Block Five (5) of West Hills Addition to Bend. It is not the intent of the within vacation to upset or disarrange the superimposed area as set forth herein and it so specifically recognized that the superimposed area shall remain a platted area in accordance with the plat of West Hills dated June 28, 1957, and subsequently filed of record in Deschutes County, Oregon.

Read for the first time the 2nd day of April, 1958.

Read for the second time the 16th day of April, 1958.

Placed upon its passage the 16th day of April, 1958.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the

M L Rogers
Mayor

SEAL OF THE CITY OF BEND DESCHUTES COUNTY OREGON 1905

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-503

No. 5552

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 19th day of May A. D. 1958 at 8:52 o'clock P M and recorded in book 119 on pages 109 Record of Deeds

Helen M. Dacey County Clerk

By Opal Sprague Deputy

Indexed

ORDINANCE NO. N.S. 504

AN ORDINANCE amending Ordinance No. N.S. 469 by amending Section 1 thereof by repealing and inserting in lieu thereof a new Section 74.

Ordinance No. N.S. 469 relating to Traffic Control and related items is hereby and herewith amended as follows:

Section 1. Section 1 of Ordinance No. N.S. 469 is amended by adding the words "pertaining thereto" in the second line of the said Section 1 after the word "amendments."

Section 2. Section 74 of Ordinance N.S. 469.

a. For violations of the provisions and sections of this Ordinance where penalties are not otherwise provided for in or by this Ordinance, any person violating such provisions of this Ordinance shall upon conviction thereof be punished by imprisonment in the City jail for not to exceed 60 days or by a fine not to exceed $250.00 or by both such fine and imprisonment.

b. For violations of sections and provisions of this Ordinance pertaining and relating to bicycles, the bicycles of offenders thereof may be impounded for a period of time not to exceed 90 days, such penalty being considered an additional penalty to those provided in sub-section (a) thereof.

Section 3. WHEREAS, the above changes erase certain questions that have arisen regarding the validity of the amended Ordinance and it is deemed to be in the best interest of the City of Bend to erase these questions at the earliest possible moment, and that the same is necessary for the peace, health and safety of the inhabitants of the City of Bend that this Ordinance take effect immediately, NOW

THEREFORE,

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

Read for the first time April 2, 1958.

Read for the second time April 16, 1958.

Placed upon its passage the 16th day of April, 1958.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the

M L Rogers
Mayor

ATTEST:

Julia S Johnson
Recorder of the City of Bend

ORDINANCE NO. 505

AN ORDINANCE VACATING ALL THAT PORTION OF THE FOLLOWING DESCRIBED STREET AND ALLEY LOCATIONS:

1. The alley in Block Twenty-nine (29), Riverside Addition.
2. The alley in Block Thirty (30), Riverside Addition.
3. The alley in Block Forty-nine (49), Riverside Addition.
4. The alley in Block Fifty (50), Riverside Addition.
5. The alley bordering the westerly boundary of Blocks Twenty-nine (29) and Thirty (30), Riverside Addition, from the north line of Yale Avenue to the south line of Addison Avenue.
6. The portion of the north-south alley in Block Thirty-one (31), Riverside Addition, bordered by Lot Seven (7) on the east and Lots Six (6), Five (5) and a portion of Four (4) on the west.
7. Yale Avenue from the easterly right of way line of the Oregon Trunk Railway to the westerly line of East Fifth Street.
8. Zenith Avenue from the easterly right of way line of the Oregon Trunk Railway to the westerly line of East Fifth Street.
9. East Fourth Street from the north line of the alleys in Blocks Thirty-one (31) and Forty-eight (48), Riverside Addition to the south line of Addison Avenue.

WHEREAS the City Commission of the City of Bend heretofore on the 5th day of February, 1958, duly and regularly on its own motion under the authority of Section 271.130 O.R.S., initiated vacation proceedings for said above described street and alley locations, and

WHEREAS the City Commissioners having considered said matter and having determined that the proposed vacation will not materially affect the market value of any abutting property, and

WHEREAS the vacation proceedings appear to be in order and to meet the requirements of law regulating the vacation of streets and alleys, and

WHEREAS after due notice as required by law, a public hearing was held at the Commission Chambers in the City Hall in the City of Bend on the 5th day of March, 1958, at 8:00 p.m., at which hearing no objections or remonstrances to such proposed vacation were presented, NOW THEREFORE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following described streets and alleys, located in the City of Bend, Deschutes County, State of Oregon, more particularly described as:

505

1. The alley in Block Twenty-nine (29), Riverside Addition.
2. The alley in Block Thirty (30), Riverside Addition.
3. The alley in Block Forty-nine (49), Riverside Addition.
4. The alley in Block Fifty (50), Riverside Addition.
5. The alley bordering the westerly boundary of Blocks Twenty-nine (29) and Thirty (30), Riverside Addition, from the north line of Yale Avenue to the south line of Addison Avenue.
6. The portion of the north-south alley in Block Thirty-one (31), Riverside Addition, bordered by Lot Seven (7) on the east and Lots Six (6), Five (5) and a portion of Four (4) on the west.
7. Yale Avenue from the easterly right of way line of the Oregon Trunk Railway to the westerly line of East Fifth Street.
8. Zenith Avenue from the easterly right of way line of the Oregon Trunk Railway to the westerly line of East Fifth Street.
9. East Fourth Street from the north line of the alleys in Blocks Thirty-one (31) and Forty-eight (48), Riverside Addition to the south line of Addison Avenue.

be and the same are hereby vacated, provided that the City of Bend, with regard to that portion of Yale Avenue hereinabove described, retains unto itself permanent easement and right of way, including the perpetual right to enter upon the said street through suitable access and to leave the said street through suitable egress at any time, neither access nor egress to be barred, and to construct, maintain and repair either over, under or upon, pipeline or pipelines and/or mains for the purpose of conveying water, over, across, through and under the said Yale Avenue, together with the right to excavate and refill ditches and/or trenches for the location of said pipelines or mains, and the further right to remove trees, bushes, undergrowth and other obstruction interfering with the location, construction and maintenance of said pipelines and/or mains.

AND WHEREAS, the within Ordinance vacating the aforesaid real property is necessary to the development of the said area for industrial purposes and the said development is being held up pending the effectiveness of this Ordinance, and it is therefore deemed necessary for the peace, health and safety of the inhabitants of the City of Bend that this Ordinance take effect immediately,

NOW THEREFORE, an emergency is declared to exist and this Ordinance shall take effect immediately after its enactment and approval.

Read for the first time the 5th day of March, 1958.

Read for the second time the 16th day of April, 1958.

Placed upon its passage the 16th day of April, 1958.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 17th day of April, 1958.

M. L. Bogus
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

5042

No. _____

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 18th day of April A. D. 1958 at 3:40 o'clock P M and recorded in book 119 on pages 7 Record Deeds

Helen McDaco County Clerk
By Rosemary Patterson Deputy

BEND ABSTRACT COMPANY
211 OREGON AVENUE
BEND, OREGON

#7089

Indexed

ORDINANCE NO. NS. 506

AN ORDINANCE VACATING A PORTION OF EAST SIXTH STREET LOCATED IN NORTHWEST TOWNSITE COMPANY'S FIRST ADDITION TO BEND, DESCHUTES COUNTY, OREGON, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

All of East Sixth Street from a line extended due south from the Northeast corner of Lot One (1), Block Ten (10), Northwest Townsite Company's First Addition to Bend, to the north line of Alden Avenue, except that portion of East Sixth Street lying between the north and south lines of the Alley in Block Ten (10), Northwest Townsite Company's First Addition to Bend, when extended east between the westerly and easterly lines of East Sixth Street as originally platted.

WHEREAS, the City Commission of the City of Bend heretofore on the Fifth day of March, 1958, duly and regularly initiated the necessary proceedings to vacate the street as above described on its own motion, and

WHEREAS, the City Commissioners having considered the said vacation proceedings to vacate the street area above described and found it to be in order and to meet the requirements of the law regulating the vacation of streets and alleys, and

WHEREAS, after due notice as required by law, a public hearing was held in the City Commission Room in the City Hall, in the City of Bend, at 8:00 p.m., on April 16, 1958, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following portion of the following described street area located within the City of Bend, County of Deschutes, State of Oregon, more particularly described as:

All of East Sixth Street from a line extended due south from the Northeast corner of Lot One (1), Block Ten (10), Northwest Townsite Company's First Addition to Bend, to the north line of Alden Avenue, except that portion of East Sixth Street lying between the north and south lines of the Alley in Block Ten (10), Northwest Townsite Company's First Addition to Bend, when extended east between the westerly and easterly lines of East Sixth Street as originally platted,

be and the same is hereby vacated.

It is understood by the City of Bend that because of this vacation title to certain small tracts of land will attach to certain of the properties abutting on the vacated parcel above identified. After examination of applicable statutes the City feels the following described tracts of land will attach to and become a part of the lots indicated:

TRACT "A" - to go with Lot One (1), Block Ten (10), Northwest Townsite Company's First Addition to Bend:

Beginning at the northeast corner of Lot One (1), Block Ten (10), Northwest Townsite Company's First Addition to Bend, thence due south to an intersection with the north line of the Alley in Block Ten (10), when extended eastward; thence due west to an intersection with the west boundary of Lot One (1) extended southeasterly; thence northwest along said west boundary extended to the southwest corner of Lot One (1); thence northeasterly along the easterly boundary of Lot One (1) as platted, to the point of beginning.

TRACT "B" - to go with Lot Two (2), Block Ten (10), Northwest Townsite Company's 1st Addition to Bend:

Beginning at the southeast corner of Lot Two (2), Block Ten (10), Northwest Townsite Company's First Addition to Bend as platted; thence southeastward on the east line of Lot Two (2) extended to an intersection with the north line of the alley in Block Ten (10) extended eastward; thence due west along said north line of the Alley in Block Ten (10) extended to a radial line drawn from the southwest corner of Lot Two (2) as platted to the center of the curve forming the westerly line of East Sixth Street as platted; thence northwesterly on the aforesaid radial line to the southwest corner of Lot Two (2) as platted; thence northeasterly along the southeasterly line of Lot Two (2) as platted, to the point of beginning.

TRACT "C" - to go with Lot Three (3), Block Ten (10), Northwest Townsite Company's 1st Addition to Bend:

Beginning at the southeast corner of Lot Three (3), Block Ten (10), Northwest Townsite Company's 1st Addition to Bend, as platted; thence on a radial line drawn from the southeast corner of Lot Three (3) as platted to the center of the curve forming the westerly line of East Sixth Street, as platted to an intersection with the north line of the alley in Block Ten (10), extended eastward; thence due west along said north line of the Alley in Block Ten (10), extended to an intersection with the westerly line of East Sixth Street as platted; thence northeasterly along the westerly line of East Sixth Street to the point of beginning.

TRACT "D" - to go with Lot Eleven (11), Block Ten (10), Northwest Townsite Company's 1st Addition to Bend:

Beginning at the southeast corner of Lot Eleven (11), Block Ten (10), Northwest Townsite Company's 1st addition to Bend, thence northeasterly along the curve forming the westerly line of East Sixth Street, as platted, to the northeasterly corner of Lot Eleven (11) as platted; thence due east along the south line of the Alley in Block Ten (10), extended eastward to an intersection with the centerline of east Sixth Street as platted; thence southwesterly along the aforesaid centerline of East Sixth Street to the north boundary of Alden Avenue; thence due west to the point of beginning.

TRACT "E" - to go with Lot Nine (9), Block Eleven (11), Northwest Townsite Company's First Addition to Bend:

Beginning at the southwest corner of Lot Nine (9), Block Eleven (11), Northwest Townsite Company's First Addition to Bend, thence due west to the centerline of East Sixth Street as platted; thence northeasterly along said centerline of East Sixth Street to an intersection with the south line of the Alley in Block Ten (10), extended eastward; thence due east along said south alley line to an intersection with a radial line drawn from the center of the curve forming the easterly boundary of East Sixth Street as platted when extended northwesterly from the northeast corner of said Lot Nine (9); thence southeast along aforesaid radial line to the northeast corner of Lot Nine(9) as platted; thence southwesterly along the westerly boundary of Lot Nine(9) as platted, to the point of beginning.

TRACT "F" - to go with Lot Ten (10, Block Eleven (11), Northwest Townsite Company's First Addition to Bend:

Beginning at the northwest corner of Lot Ten (10, Block Eleven (11), Northwest Townsite Company's First Addition to Bend, thence northwesterly on a radial line drawn from the center of the curve forming the east propertyline of East Sixth Street as platted through the northwest corner of said Lot Ten (10, to an intersection with the south line of the Alley in Block Ten (10), extended eastward; thence due dast along the south line of said Alley to an intersection with a radial line drawn through the center of the curve forming the easterly boundary of East Sixth Street and the northeast corner of

said Lot Ten (10), Block Eleven (11); thence southeast along the aforesaid radial line to the northeast corner of Lot Ten (10), Block Eleven (11), thence southwesterly along the platted boundary of said Lot Ten (10), to the point of beginning.

TRACT "G" - to go with Lot Eleven (11), Block Eleven (11), Northwest Townsite Company's First Addition to Bend:

Beginning at the northwest corner of Lot Eleven, (11), Block Eleven (11), Northwest Townsite Company's First Addition to the City of Bend; thence northwest along a radial line drawn through the northwest corner of Lot Eleven (11) and the center of the curve forming the easterly boundary of East Sixth Street as platted, to an intersection with the south line of the Alley in Block Ten (10), extended eastward; thence due east along said south Alley line to an intersection with the easterly boundary of East Sixth Street as platted; thence southwesterly along the northerly boundary of Lot Eleven (11), Block Eleven (11) as platted, to the point of beginning.

The above set forth parceling of the said tracts is deemed to be advisory only, but the City feels also that such an indication should be prima facie proof of title.

Read for the first time April 16, 1958

Read for the second time May 7, 1958.

Yeas: 6 Nays: 0

Placed upon its passage May 7, 1958.

Submitted to and approved by the Mayor this 7th day of May, 1958.

M L Rogers.
Mayor

SEAL OF THE CITY OF BEND, OREGON

ATTEST:

Julia S Johnson
Recorder of the City of Bend

No. 5493

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 28th day of August A. D. 1963 at 9:30 o'clock A M and recorded in book 136 on pages 251 Record of Deeds

Helen M. Zoe County Clerk
By Opal Sprague Deputy

Indexed

ORDINANCE NO. NS-507

AN ORDINANCE AMENDING ORDINANCE NO. NS-342 TO ALLOW THE ADDITIONAL USE OF SELF-SERVICE LAUNDRIES AND LAUNDERETTES WITHIN THE C-I NEIGHBORHOOD COMMERCIAL ZONE PROVIDED OFF-STREET PARKING SPACE IS PROVIDED.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section.1. Sub-section 3 (a) of paragraph entitled "C-I Neighborhood Commercial District" of Part III of Ordinance No. NS-342, wherein is set forth the term "Laundry Agency" is herewith and hereby amended to read as follows:

(a) Laundry agencies and self-service laundries and launderettes, provided that in cases of self-service laundries and launderettes off-street parking must be provided as follows: one parking space for each 500 square feet of building floor area.

Read for the first time this 23rd day of April, 1958.

Read for the second time this 7th day of May, 1958.

Placed upon its passage this 7th day of May, 1958.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 7th day of May, 1958.

M L Boyles.
Mayor

ATTEST:

Recorder of the City of Bend

ORDINANCE NO. NS 508

AN ORDINANCE to provide for the issuance and sale of City of Bend Water Bonds in the sum of Four Hundred Thousand and no/100 ($400,000.00) Dollars for the purpose of providing funds for the acquisition of additional water rights, for the construction of a water storage reservoir on Pilot Butte, for the improvement and enlargement of water transmission and distribution system, and for the construction of other facilities in connection therewith, providing the form of said bonds, and for the advertisement and sale thereof, and declaring an emergency.

WHEREAS at an election duly called and held in the City of Bend, Oregon, on the sixteenth day of May, 1958, the Commission of said City was duly authorized and empowered to issue and sell bonds in the sum of Four Hundred Thousand Dollars ($400,000.00) to procure funds for the acquisition of additional water rights, to construct a water reservoir on Pilot Butte, to improve and enlarge the water transmission and distribution system, to construct other facilities necessary and convenient in connection therewith and to acquire all necessary personal and real property, easements and rights-of-way to facilitate and make possible the improvements contemplated herein; and

WHEREAS, it is necessary at this time to issue and sell bonds, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That the City of Bend does issue its bonds in the sum of FOUR HUNDRED THOUSAND DOLLARS ($400,000.00) par value in amount, said bonds to be in denominations of One Thousand Dollars ($1,000.00) each, numbered from 1 to 400, inclusive, to be dated August 1, 1958, and to mature serially in numerical order as follows:

$14,000 on August 1, 1959
15,000 on August 1, 1960
15,000 on August 1, 1961
16,000 on August 1, 1962
16,000 on August 1, 1963
17,000 on August 1, 1964
17,000 on August 1, 1965
18,000 on August 1, 1966

$19,000 on August 1, 1967
19,000 on August 1, 1968
20,000 on August 1, 1969
21,000 on August 1, 1970
21,000 on August 1, 1971
22,000 on August 1, 1972
23,000 on August 1, 1973
24,000 on August 1, 1974
25,000 on August 1, 1975
25,000 on August 1, 1976
26,000 on August 1, 1977
27,000 on August 1, 1978

provided that all bonds which mature thereafter, shall be subject to call and redemption on August 1, 1968, and on any interest paying date thereafter, said bonds to bear interest at the rate of not to exceed six percent (6%) per annum, payable semiannually on the 1st day of February and August in each year, principal and interest to be payable in lawful money of the United States at the office of the City Treasurer of the City of Bend, Oregon, said bonds to be signed by the Mayor and countersigned by the Recorder under the corporate seal of said City, the interest of said bonds to be represented by semi-annual interest coupons attached thereto bearing the facsimile signatures of said Mayor and Recorder, which said bonds shall be known as "City of Bend Water Bonds, Series 1958."

Section 2. That the said City of Bend Water Bonds and the coupons attached thereto shall be in substantially the following form:

No._____ $1,000.00

UNITED STATES OF AMERICA

STATE OF OREGON

DESCHUTES COUNTY

CITY OF BEND WATER BONDS SERIES 1958

CITY OF BEND, DESCHUTES COUNTY, OREGON, for value received, hereby promises to pay to bearer the sum of

ONE THOUSAND DOLLARS

on the first day of August, 19___, with interest thereon at the rate of ____% (____) per annum, payable semiannually on the first days of February and August in each year, to the bearer of the respective coupons therefor hereto attached upon presentation and surrender thereof as they mature, both principal and interest being payable in lawful money of the United States of America at the

office of the City Treasurer of the City of Bend, Oregon.

This bond is one of an issue of like date and tenor, except as to maturities, aggregating Four Hundred Thousand Dollars ($400,000.00), par value in amount, authorized by an amendment to the charter of said City, duly submitted to and approved by the legal voters of said City at an election held for said purpose on the 16th day of May, 1958, after due notice given, at which said election an indebtedness in said sum was authorized by the legal voters of said City, to be created for the purpose of procuring funds with which to acquire additional water rights, to construct a water reservoir on Pilot Butte, to improve and enlarge the water transmission and distribution system, to construct other facilities necessary and convenient in connection therewith and to acquire all necessary personal and real property, easements and rights-of-way to facilitate and make possible the improvements to the water system of the City.

It is hereby certified that every requirement of law relating to the issue hereof has been duly complied with and that this bond is within every debt and other limit prescribed by the Constitution or laws of the State of Oregon or the Charter of said City.

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

IN WITNESS WHEREOF the City of Bend 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 to bear the facsimile signatures of said Mayor and Recorder this first day of August, 1958.

M L Pogue
Mayor

Countersigned:

_____
Recorder

On the face of all bonds which mature after 1968, there shall be added a paragraph to read as follows:

"This bond is subject to call and redemption on August 1, 1968, and on any interest-paying date thereafter."

C O U P O N

NO._____ $_____

on the 1st day of February / August, 19___, City of Bend, Deschutes County, Oregon, will pay to bearer

_____DOLLARS

in lawful money of the United States of America at the office of the City Treasurer of the City of Bend, Oregon, for six months' interest then due on City of Bend Water Bond Series 1958, dated August 1, 1958, No._____.

_____
Mayor

Countersigned:

_____
Recorder

At the end of all coupons coming due after August 1, 1968, there shall be added after "No._____" the following:

"Unless said bond is sooner redeemed as therein provided, which redemption will render this coupon void."

Section 3. The Commission undertakes and agrees that it will fix and maintain such rates and charges for the use of the facilities of the water system that the net revenues of said system applicable to indebtedness shall be sufficient to pay the principal of and the interest on the bonds hereby authorized as they fall due and become payable.

Section 4. The Commission shall each year make a tax levy in an amount which, with the applicable revenues of the water system, shall be sufficient to pay the principal of and interest on said bonds as they become due.

Section 5. The Recorder is hereby instructed to advertise the aforesaid bonds for sale at the Commission meeting to be held on the 2nd day of July, 1958, at the Commission Chambers in the City of Bend, by publishing a notice of sale in the Bend Bulletin once each week for two successive weeks before the said date of sale.

Section 6. WHEREAS the aforesaid bonds have been heretofore authorized at an election and it is necessary that the inhabitants of the City have

at the earliest opportunity an ample supply of pure and wholesome water and satisfactory facilities in connection therewith, and that the contemplated work be started and additional facilities added at the earliest possible moment, and it is necessary for the peace, health and safety of the inhabitants of the City that this Ordinance take immediate effect, NOW, THEREFORE,

AN EMERGENCY is hereby declared to exist and this Ordinance shall go into force and effect immediately upon its passage and approval.

Passed by the Commission this 4th day of June, 1958, by the following vote:

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 4th day of June, 1958.

M L Rogers
Mayor

Countersigned:

Julia S Johnson
Recorder

REPRODUCTIONS
NOT ERASABLE
BOND
U.S.A.
REPRESENTS
COTTON FIBER CONTENT

ORDINANCE NO. NS-509

AN ORDINANCE dispensing with election in the subject of an annexation, setting a date for public hearing, describing the property proposed to be annexed, setting up a publication schedule and setting forth an emergency clause.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City Commission of the City of Bend having by this Ordinance elected to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend, does hereby and herewith set by this Ordinance the 2nd day of July, 1958, as the day fixed for a public hearing before the legislative body of the City of Bend at which time registered voters of the City of Bend may appear and be heard on the question of the aforesaid annexation. Notice of this aforesaid hearing shall be published once each week for two successive weeks in a newspaper of general circulation within the City of Bend and shall further cause notices of the hearing to be posted in four public places in the City for a like period.

Section 2. A copy of this Ordinance shall be used as the required notice as above set forth.

Section 3. The property which is the subject of this Ordinance and which is proposed to be annexed to the City of Bend is located within the County of Deschutes, State of Oregon, more particularly described as follows:

Lots One (1), Two (2) and Three (3), Block Three (3), Ellis Subdivision.

Section 4. This Ordinance shall be published June 23 and June 30, 1958.

Section 5. AND WHEREAS, the owner of the above described real property is desirous of immediate construction of residences on the said property, and because of the lateness of the season and the interest of the City and the inhabitants thereof indicate the desirability of construction as soon as possible,

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

Read for the first time this 4th day of June , 1958.
Read for the second time this 18 day of June , 1958.
Placed upon its passage this 18th day of June , 1958.

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 18th day of June, 1958.

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

M L Rogers
Mayor

509

ORDINANCE NO. NS-510

AN ORDINANCE AMENDING ORDINANCE NO. NS-472 BY ADDING TO SECTION 1 THEREOF ADDITIONAL LANDS THEREBY CHANGING THIS PROPERTY FROM R-RESIDENCE DISTRICT TO L-I LIGHT INDUSTRIAL DISTRICT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That Ordinance No. NS-472 shall be and the same hereby is amended by adding to Section 1 thereof an additional tract of land located within the City of Bend, Deschutes County, Oregon, more particularly described as follows:

> All of Blocks Twenty-two (22), Twenty-three (23), Twenty-four (24), Twenty-five (25), Twenty-six (26), Twenty-seven (27), Twenty-eight (28), and Twenty-nine (29), Riverside Addition to Bend, Oregon, County of Deschutes, lying westerly from the westerly right of way line of the Oregon Trunk Railroad; east of the west boundary of E. Second Street and south of the north City limits as existing on May 7, 1958.

Section 2. That the purpose of this ordinance is to reclassify the above described tract of land from R-Residential District to L-I Light Industrial District, and to make the uses and restrictions as set forth in said Ordinance No. NS-472 apply to the within described and changed area.

Read for the first time the 4th day of June, 1958.

Read for the second time the 16th day of July, 1958.

Placed upon its passage the 16th day of July, 1958.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 16th day of July, 1958.

M L Boguss
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS -511

An Ordinance repealing Section 35 of Ordinance No. NS 469 and providing a penalty for any person driving a vehicle within the City of Bend while being under the influence of intoxicating liquor, barbituates or narcotic drugs, setting forth the said penalty and declaring an emergency.

Section 1. Section 35 of Ordinance No. NS 469 is hereby and herewith repealed. The within ordinance shall operate in lieu thereof.

Section 2. Any person who, while being under the influence of intoxicating liquor, barbituates or narcotic drugs, drives any vehicle upon any highway, street or thoroughfare within the City of Bend, shall be punished, upon conviction, by imprisonment in the Municipal Jail for not more than 60 days, or by fine of not more than $250.00, or both.

Section 3. Whereas certain questions have arisen regarding the applicability of the repealed section and it is deemed advisable and necessary to have a replacement of said section operative at all times and that it is in the best interest of the City of Bend to erase these questions at the earliest possible moment and that the same is necessary for the peace, health and safety of the inhabitants of the City of Bend that this ordinance take effect immediately, NOW THEREFORE, an emergency is declared to exist and this ordinance shall take effect immediately after its enactment and approval.

Read for the first time July 2nd, 1958.

Read for the second time July 16, 1958.

Placed upon its passage the 16th of July, 1958.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 16th day of July, 1958.

M L Rogers
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-512

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That on the 18th day of June, 1958, the City of Bend passed Ordinance No. NS 509 dispensing with the question of submitting the question of annexation of the following described real property to the registered voters of the City of Bend and also set the 2nd day of July, 1958, as the day fixed for a public hearing on the said question. That notice of this hearing was published once each week for two successive weeks in a newspaper of general circulation within the City of Bend and that notice of the same was posted in 4 public places in the City of Bend for a like period.

Section 2. The property which is the subject of this ordinance and which is proposed to be annexed to the City of Bend is located within the County of Deschutes, State of Oregon, more particularly described as follows:

Lots One (1) and Two (2), Block Three (3),
Ellis Subdivision.

Section 3. The said public hearing now having been had and there appearing no opposition to the annexation of the aforedescribed real property to the City of Bend,

NOW THEREFORE, The City of Bend by this ordinance does declare that the territory above described is annexed to the City of Bend, the consent of the owner or owners of all the subject and contiguous territory proposed to be annexed having been provided and filed within the City of Bend in writing prior to the public hearing.

Read for the first time the 2nd day of July, 1958.

Read for the second time the 16th day of July, 1958.

Placed upon its passage the 16th day of July, 1958.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 16th day of July, 1958.

M J Rogers
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

512

ORDINANCE NO. NS- 513

AN ORDINANCE AMENDING ORDINANCE NO. NS-342 BY CHANGING A PART OF THE R-RESIDENCE DISTRICT AS HEREIN DEFINED TO A C-III-a COMMERCIAL DISTRICT AND ADOPTING BY REFERENCE THE USES, REGULATIONS AND RESTRICTIONS OF SUCH ZONE TO THE WITHIN DESCRIBED AREA

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That that portion of Ordinance No. NS-342, to-wit: Part I of Section 1, adopting a "Zoning Map of the City of Bend, Oregon" and the zoning map itself, together with Part III, Section 15 of the said Ordinance No. NS-342 establishing the boundaries of districts by reference to the official zoning map of the City of Bend, Oregon, shall be amended so as to change the presently constituted R-Residence District as herein defined, to-wit:

Lots Five and Six (5 & 6), Block Ten (10), Center Addition

from R-Residence District to C-III-a Commercial District.

Section 2. That the allowable uses, regulations and restrictions pertaining to the said C-III-a Commercial District as herein constituted, shall be those as are set forth in Ordinance No. NS-436 (9-104e) which said uses, regulations and restrictions are herewith incorporated into this within ordinance by reference and thereby made a part hereof so as to make the same applicable to the within described area.

Read for the first time the 6th day of August, 1958.

Read for the second time the 20th day of August, 1958.

YEAS: 4 NAYS: 0

Submitted to and approved by the Mayor the 20th day of August, 1958.

W L Boyce
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend.

Record

9010

VOL 120 PAGE 483

ORDINANCE NO. NS-514

AN ORDINANCE VACATING ALL THAT PORTION OF THE FOLLOWING DESCRIBED STREET LOCATION DESCRIBED AS FOLLOWS:

Panama Street between Blocks Eleven (11) and Twelve (12), Bend View Addition, bounded on the north by Trenton Avenue and on the south by Saginaw Avenue

WHEREAS the City Commission of the City of Bend heretofore on the 3rd day of September, 1958, duly and regularly on its own motion under the authority of Sec. 271.130 O.R.S., initiated vacation proceedings for said above described street, and

WHEREAS the City Commissioners having considered said matter and having determined that the proposed vacation will not materially affect the market value of any abutting property, and

WHEREAS the vacation proceedings appear to be in order and to meet the requirements of law regulating the vacation of streets, and

WHEREAS, after due notice as required by law, a public hearing was held at the Commission Chambers at the City Hall in the City of Bend on the 15th day of October, 1958, at 7:45 P.M., at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following portion of the following described street, located in the City of Bend, County of Deschutes, State of Oregon, more particularly described as:

Panama Street between Blocks Eleven (11) and Twelve (12), Bend View Addition, bounded on the north by Trenton Avenue and on the south by Saginaw Avenue

be and the same is hereby vacated.

Read for the first time this 15th day of October, 1958.

Read for the second time this 5th day of November, 1958.

Placed upon its passage this 5th day of November, 1958.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 5th day of November, 1958.

M L Rogers
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-514

No. 9010

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 19th day of November A. D. 1958 at 9:58 o'clock A M and recorded in book 120 on pages 483 Record Deeds

Helen M. Dawson County Clerk
By Bernard Fallert Deputy

Indexed

ORDINANCE NO. NS 515

AN ORDINANCE AMENDING SECTION 3 AND SECTION 4 OF ORDINANCE NO. NS 469 BY DELETING FROM THE SAID SECTIONS THE WORDS "WITH THE APPROVAL" AND SUBSTITUTING IN LIEU THEREOF THE WORDS "SUBJECT TO REVIEW, CHANGE AND VETO".

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1.

Section 3 of Ordinance No. NS 469 shall be amended by deleting therefrom the words "with the approval" as the same appear in the first paragraph thereof on lines one and two, and substituting in lieu thereof the words "subject to review, change and veto".

SECTION 2.

Section 4 of Ordinance No. NS 469 shall be amended by deleting therefrom the words "with the approval" as the same appear in the first paragraph thereof on line one, and substituting in lieu thereof the words "subject to review, change and veto".

Read for the first time this 5th day of November, 1958.

Read for the second time this 19th day of November, 1958.

Placed upon its passage this 19th day of November, 1958.

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 19th day of November, 1958.

M L Rogers
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. 516

AN ORDINANCE REGARDING GARBAGE, TRASH, LITTER AND DEBRIS, SETTING FORTH THE PURPOSE OF THE ORDINANCE; SETTING FORTH LICENSE FEES FOR GARBAGE BUSINESSES AND THE NECESSITY THEREFOR; SETTING FORTH GENERAL REGULATIONS, SPECIFIC REGULATIONS; SETTING FORTH POLICY AS TO THE NUMBER OF SUCH LICENSES: PROVIDING PENALTIES; PROVIDING A SAVING CLAUSE; REPEALING CONFLICTING ORDINANCES AND DECLARING AN EMERGENCY.

SECTION 1. The within ordinance is designed to be a comprehensive ordinance with regard to the matter of garbage collection within the City of Bend and in this connection it is stated affirmatively that the matter of garbage collection is a business that is affected by and in the public interest and therefore is one that lends itself to regulation by the City of Bend. The reason for such regulation is the need to protect the public and the public health and welfare in and to the maintenance of good garbage collection service within the said City of Bend. It is deemed advisable to maintain a spirit of competition between the licensed garbage companies to the end that the public interest will be better served by individual competition rather than a non-competitive franchise arrangement. It is further stated as a basic thought of the City of Bend that by the enactment of this within ordinance that this is an attempt to regulate for the public interest the matter of garbage collection by maintaining free competition between the respective garbage companies, but that in the event this attempt is not successful then a franchise with its attendant regulations will be a definite consideration and possibility.

SECTION 2. It is further stated to be the purpose of this ordinance to regulate the removal of garbage and trash to the extent that said trash and litter will not be deposited, allowed to remain, or dropped upon private property or public thoroughfares within the said City of Bend.

SECTION 3. That because of the increased regulations and the enforcement thereof as in this ordinance set forth, it is deemed advisable and necessary to increase the license fees in and for the business of collecting garbage and trash within the City of Bend so that the said City of Bend will be at least partially reimbursed for the additional costs thereof. Thus, Ordinance No. NS-317 (8-104-B) is herewith and hereby amended by deleting therefrom the 12th item in Section 1 thereof setting forth license fees for garbage trucks per quarter or fraction thereof at $10.00, inserting in lieu thereof the following item 12:

> Garbage companies, including the first operating truck thereof, $20.00 monthly, and for each additional operating truck $10.00 monthly additional, payable quarterly in advance.

No person, firm, corporation, partnership or other business entity, shall engage in the business of collecting or hauling garbage, trash, debris or litter within the City of Bend without first having obtained a license as provided for herein.

SECTION 4. That from and after the effective date of this within ordinance the following general regulations shall apply to all persons within the City of Bend according to the terms of this section:

a. That from and after the effective date of this ordinance it shall be unlawful for garbage, trash and refuse trucks and vehicles which are licensed by the City of Bend for hauling garbage or trash to appear or be on the streets, avenues, highways, alleys or public ways of the City of Bend without being covered or contained in such a way and manner so as to prevent the loss of a part or all of the contents thereof; except that this restriction and requirement shall not apply when said trucks and vehicles are stopped and are being used in the process of loading or being loaded.

b. When said trucks and vehicles are stopped and are being used in the process of loading or being loaded, it shall be unlawful for the operators and employees working therefrom in such process to allow and-or fail to prevent the loss and scattering of material being loaded or carried to the said truck or vehicle.

c. It shall be unlawful for any truck or vehicle as in Section 1 hereof defined, or for any other vehicle or trailer to be operated on the streets, highways, avenues, alleys or public ways of the City of Bend in such a way and manner or to be loaded in such a way or manner so as to permit the scattering or dropping of trash, refuse, litter or garbage upon the said streets, highways, avenues, alleys or public ways. The operators of such vehicles as in this Section 3 defined shall be liable for a violation hereof.

SECTION 5. In addition to the general regulations as in Section 4 hereinabove set forth, the following specific regulations will apply in and to the duly licensed garbage and trash vehicles and operating companies:

a. The existing garbage companies and their successors in interest or assigns shall be required and are herewith and hereby required to provide good garbage and trash collection service to the residents of the City of Bend. It is declared to be a provision to the granting of a license or the renewal thereof that said good service be provided and maintained by the said licensed companies to the residents of the City of Bend.

b. It is likewise a condition to the granting of a license or the renewal thereof that the terms and conditions of this ordinance be complied with in their entirety. Failure on the part of one or more of the aforesaid licensed garbage companies to comply with any, all or a part of the requirements and provisions of this ordinance shall be reason and sufficient cause for the refusal on the part of the City of Bend to grant the renewal thereof.

c. The City of Bend reserves unto itself the right at any time during a license period as hereinabove provided to examine the rate structure of any of the licensed garbage companies and to direct certain and any rate changes which in the opinion of the City Commission are dictated in view of the following considerations:

(1) That the licensed garbage companies within the City of Bend shall have the right to charge and collect reasonable compensation from persons and groups to whom any or all of them shall furnish garbage and trash collection service. The term "reasonable compensation" may be defined at the discretion of the City after a study and consideration of all matters and facts pertaining thereto.

(2) To facilitate considerations as in this subsection provided, the licensed garbage companies shall furnish and provide to the City of Bend a certified copy of their published rate schedule, which said schedule shall contain the rates and charges made by each licensed garbage company for all of its operations. That said rate schedules, after having been filed as herein provided, shall be kept current and each of the licensed garbage companies shall file with the City Manager of the City of Bend at least 60 days prior to any contemplated change a new and revised rate schedule which shall be examined by the said City of Bend and unless disapproved by the said City of Bend prior to 30 days before the effective date thereof shall be deemed approved. Notification of disapproval shall be made by the City of Bend to any of the licensed garbage companies so applying by registered mail or its equivalent. In the event of disapproval

the applying licensed garbage company shall not put the new rate schedule into effect and shall file with the City either on its own motion or in compliance with the City's request further information to justify the proposed rate schedule changes. Negotiations shall be had in good faith between the parties. Prior to the issuance of any license or renewal thereof under the terms of this ordinance and particularly referring to the granting of the initial license under the terms of this ordinance, the applying garbage companies will provide to the City of Bend by and through its City Manager their proposed rate schedule which said proposed rate schedule has to be approved by the City of Bend prior to the issuance of a license under the terms of this ordinance. Conflicts or disputes arising under this ordinance shall be subject to judicial review. Disregard or variation of the within described rates and rate schedules shall be cause for revocation, cancellation or refusal to grant a continuance of a license or the renewal thereof.

SECTION 6. To carry out the intent of this ordinance to maintain competition within the City of Bend by private garbage collection companies, it is hereby declared to be the policy of the City of Bend that there shall be not more than three licensed garbage companies, as in this ordinance defined, permitted to operate within the said City of Bend. The statement hereinabove made with regard to limiting the number of private garbage collection companies to three within the City of Bend is made with the full understanding and in recognition of the present situation in that there are presently three operating garbage collection companies within the said City of Bend. Nothing in this ordinance shall be deemed to infer that the City of Bend desires to have the number thereof either increased or decreased. However, in the event that one or more of the existing garbage companies within the City of Bend or their successors in interest or assigns shall desire or deem it expedient or necessary to consolidate, it is understood that the City of Bend will not disapprove or prevent that action. However, it is further declared that it is the policy of the City of Bend, desiring to maintain free competition within the City of Bend in and to the garbage collection service therein, that there shall always be, while this ordinance is in effect, two such licenses available. By this is meant that in the event the existing garbage companies shall all consolidate and merge into one garbage company then and in that event there will be available to some other and third party the right and privilege of obtaining a license to operate as a garbage and trash collection company.

SECTION 7. In view of the health and welfare considerations that rest within the City of Bend as a municipal corporation, it is hereby declared as a requirement and provision of this ordinance that all garbage and trash as the terms are normally and generally understood shall be removed from the City of Bend at least twice monthly. This requirement shall apply to all inhabitants of the City of Bend. Persons who have in their possession real property with garbage and trash thereon are the persons to be charged with the responsibilities as in this section set forth.

SECTION 8. In addition to the penalties as are herein this ordinance set forth with regard to the licensed garbage companies losing their license or disallowance of the renewal thereof for a violation of any of the terms and conditions of this ordinance, it is further declared that violators of this ordinance or any part hereof shall be punished upon conviction thereof in the municipal court of the City of Bend by a fine of not less than Five Dollars ($5.00) or more than One Hundred Dollars ($100.00) or by imprisonment in the municipal jail of the City of Bend for a period of time not to exceed sixty (60) days or by both such fine and imprisonment.

SECTION 9. SAVING CLAUSE. Should any section or part of this ordinance be declared unconsitutional or unlawful, inoperative or invalid in any respect by a Court of competent jurisdiction, such a declaration shall have no effect on the rest of this ordinance and the rest of this ordinance shall remain valid and enforceable the same as if the court contest had never been had.

SECTION 10. All ordinances in conflict with the terms of this ordinance are hereby and herewith repealed insofar as the conflict is concerned.

SECTION 11 EMERGENCY CLAUSE: Inasmuch as it is necessary in order to protect the peace, health and safety of the inhabitants of the City of Bend in that a health and safety hazard exists, and further, in that the regulation of licensed garbage collection companies is as was set forth in the opening paragraphs and sections of this ordinance a business affected by and with the public interest and that in order to effectively regulate the removal, hauling and disposition of garbage and trash within the City of Bend at the earliest possible moment, it is therefore necessary for this ordinance to become effective and operative immediately upon the passage hereof.

NOW, THEREFORE, AN EMERGENCY IS HEREBY DECLARED TO EXIST and this ordinance shall become immediately operative and effective upon the passage thereof by unanimous vote of the City Commission of the City of Bend.

Read for the first time December 3, 1958.

Read for the second time December 17, 1958

YEAS: 5 NAYS: 1

Placed upon its passage December 17, 1958

Submitted to and approved by the Mayor this 17 day of December, 1958.

M L Boyles
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

574

BOOK 121 PAGE 237

ORDINANCE NO. 517

AN ORDINANCE VACATING ALL THAT PORTION OF THE FOLLOWING DESCRIBED STREET AND ALLEY LOCATIONS DESCRIBED AS FOLLOWS:

The Alley in Block Three (3), Center Addition from the east line of East First Street to the west line of Lot Six (6), Block Three (3), Center Addition;

Kearney Avenue from the east line of East First Street to the west line of Lot Six (6), Block Three (3) and west line of Lot Thirteen (13), Block Two (2), Center Addition;

The Alley in Block Two (2), Center Addition, from the east line of East First Street to the center of the Pilot Butte Canal as now located, said canal being located 344.29 feet, more or less, east of the east line of East First Street;

WHEREAS the City Commission of the City of Bend, heretofore on the 15th day of October, 1958, duly and regularly on its own motion under the authority of Section 271.130 O.R.S., initiated vacation proceedings for said above described street and alleys, and

WHEREAS the City Commissioners having considered said matter and having determined that the proposed vacation will not materially affect the market value of any abutting property, and

WHEREAS the vacation proceedings appear to be in order and to meet the requirements of law regulating the vacation of streets, and

WHEREAS, after due notice as required by law, a public hearing was held at the Commission Chambers at the City Hall in the City of Bend on the Third day of December, 1958, at 7:45 p.m., at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE;

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following portion of the following described street and alleys, located in the City of Bend, County of Deschutes, State of Oregon, more particularly described as:

The Alley in Block Three (3), Center Addition from the east line of East First Street to the west line of Lot Six (6), Block Three (3), Center Addition;

Kearney Avenue from the east line of East First Street to the west line of Lot Six (6), Block Three (3) and west line of Lot Thirteen (13), Block Two (2), Center Addition;

The Alley in Block Two (2), Center Addition, from the east line of East First Street to the center of the Pilot Butte Canal as now located, said canal being located 344.29 feet, more or less, east of the east line of East First Street;

be and the same are hereby vacated.

Read for the first time this 3rd day of December, 1958.
Read for the second time this 17th day of December, 1958.
Placed upon its passage this 17th day of December, 1958.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 17th day of December, 1958.

M L Rogers
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

N5-517

No. 574

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 11th day of February A. D. 1957 at 2:22 o'clock P M and recorded in book 121 on pages 237 Record of Deeds

Helen M. Dacey County Clerk
By Opal Sprague Deputy

Indexed

ORDINANCE NO. NS-518

AN ORDINANCE dispensing with election in the subject of an annexation, setting a date for public hearing, describing the property proposed to be annexed, setting up a publication schedule and setting forth an emergency clause.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City Commission of the City of Bend having by this Ordinance elected to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend, does hereby and herewith set by this Ordinance the 4th day of February, 1959, as the day fixed for a public hearing before the legislative body of the City of Bend at which time registered voters of the City of Bend may appear and be heard on the question of the aforesaid annexation. Notice of this aforesaid hearing shall be published once each week for two successive weeks in a newspaper of general circulation within the City of Bend and shall further cause notices of the hearing to be posted in four public places in the City for a like period.

Section 2. A copy of this Ordinance shall be used as the required notice as above set forth.

Section 3. The property which is the subject of this Ordinance and which is proposed to be annexed to the City of Bend is located within the County of Deschutes, State of Oregon, more particularly described as follows:

The Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}$ $SE\frac{1}{4}$), Section Thirty-Three (33), Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian.

Section 4. This Ordinance shall be published January 12 and January 19, 1959.

Section 5. AND WHEREAS, the owner of the above described real property is desirous of immediate construction of residences on the said property, and because of the lateness of the season and the interest of the City and the inhabitants thereof indicate the desirability of construction as soon as possible,

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

Read for the first time this 17th day of December, 1958.
Read for the second time this 7th day of January, 1959.
Placed upon its passage this 7th day of January, 1959.
YEAS: 7 NAYS: 0
Submitted to and approved by the Mayor this 7th day of January, 1959.

Jack C Dempsey
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-519

AN ORDINANCE providing for the issuance of City of Bend Improvement Bonds in the sum of $34,000; providing and approving the form of the bonds to be issued and the coupons attached thereto; providing for the advertisement and sale of said bonds, and declaring an emergency.

****

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

WHEREAS the owners of the property so assessed for such street improvements in the sum of Twenty-five Dollars ($25.00) or more, aggregating in all the sum of $34,000.00, have within ten (10) days after notice of such assessment was first published, filed with the City Recorder of the said City, written applications to pay said assessments in installments, each and all of which written applications did state that said applicant and property owner does thereby waive all irregularities or defects, jurisdictional or otherwise, in the proceedings to improve the street for which said assessment is levied, and in the apportionment of the cost thereof; and

WHEREAS, in no application received as aforesaid did the amount of such assessment, including all unpaid assessments or previously bonded liens exceed double its assessed valuation as shown by the last tax roll of Deschutes County; except insofar as those applications made by educational, religious, fraternal, charitable or public corporations; and

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

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

WHEREAS, after the expiration of the time for filing applications for the payment of assessments for said improvements by installments as provided by law, the City Recorder did enter in a docket kept for that purpose, under

separate heads for each street by name or number, a description of each lot, parcel of land, or other property, against which such assessment is made, or which bears or is chargeable for the cost of such improvement, with the name of the owner and the amount of such unpaid assessment; and

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the City of Bend shall issue bonds in the name of and under the corporate seal of said City in the amount of Thirty-four Thousand and no/100 ($34,000) Dollars, in the denomination of One Thousand Dollars ($1,000) each, numbered consecutively from 1 to 34, both numbers inclusive, said bonds to bear date of March 1, 1959, to be signed by the Mayor and countersigned by the Recorder of the City of Bend and the corporate seal of said City to be affixed thereto and said bonds shall, by the terms thereof, mature serially at the rate of Three Thousand Dollars ($3,000) on the first day of March in each of the years 1960 to 1969, inclusive and Four Thousand Dollars ($4,000) on the first day of March in the year 1970. All of said bonds which mature after March 1, 1961, shall be subject to call and redemption on March 1, 1961, and on any semi-annual interest paying date thereafter, shall bear interest at the rate of not to exceed six percent (6%) per annum, interest payable semi-annually, said interest to be evidenced by coupons attached to said bonds, which said coupons shall have the signature of the Mayor and the signature of the Recorder of the City of Bend lithographed thereon, which bonds, together with the interest thereon, shall be payable at the office of the Treasurer of the City of Bend, and shall be known as City of Bend Improvement Bonds, Series 8.

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

No._____ $1,000.00

UNITED STATES OF AMERICA

STATE OF OREGON

COUNTY OF DESCHUTES

CITY OF BEND IMPROVEMENT BOND

SERIES 8

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

ONE THOUSAND DOLLARS

in lawful money of the United States on the presentation and surrender of this obligation on the 1st day of March, 19___, without grace, with interest thereon, at the rate of _____ percent (____%) per annum, payable semiannually on the 1st days of March and September of each year on the presentation and surrender of the proper coupons hereto annexed, principal and interest payable at the office of the Treasurer of the City of Bend, Oregon.

This bond is one of a series of bonds authorized by and under the provisions of the Charter of said City and Chapter 223-205 Oregon Revised Statutes, et seq. as amended, providing for the issuance of bonds for street and sewer improvements and for the payment of the costs of such improvements, and is an obligation of the City of Bend aforesaid, and it is further certified that all of the requirements of law have been fully complied with by the proper officers in the issuances of this bond.

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

IN WITNESS WHEREOF this bond has been signed by the Mayor and countersigned by the Recorder of the City of Bend, and the corporate seal of said City hereto affixed this 1st day of March, 1959.

_____
Mayor

Countersigned:

_____
Recorder

On the face of all bonds maturing after March 1, 1961, add a paragraph reading:

This bond is subject to call and redemption on March 1, 1961, and on any semiannual interest paying date thereafter.

(COUPON)

No._____ $_____

THE CITY OF BEND, STATE OF OREGON, will pay to bearer on the first day of MARCH / SEPTEMBER 19____

_____ DOLLARS

in lawful money of the United States at the office of the Treasurer of the City of Bend, being six months' interest on Improvement Bond No._____, Series 8.

_____
Mayor

Countersigned:

_____
Recorder

On all coupons maturing after March 1, 1961, add the following:

Unless said bond is sooner redeemed, as therein provided, which redemption will render this coupon void.

SECTION 3. The Recorder is hereby authorized and instructed to advertise the aforesaid bonds for sale at the Commission meeting to be held on the 9th day of February, 1959, by the insertion of an advertisement thereof once each week for two successive weeks in the Bend Bulletin, a newspaper published in the City of Bend.

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

NOW, THEREFORE,

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

Read for the first time January 7, 1959.

Read for the second time January 21, 1959.

YEAS: 7 NAYS: 0

Julia S. Johnson (Recorder)

Submitted to and approved by the Mayor this 21st day of January, 1959.

Jack C Dempsey (Mayor)

ORDINANCE NO. NS-520

AN ORDINANCE VACATING A PORTION OF MILLICAN DRIVE IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

> That portion of Millican Drive lying north of the south line of Alden Avenue, being bounded on the west by the west line of Block 17, Bend Park Addition, when projected due south to the south line of Alden Avenue, and bounded on the east by the southwesterly lines of Lots Five (5) and Six (6), Block Seventeen (17), Bend Park Addition as originally platted.

WHEREAS the City Commission of the City of Bend heretofore on the 3rd day of December, 1958, duly and regularly initiated the necessary proceedings to vacate the street area above described on its own motion, and

WHEREAS the City Commissioners having considered the said vacation proceedings to vacate the street area above described and found it to be in order and to meet the requirements of the law regulating the vacation of streets, and

WHEREAS after due notice as required by law, a public hearing was held in the City Commission Room in the City Hall, in the City of Bend, at 7:45 p.m., on January 7, 1959, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following street area located within the City of Bend, County of Deschutes, State of Oregon, more particularly described as:

> That portion of Millican Drive lying north of the south line of Alden Avenue, being bounded on the west by the west line of Block 17, Bend Park Addition, when projected due south to the south line of Alden Avenue, and bounded on the east by the southwesterly lines of Lots Five (5) and Six (6), Block Seventeen (17), Bend Park Addition as originally platted,

be and the same is hereby vacated.

Read for the first time January 7, 1959.

Read for the second time January 21, 1959.

Placed upon its passage January 21, 1959.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 21 day of January, 1959.

Jack C Dempsey
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-521

AN ORDINANCE VACATING A PORTION OF MILLICAN DRIVE IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

> That portion of Millican Drive bordered on the westerly side by Lots Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18) and Nineteen (19), Block Sixteen (16), Bend Park Addition; bordered on the northerly side by the previously vacated Millican Drive; and bordered on the easterly side by a line parallel to and sixty (60.0') feet from the easterly line of East Tenth Street as platted.

WHEREAS the City Commission of the City of Bend heretofore on the 3rd day of December, 1958, duly and regularly initiated the necessary proceedings to vacate the street area as above described on its own motion, and

WHEREAS, the City Commissioners having considered the said vacation proceedings to vacate the street area above described and found it to be in order and to meet the requirements of the law regulating the vacation of streets, and

WHEREAS, after due notice as required by law, a public hearing was held in the City Commission Room in the City Hall, in the City of Bend, at 7:45 p.m., on January 7, 1959, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following street area located within the City of Bend, County of Deschutes, State of Oregon, more particularly described as:

> That portion of Millican Drive bordered on the westerly side by Lots Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18) and Nineteen (19), Block Sixteen (16), Bend Park Addition; bordered on the northerly side by the previously vacated Millican Drive; and bordered on the easterly side by a line parallel to and sixty (60.0') feet from the easterly line of East Tenth Street as platted

be and the same is hereby vacated.

Read for the first time January 7, 1959.

Read for the second time January 21, 1959.

Placed upon its passage January 21, 1959.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 21st day of January, 1959.

Jack C Dempsey
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-522

AN ORDINANCE VACATING A PORTION OF ALDEN AVENUE IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

> That portion of Alden Avenue from the west line of Block Seventeen (17), Bend Park Addition as originally platted, eastward to the east line of the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}$ $SE\frac{1}{4}$), Section Thirty-three (33), Township Seventeen (17) South, Range Twelve (12) E.W.M.

WHEREAS the City Commission of the City of Bend heretofore on the 3rd day of December, 1958, duly and regularly initiated the necessary proceedings to vacate the street area as above described on its own motion, and

WHEREAS the City Commissioners having considered the said vacation proceedings to vacate the street area above described and found it to be in order and to meet the requirements of the law regulating the vacation of streets, and

WHEREAS after due notice as required by law, a public hearing was held in the City Commission Room in the City Hall, in the City of Bend, at 7:45 p.m., on January 7, 1959, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following street area located within the City of Bend, County of Deschutes, State of Oregon, more particularly described as

> that portion of Alden Avenue from the west line of Block Seventeen (17), Bend Park Addition as originally platted, eastward to the east line of the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}$ $SE\frac{1}{4}$), Section Thirty-three (33), Township Seventeen (17) South, Range Twelve, E.W.M.

be and the same is hereby vacated.

Read for the first time January 7, 1959.

Read for the second time January 21, 1959.

Placed upon its passage January 21, 1959.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 21st day of January, 1959.

Jack C. Dempsey
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-523

AN ORDINANCE VACATING A PLATTED AREA WITHIN THE CITY OF BEND, DESCHUTES COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

All of Block Seventeen (17), together with Lots One (1), Two (2) and Three (3), Block Eighteen (18), in Bend Park Addition.

WHEREAS the City Commission of the City of Bend heretofore on the 3rd day of December, 1958, duly and regularly initiated the necessary proceedings to vacate the platted area as above described on its own motion, and

WHEREAS the City Commissioners having considered the said vacation proceedings to vacate the platted area above described and found it to be in order and to meet the requirements of the law regulating the vacation of plats, and

WHEREAS after due notice as required by law, a public hearing was held in the City Commission Room in the City Hall, in the City of Bend, at 7:45 p.m., on January 7, 1959, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following platted area located within the City of Bend, County of Deschutes, State of Oregon, more particularly described as

All of Block Seventeen (17), together with Lots One (1), Two (2) and Three (3), Block Eighteen (18), in Bend Park Addition,

be and the same is hereby vacated.

Read for the first time January 7, 1959.

Read for the second time January 21, 1959.

Placed upon its passage January 21, 1959.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 21st day of January, 1959.

Jack C Dempsey
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-524

AN ORDINANCE VACATING A PORTION OF MARSHALL AVENUE LOCATED IN LYTLE ACRES TRACTS, CITY OF BEND, DESCHUTES COUNTY, OREGON, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

> That portion of Marshall Avenue commencing from the intersection of said Marshall Avenue with East First Street and extending westerly to the Oregon Trunk Railroad right-of-way, said portion of Marshall Avenue being adjacent to Tract Twenty-seven and the easterly portion of Tract Twenty-eight on the north and Tract Thirty-four and the easterly portion of Tract Thirty-three on the south, all in Lytle Acres Tracts, Bend, Oregon.

WHEREAS the City Commission of the City of Bend heretofore on the 19th day of November, 1958, duly and regularly initiated the vacation proceedings to vacate the street area above described in response to a petition for said vacation presented by Richard C. Robinson, one of the petitioners, and

WHEREAS, the City Commissioners having considered said vacation proceedings and found them to be in order and to meet the requirements of the law regulating the vacation of streets, and

WHEREAS after due notice as required by law, a public hearing was held at the Commission Chambers at the City Hall in the City of Bend, at 7:45 p.m., on the 7th day of January, 1959, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following portion of the following described street located in Lytle Acres Tracts, City of Bend, Deschutes County, State of Oregon, more particularly described as:

> That portion of Marshall Avenue commencing from the intersection of said Marshall Avenue with East First Street and extending westerly to the Oregon Trunk Railroad right-of-way, said portion of Marshall Avenue being adjacent to Tract Twenty-seven and the easterly portion of Tract Twenty-eight on the north and Tract Thirty-four and the easterly portion of Tract Thirty-three on the south, all in Lytle Acres Tracts, Bend, Oregon

be and the same is hereby vacated, provided that nothing herein contained shall cause or require the removal or the abandonment of any sewer, water main, gas main, conduit of any kind, wire, pole or thing used or intended to be used for any public service; and the right hereby is reserved for the owner of such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild and/or enlarge any and all such things; and also provided that the City of Bend, with regard to that portion of Marshall Avenue hereinabove described,

retains unto itself permanent easement and right-of-way, including the perpetual right to enter upon the said street through suitable access and to leave the said street through suitable egress at any time, neither access nor egress to be barred, and to construct, maintain and repair either over, under or upon, pipeline or pipelines and/or mains for the purpose of conveying water over, across, through and under the said Marshall Avenue, together with the right to excavate and re-fill ditches and/or trenches for the location of said pipelines or mains, and the further right to remove trees, bushes, undergrowth and other obstruction interfering with the location, construction and maintenance of said pipelines and/or mains.

Read for the first time the 7th day of January, 1959.

Read for the second time the 21st day of January, 1959.

Placed upon its passage the 21st day of January, 1959.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 21st day of January, 1959.

Jack C Dempsey
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-525

AN ORDINANCE VACATING THE ALLEY IN BLOCK ONE, WALL STREET ADDITION TO THE CITY OF BEND, DESCHUTES COUNTY, STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

> The twenty (20') foot alley along the southwesterly line of Block One (1), Wall Street Addition in the City of Bend, from the westerly line of Wall Street to the easterly line of the previously vacated Pine Street.

WHEREAS, the City Commission of the City of Bend heretofore on the 3rd day of December, 1958, duly and regularly initiated the necessary proceedings to vacate the alley as above described on its own motion, and

WHEREAS, the City Commissioners having considered the said vacation proceedings to vacate the street area above described and found it to be in order and to meet the requirements of the law regulating the vacation of streets and alleys, and

WHEREAS, after due notice as required by law, a public hearing was held in the City Commission Room in the City Hall, in the City of Bend, at 7:45 p.m., on January 7, 1959, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following alley area located within the City of Bend, County of Deschutes, State of Oregon, more particularly described as

> The twenty (20') foot alley along the southwesterly line of Block One (1), Wall Street Addition in the City of Bend, from the westerly line of Wall Street to the easterly line of the previously vacated Pine Street

be and the same is hereby vacated

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 that the City has previously entered into an exchange agreement for certain lands belonging to the City and that the vacated alley hereinabove described is contiguous to certain of these lands and further, inasmuch as time is of the essence so that the City may honor its part of the agreement and further, whereas it is in the public interest that such agreement be honored in that it will result in new construction and corresponding tax advantages to the City of Bend and the inhabitants thereof,

NOW, THEREFORE, an emergency is hereby declared to exist and upon the passage hereof by the affirmative vote of all members of the Commission this ordinance shall become immediately operative.

Read for the first time the 7th day of January, 1959.

Read for the second time the 4th day of February, 1959.

Placed upon its passage the 4th day of February, 1959.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 4th day of February, 1959.

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

Jack C. Dempsey
Mayor

No. 543

STATE OF OREGON }
County of Deschutes }

I hereby certify that the within instrument of writing was received for Record the 9th day of February A. D. 19 59 at 2:35 o'clock P M and recorded in book 121 on pages 217 Record

Deeds

Helen M. Sacse County Clerk

By Rosemary Patterson Deputy

paxepcr

ORDINANCE NO. NS-526

An ordinance creating the office of traffic engineer, directing the City Manager to fill such office with a present employee by way of an additional duty and setting forth duties of said traffic engineer.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. To effectuate the desire for traffic safety and to provide an orderly means for study and control of the same, the office of City of Bend traffic engineer is hereby established.

SECTION 2. The City Manager of the City of Bend shall immediately appoint a person to such office. The person appointed to such office shall be an employee of the City of Bend and shall assume the extra duties in addition to his regular duties.

SECTION 3. It shall be the duty of the traffic engineer as herein provided for to consider traffic conditions in general throughout the City, to recommend traffic control devices when and where indicated, to advise and assist in installation, maintenance and timing of traffic signals and traffic control devices; to conduct and consider investigations of traffic conditions; to conduct and consider investigations of traffic accidents and to devise and recommend remedial measures; to plan the operation of traffic on the streets, avenues, alleys and all other public ways of the City of Bend; to cooperate with other city officials and others in the development of ways and means to improve traffic conditions; and to carry out the additional powers and duties imposed by ordinance of the City of Bend.

Read for the first time: February 4, 1959
Read for the second time: February 18, 1959
Placed upon its passage: February 18, 1959
YEAS: 7 NAYS: 0
Submitted to and approved by the Mayor this 18th day of February, 1959.

Jack C. Dempsey
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-526

Repealed by ORD. NO. NS-1399

ORDINANCE NO. NS 527

An ordinance adding a new section to Article X of Ordinance No. NS-288 pertaining to licenses for circuses and carnivals giving the City Commission the discretion to reduce the license fee to $1.00 on application duly made.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. From and after the effective date of this ordinance Article X of ordinance No. NS-288 (8-104) shall be amended by adding to said article X a new section as follows, to-wit:

> Section 3. Upon application duly made to the City Commission of the City of Bend, the license fee as set forth in Ordinance No. NS-317 (8-104b) may be reduced to $1.00 in the discretion of the said City Commission.

Read for the first time February 4, 1959

Read for the second time February 18, 1959.

YEAS: 7 NAYS: 0

Placed upon its passage February 18, 1959.

Jack C Dempsey
Mayor

ATTEST:

Lucia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-528

AN ORDINANCE ANNEXING TO THE CITY OF BEND CERTAIN REAL PROPERTY AS DESCRIBED IN THE WITHIN ORDINANCE; CITING AN ORDINANCE DISPENSING WITH SUBMITTING THE QUESTION OF THE ANNEXATION TO THE REGISTERED VOTERS OF THE CITY OF BEND; AND RECOGNIZING THE RECEIPT OF CONSENTS TO ANNEXATION FROM THE PROPERTY OWNERS OF THE PROPERTY WITHIN THE TRACT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The legislative body of the City of Bend does by the enacting of this ordinance recognize the following facts:

a. That under date of January 7, 1959, Ordinance No. NS-518 was passed by the City of Bend wherein the said City Commission of the City of Bend did elect to dispense with submitting the question of the annexation of the following described lands and property to the registered voters of the City.

b. That the aforesaid Ordinance No. NS-518 was published once a week for two successive weeks in the Bend Bulletin, a newspaper of general circulation within the City of Bend. That said Ordinance was also posted in four public places within the said City of Bend. That said publication and posting ran concurrently.

c. That within the said Ordinance No. NS-518 there was also given notice of a public hearing to be held on the aforesaid annexation proceedings which said public hearing was to be held on the 4th day of February, 1959, at the hour of 8:00 o'clock p.m. in the Commission Chambers in the City Hall in Bend, Oregon. That at said public hearing no persons appeared to remonstrate against the proposed annexation.

d. That at the time of the public hearing as set forth above there was presented to the City Commission of the City of Bend consents to annexation by 100% of the property owners of the property described to be annexed.

Section 2. NOW, THEREFORE, the City Commission of the City of Bend, the legislative body of said City, does hereby proclaim that the following described property located within the County of Deschutes and State of Oregon shall be and the same hereby is annexed to the City of Bend and shall become a part thereof. That the said property is more particularly described as follows, to-wit:

The South east Quarter of the Southeast Quarter ($SE\frac{1}{4}SE\frac{1}{4}$), Section Thirty-three (33), Township Seventeen (17) South Range Twelve (12), East of the Willamette Meridian.

Read for the first time the 4th day of February, 1959.

Read for the second time the 18th day of February, 1959.

Placed upon its passage the 18th day of February, 1959.
YEAS: 7 NAYS: 0
Submitted to and approved by the Mayor this 18th day of February, 1959.

Jack C Dempsey
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

No. 1439

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 23rd day of March A. D. 1959 at 8:30 o'clock A M and recorded in book 121 on pages 485 Record of Deeds

Helen M. Dace County Clerk

By Opal Sprague Deputy

Indexed

ORDINANCE NO. NS-529

AN ORDINANCE VACATING THE ALLEY IN BLOCK EIGHT, CENTER ADDITION TO THE CITY OF BEND, DESCHUTES COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

The Alley in Block Eight (8), Center Addition to the City of Bend, County of Deschutes, State of Oregon, according to the official plat thereof on file in the office of the County Clerk of Deschutes County, Oregon.

WHEREAS the City Commission of the City of Bend heretofore on the 7th day of January, 1959, duly and regularly initiated the necessary proceedings to vacate the alleys as above described on petition by Fred E. Warren, one of the petitioners, and

WHEREAS, the City Commissioners having considered the said vacation proceedings to vacate the alley area above described and found it to be in order and to meet the requirements of the law regulating the vacation of streets and alleys, and

WHEREAS, after due notice as required by law, a public hearing was held in the City Commission Room in the City Hall, in the City of Bend, at 7:45 p.m., on February 18, 1959, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following alley area located within the City of Bend, County of Deschutes, State of Oregon, more particularly described as

The Alley in Block Eight (8), Center Addition to the City of Bend, County of Deschutes, State of Oregon, according to the official plat thereof on file in the office of the County Clerk of Deschutes County, Oregon

be and the same is hereby vacated.

Inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof in that by so declaring an emergency the petitioner for the vacation and his associates may commence the building of a substantial structure for the commencement of a business and resultant tax advantages to the inhabitants of the City of Bend,

NOW, THEREFORE, AN EMERGENCY IS HEREBY DECLARED TO EXIST and upon the passage hereof by the affirmative vote of all members of the Commission this ordinance shall become immediately operative.

Read for the first time the 18th day of February, 1959.

Read for the second time the 4th day of March, 1959.

Placed upon its passage the 4th day of March, 1959.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 4th day of March, 1959.

Jack C Dempsey
Mayor

ATTEST:

Julia S Johnson
Recorder of the City of Bend

No. 1440

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 23rd day of March A. D. 1959 at 8:32 o'clock A M and recorded in book 121 on pages 486 Record of Deeds

Helen M. Dacey County Clerk
By Opal Sprague Deputy

Indexed

ORDINANCE NO. NS-530

AN ORDINANCE REPEALING SECTION 1 OF ORDINANCE NO. NS-404 AND INSERTING A NEW SECTION 1, PROVIDING FOR THE PUBLIC SALE OF REAL PROPERTY OF THE CITY OF BEND, REQUIRING A WRITTEN APPLICATION; AN APPRAISAL CONSTITUTING THE MINIMUM PRICE, REQUIRING A DEPOSIT TO MEET COST OF ADVERTISING, PROVIDING FOR ADVERTISING ON A DATE FIXED FOR SALE, PROVIDING FOR A PUBLIC AUCTION, FIXING A BASE PRICE ON THE BASIS OF THE APPRAISAL PLUS ADVERTISING COSTS, PROVIDING FOR THE APPLICATION OF THE DEPOSIT ON THE PURCHASE PRICE OR A RETURN OF SAID DEPOSIT IN THE EVENT OF A SALE TO ANOTHER BIDDER, AND PROVIDING FOR FORFEITURE IN THE EVENT NO BIDDER EQUALS OR EXCEEDS APPRAISED PRICE, PLUS ADVERTISING COSTS, EXCEPTING PROPERTY IN THE "I - INDUSTRIAL DISTRICT OR C-III CENTRAL COMMERCIAL DISTRICT" AS SET FORTH IN ORDINANCE NO. NS-342 AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That Section 1 of Ordinance No. NS-404 be, and the same hereby is repealed and the following new Section 1 inserted in lieu thereof:

> Any person desiring to purchase real property of the City of Bend shall make application in writing to the Recorder of the City of Bend whereupon, if said real property is for sale and has not been appraised within sixty days prior to the filing of such application, the Commissioners or a majority of them shall, within ten days thereafter, make an appraisal in writing thereof and file same with the Recorder, which appraisal shall constitute a minimum price for the sale of such real property. The party making the application to purchase, if willing to pay not less than such minimum price, shall then deposit with the Recorder a sum of money sufficient to meet the cost of the advertising hereinafter provided for and thereupon the Recorder shall cause a notice to be published in a newspaper published in the City of Bend in three issues one week apart that on a date not less than fifteen days after the first publication of said notice said real property will be offered for sale to the highest bidder at public auction at the front door of the City Hall at an hour between ten o'clock a.m. and four o'clock p.m. at not less than the appraised price which shall be stated in said notice together with cost of advertising; and said notice shall also state the terms of sale. If, at such sale, the applicant becomes the purchaser his deposit shall be applied upon the purchase price and if another person purchases said real estate then such deposit shall be returned to applicant; but if applicant or another does not bid at least the appraised value, plus cost of advertising; then such deposit shall be forfeited to the City of Bend, except that the provisions of this section shall not apply to sale of properties in the "I-Industrial District or C-III Central Commercial District" zone as set forth in Ordinance No. NS-342 of the City of Bend.

EMERGENCY CLAUSE: Inasmuch as it is necessary for the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for the ordinance to become immediately operative upon the passage hereof in that the City Commission of the City of Bend has been appraised of certain changes contemplated which would immediately improve the downtown area of Bend and would remove a hazardous building in the event of a sale of certain property in the C-III Central Commercial District and it is deemed in the best interest of the City of Bend to make such a sale immediately possible,

NOW THEREFORE, AN EMERGENCY IS HEREBY DECLARED TO EXIST and upon the passage hereof by the affirmative vote of all members of the Commission the ordinance shall become immediately operative.

Read for the first time April 3, 1959.
Read for the second time April 15, 1959.
Placed upon its passage this 15th day of April, 1959.
YEAS: 6 NAYS: 0
Submitted to and approved by the Mayor this 15th day of April, 1959.

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

Jack C Dempsey
Mayor

ORDINANCE NO. NS-531

AN ORDINANCE AMENDING SECTION 20 OF ORDINANCE NO. NS-429 BY EXCLUDING FROM ITS TERMS THE USE OF MOTOR AND STEAM PROPELLED BOATS UPON THE DESCHUTES RIVER AS PART OF THE 1959 CENTENNIAL CELEBRATION:

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 20 of Ordinance No. NS-429 is hereby and herewith repealed and the following Section 20 is substituted therefor::

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 except that this restriction shall not apply to any such person officially engaged in the State of Oregon Centennial celebration during the year 1959.

Read for the first time May 6, 1959.

Read for the second time May 20, 1959.

Placed upon its passage May 20, 1959.

YEAS. 7 NAYS 0

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

Jack C Dempsey
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-532

AN ORDINANCE SETTING FORTH SERVICE CHARGES FOR PRIVATE SERVICES RENDERED BY THE BEND CITY POLICE DEPARTMENT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Inasmuch as the Police Department of the City of Bend is being called upon to provide services in the form of information from its files, photographs from its photographic laboratory, copies of certain of its reports, fingerprints from its fingerprint laboratory, for private purposes and other services and reports of divers nature;

AND WHEREAS the providing of such service and reports does entail an increase in the work load on the Police Department;

AND WHEREAS it is felt that certain of these reports and services should be called upon to carry their own particular burden insofar as costs are concerned;

NOW THEREFORE, the Police Department of the City of Bend is authorized and directed to charge and collect for such services in accordance with the following schedule:

a. For searching records for information relative to passports, a fee of $2 for each original letter, and 50 cents for each additional copy thereof, shall be charged.

b. For searching of records for information in response to inquiries received from any private or civilian organization or from investigators engaged in private practice or those employed on behalf of any business enterprise, a fee of $2 for each original letter, and 50 cents for each additional copy thereof shall be charged.

c. For copying of original reports or statements pertaining thereto, a fee of $2 for each original page or letter, and 50 cents for each additional copy thereof, shall be charged.

d. For taking fingerprints for civilians or civilian organizations a fee of $1 for each fingerprint card rolled shall be charged. For the providing of prints of photographs originally taken for official purposes, a fee of $1 for each such print shall be charged for the first print thereof, and an additional charge of 25 cents for each additional copy thereof.

e. For all other records and information not otherwise herein provided for that shall be provided by the City Police Department, a charge of $2 for the first page of the original letter shall be made, with an additional charge of 50 cents for each additional page or each additional copy thereof.

f. Nothing in this section shall be construed as applying to any City, County, State or Federal agency or subdivision thereof which shall make request for any of the above information, nor shall said section be interpreted in any way as giving to any person the right to secure any report or other information not now available to said person or organization upon request.

Section 2. The City of Bend Police Department will keep a full and complete record of all fees collected under the authority of this ordinance and shall remit the same to the City Treasurer at stated intervals. The City Treasurer shall credit the amounts so received to the General Fund of the City of Bend.

Read for the first time this 6th day of May, 1959.
Read for the second time this 20th day of May, 1959. YEAS: 7 NAYS: 0
Placed upon its passage this 20th day of May, 1959.

Submitted to and approved by the Mayor this 20th day of May, 1959.

ATTEST:
Julia S. Johnson
Recorder of the City of Bend

Jack C. Dempsey
Mayor

NS-532

Repealed by ORD. NO. NS-1399

ORDINANCE NO. NS-533

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Commission of the City of Bend having by this ordinance elected to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend, does hereby and herewith set by this ordinance the fifteenth (15th) day of July, 1959, at 7:45 p.m., as the day and time fixed for a public hearing before the legislative body of the City of Bend at which time the registered voters of the City of Bend may appear and be heard on the question of the aforesaid annexation. Notice of this aforesaid hearing shall be published once each week for two successive weeks in a newspaper of general circulation within the City of Bend and shall further cause notices of the hearing to be posted in four public places in the City for a like period.

SECTION 2. A copy of this ordinance shall be used as the required notice as above set forth.

SECTION 3. The property which is the subject of this ordinance and which is proposed to be annexed to the City of Bend is located within the County of Deschutes, State of Oregon, more particularly described as follows:

Lot One (1), Block Five (5), Ellis Subdivision

SECTION 4. This ordinance shall be published June 30 and July 7, 1959.

SECTION 5. AND WHEREAS the owner of the above described real property is desirous of immediate construction of residences on the said property, and because of the lateness of the season and the interest of the City and the inhabitants thereof indicate the desirability of construction as soon as possible,

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

Read for the first time the 3rd day of June, 1959.

Read for the second time the 17th day of June, 1959

Placed upon its passage the 17th day of June, 1959.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 17th day of June, 1959.

Jack C. Dempsey
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend,

ORDINANCE NO. NS-534

AN ORDINANCE ANNEXING TO THE CITY OF BEND CERTAIN REAL PROPERTY AS DESCRIBED IN THE WITHIN ORDINANCE; CITING AN ORDINANCE DISPENSING WITH SUBMITTING THE QUESTION OF THE ANNEXATION TO THE REGISTERED VOTERS OF THE CITY OF BEND; AND RECOGNIZING THE RECEIPT OF CONSENTS TO ANNEXATION FROM THE PROPERTY OWNERS OF THE PROPERTY WITHIN THE TRACT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. The legislative body of the City of Bend does by the enacting of this Ordinance recognize the following facts:

a. That under date of June 17, 1959, Ordinance No. NS-533 was passed by the City of Bend wherein the said City Commission of the City of Bend did elect to dispense with submitting the question of the annexation of the following described lands and property to the registered voters of the City.

b. That the aforesaid Ordinance No. NS-533 was published once a week for two successive weeks in the Bend Bulletin, a newspaper of general circulation within the City of Bend. That said Ordinance was also posted in four public places within the said City of Bend. That said publication and posting ran concurrently.

c. That within the said Ordinance No. NS-533 there was also given notice of a public hearing to be held on the aforesaid annexation proceedings which said public hearing was to be held on the 15th day of July, 1959, at the hour of 7:45 p.m., in the Commission Chambers in the City Hall in Bend, Oregon. That at said public hearing no persons appeared to remonstrate against the proposed annexation.

d. That at the time of the public hearing as set forth above there was presented to the City Commission of the City of Bend consents to annexation by 100% of the property owners of the property described to be annexed.

SECTION 2. NOW, THEREFORE, the City Commission of the City of Bend, the legislative body of said City, does hereby proclaim that the following described property located within the County of Deschutes and State of Oregon shall be and the same hereby is annexed to the City of Bend and shall become a part thereof. That the said property is more particularly described as follows, to-wit:

Lot One (1), Block Five (5), Ellis Subdivision.

Read for the first time July 15, 1959.

Read for the second time August 5, 1959.

Placed upon its passage August 5, 1959.

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 5th day of August, 1959.

Jack C Dempsey
Mayor

ATTEST:

Juris S. Johnson
Recorder of the City of Bend

No. 5032

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 11th day of September A. D. 1959 at 10:48 o'clock A M and recorded in book 123 on pages 147 Record of Deeds

Helen M. Dorsey County Clerk

By Rosemary Sotteberg Deputy

Indexed

4502

ORDINANCE NO. NS-535

AN ORDINANCE VACATING A PORTION OF LYTLE STREET LOCATED IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

That portion of Lytle Street from the north line of East Seward Avenue to the south line of East Thurston Avenue, as shown on the official map thereof on file in the office of the Clerk of Deschutes County.

WHEREAS the City Commission of the City of Bend heretofore on the 6th day of May, 1959, duly and regularly initiated the vacation proceedings to vacate the street area above described in response to a petition for said vacation presented by A. L. Stearns, one of the petitioners, and

WHEREAS, the City Commissioners having considered said vacation proceedings and found them to be in order and to meet the requirements of the law regulating the vacation of streets, and

WHEREAS after due notice as required by law, a public hearing was held at the Commission Chambers at the City Hall in the City of Bend, at 8:00 p.m., on the 17th day of June, 1959, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following portion of the following described street located within the City of Bend, Deschutes County, State of Oregon, more particularly described as:

That portion of Lytle Street from the north line of East Seward Avenue to the south line of East Thurston Avenue, as shown on the official map thereof on file in the office of the Clerk of Deschutes County,

be and the same is hereby vacated.

Read for the first time the 17th day of June, 1959.

Read for the second time the 1st day of July, 1959.

Placed upon its passage the 1st day of July, 1959.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 1st day of July, 1959.

Jack C Dempsey
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

No. 4502

STATE OF OREGON }
County of Deschutes }

I hereby certify that the within instrument of writing was received for Record the 13th day of August A. D. 1959 at 10:46 o'clock A M and recorded in book 123 on pages 1 Record of Deeds

DeLeo McNagey County Clerk
By Laura Bartell Deputy

ORDINANCE NO. NS-536

AN ORDINANCE PROVIDING FOR JURY TRIALS IN THE MUNICIPAL COURT OF THE CITY OF BEND WHEN REQUESTED, SETTING FORTH THE PROCEDURES FOR SELECTION OF JURORS AND DECLARING AN EMERGENCY.

amended by: NS-994 NS-995 NS-1017 NS-1028

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. In all prosecutions for any crime or offense defined and made punishable by any ordinance of the City of Bend the Defendant shall have the right of trial by jury, of six (6) in number, and juries shall be selected from the latest tax roll and registration books used at the last City election in the same manner in which juries are selected for Circuit Courts.

Section 2. For the purposes of this ordinance the Municipal Court sessions of the Municipal Court of the City of Bend shall be divided into terms with each term being for a period of three months with the terms beginning on January 1, April 1, and July 1 and October 1 of each year following passage of this ordinance. The first term of the Municipal Court of the City of Bend shall commence on the effective date of this ordinance and shall continue through December 31st, 1959. Thereafter the terms as defined herein shall commence as set forth herein.

Section 3. Upon the passage of this ordinance and again on January 1, 1961, the reason for the January 1, 1961 date being that the preliminary jury list as provided for herein to be drawn upon the passage of this ordinance shall continue through the year 1960, the Recorder-Treasurer of the City of Bend shall prepare a preliminary list, by lot, of not less than Fifty (50) nor more than Two Hundred and Fifty (250) names of persons taken from the latest tax roll and registration books used at the last City election. The Recorder-Treasurer, in preparing the preliminary jury list shall place thereon only those names of persons who are known or believed to be possessed of the qualifications prescribed in O.R.S. 10.030 and not entitled to exemption as provided in O.R.S. 10.040.

Section 4. The jury panel for each term of court as herein set forth shall be selected on the first day of each term of court and the Recorder-Treasurer shall select twenty-five (25) names of persons by lot from the preliminary jury list to serve as a jury panel until the next panel is selected. No person shall be required to serve more than one term during any calendar year. A jury panel shall be selected upon the passage of this ordinance and thereafter at the first day of each term of court, except that none shall be selected on October 1, 1959, as the panel selected upon the passage of this ordinance shall serve until the panel is selected for the term beginning January 1, 1960. The jury panel shall be selected by the Recorder-Treasurer in the presence of the Municipal Judge. No challenge shall be made or allowed to the panel and substantial compliance with this ordinance for selecting the panels shall be sufficient.

Section 5. For the selection of the trial jury the following procedure shall pertain: at least three (3) days, excluding Sundays and legal holidays, prior to the trial date the Defendant or his attorney and the City Attorney shall appear before the Municipal Judge for the selection of the jury. The time and place of said selection shall be as is designated by the Court and the Judge thereof shall notify the Defendant or his attorney and the City Attorney of such time and place. The Judge shall then select by lot six (6) names of persons from the jury panel. The Defendant or his attorney may then challenge by peremptory four (4) of the prospective jurors and the City may challenge by peremptory two (2) of the prospective jurors. The order of challenges shall be that the Defendant or his attorney may challenge two (2) and then the City Attorney may challenge one (1), and then the Defendant or his attorney may again challenge two (2) and the City Attorney may challenge one (1). Additional names shall be selected by lot to replace those jurors challenged. When six jurors have been selected they shall be notified to appear at trial at the appointed time and place and shall constitute the trial jury.

Section 6. Those jurors notified and who appear at trial shall receive compensation from the City of Bend in the amount of Five Dollars ($5.00) for each day of attendance upon a Municipal Court.

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

Repealed by ORD No. NS-1399

Section 8. In addition to the procedures outlined herein for the providing of a jury trial, any of the parties or their attorneys, on giving notice thereof to the Municipal Judge in writing together with the deposit of $30.00 jury fee at least six (6) days, excluding Sundays and legal holidays, prior to the trial date set by the Municipal Court, may choose to be tried by a jury selected in accordance with the procedures as set forth in the Oregon Revised Statutes for a trial by jury in Justice Courts in the State of Oregon in which case Justice Court rules shall apply.

Section 9. In order for a person to have the right of trial by jury under the rules as provided herein he must give notice thereof to the Municipal Judge in writing, together with the deposit of Thirty Dollars ($30.00) jury fee at least six (6) days, excluding Sundays and legal holidays, prior to the trial date set by the Municipal Court. If the Defendant is acquitted by the jury, the jury fee deposited by the Defendant shall be refunded to him.

Section 10. The Municipal Judge shall have all inherent and statutory duties of a Justice of the Peace within the jurisdictional limits of the City of Bend. The Chief of Police shall assist the Judge in the serving of subpoenas, notices of jury duty and such other orders of the Court necessary for the proper conduct thereof. The Municipal Judge may hold any prospective juror who disregards a notice of jury duty in contempt of court and may punish said juror by fine of not more than One Hundred Dollars ($100.00) or by imprisonment in the City Jail for not more than fifty (50) days or by both such fine and imprisonment.

Section 11. This ordinance shall in no way affect the provisions of Ordinance No. NS-465 with regard to court costs and that said ordinance shall continue to be in force and effect notwithstanding this within ordinance.

Section 12. EMERGENCY CLAUSE. Inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend and the inhabitants hereof for this ordinance to become immediately operative upon the passage hereof in that the State Statutes of the State of Oregon have made provision for jury trials in the municipal courts of the State of Oregon, and inasmuch as no procedure is presently set up within the City of Bend for the conduct of such trials and this within ordinance is intended to provide such procedure and further that the State law is now effective and that the City of Bend must provide this procedure immediately in order to comply with the aforesaid State law,

NOW, THEREFORE, AN EMERGENCY IS HEREBY DECLARED TO EXIST and upon the passage hereof by the affirmative vote of all members of the Commission this ordinance shall become immediately operative.

Read for the first time August 5, 1959.

Read for the second time September 16, 1959.

Placed upon its passage this 16th day of September, 1959.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 16th day of September, 1959.

Jack C Dempsey
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-537

AN ORDINANCE REPEALING SECTION 17, ORDINANCE NO. NS-372 AND SECTION 1 OF ORDINANCE NO. NS-501; RECITING THE TERMS OF RESOLUTION NO. 666 MAKING THE UNIFORM BUILDING CODE, 1958 EDITION, VOLUME 1, AN OFFICIAL RECORD OF THE CITY OF BEND, INCORPORATING THE SAME BY REFERENCE AS PART OF THIS ORDINANCE; DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That Section 17 of Ordinance No. NS-372 (5-110) shall be and the same hereby is repealed.

Section 2. That Section 1 of Ordinance No. NS-501 (5-110e) shall be and the same hereby is repealed.

Section 3. That the City of Bend has as of the 16th day of September, 1959, by resolution duly passed considered, read and approved the provisions of the Uniform Building Code, 1958 Edition, Volume 1 and has by said resolution made the same a part of the official records of the City of Bend and has also made provision for placing at least 3 copies of the same on file with the other official records of the City of Bend.

Section 4. That said Uniform Building Code, 1958 Edition, Volume 1, except Section 6004 thereof relating to effective date shall be and the same hereby is incorporated by reference as a part of this ordinance, the same as if it were spread verbatim in this ordinance and from and after the effective date of this ordinance all buildings or other structures coming within the provisions of the said Uniform Building Code, 1958 Edition, Volume 1, shall be erected, altered or repaired in conformity therewith and all other provisions of said Uniform Building Code shall be complied with by the various officials and employees of the City of Bend.

Section 5. EMERGENCY CLAUSE. Inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend and the inhabitants hereof for this ordinance to become immediately operative upon the passage hereof in that the City of Bend and the inhabitants thereof are presently experiencing considerable activity in the fields covered by the proposed code and that the same should be covered by the provisions thereof without question and that presently there is some question thereto and to alleviate these questions it is necessary for this ordinance to become immediately operative,

NOW THEREFORE, AN EMERGENCY IS HEREBY DECLARED TO EXIST and upon the passage hereof by the affirmative vote of all members of the Commission this ordinance shall become immediately operative.

Read for the first time: September 16, 1959.
Read for the second time: October 7, 1959.
Placed upon its passage the October 7, 1959.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 7th day of October, 1959.

Jack C Dempsey
Mayor

ATTEST:

Julia S Johnson
Recorder of the City of Bend

9-104-w
10 c

ORDINANCE NO. NS- 538

AN ORDINANCE AMENDING ORDINANCE NO. NS-342 BY CHANGING A PART OF THE R-RESIDENCE DISTRICT AS HEREIN DEFINED TO A C-III-a COMMERCIAL DISTRICT AND ADOPTING BY REFERENCE THE USES, REGULATIONS AND RESTRICTIONS OF SUCH ZONE TO THE WITHIN DESCRIBED AREA

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That that portion of Ordinance No. NS-342, to-wit: Part I of Section 1, adopting a "Zoning Map of the City of Bend, Oregon" and the zoning map itself, together with Part III, Section 15 of said Ordinance No. NS-342 establishing the boundaries of districts by reference to the official zoning map of the City of Bend, Oregon, shall be amended soas to change the presently constituted R-Residence District as herein defined, to-wit:

Lots Five, Six, Seven and Eight, Block Eleven, Center Addition to the City of Bend as shown on the official plat thereof on file in the office of the Clerk of Deschutes County, Oregon

from R-Residence District to C-III-a Commercial District.

SECTION 2. That the allowable uses, regulations and restrictions pertaining to the said C-III-aCommercial District as herein constituted, shall be those as are set forth in Ordinance No. NS-436 (9-104-e) which said uses, regulations and restrictions are herewith incorporated into this within ordinance by reference and thereby made a part hereof so as to make the same applicable to the within described area.

Read for the first time the 21st day of October, 1959.

Read for the second time the 4th day of November, 1959.

Placed upon its passage the 4th day of November, 1959.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 4th day of November, 1959.

Jack C Dempsey
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend.

6062

VOL 123 PAGE 426

ORDINANCE NO. NS-539

AN ORDINANCE VACATING THE FOLLOWING ALLEY LOCATION DESCRIBED AS FOLLOWS:

The Alley in Block Fifteen (15), Bend View Addition to the City of Bend as shown on the official map thereof on file in the office of the Clerk of Deschutes County, Oregon.

WHEREAS the City Commission of the City of Bend heretofore on the 2nd day of September, 1959, duly and regularly on its own motion under the authority of Sec. 271.130 O.R.S., initiated vacation proceedings for said above described alley, and

WHEREAS the City Commissioners having considered said matter and having determined that the proposed vacation will not materially affect the market value of any abutting property, and

WHEREAS the vacation proceedings appear to be in order and to meet the requirements of law regulating the vacation of streets, and

WHEREAS after due notice as required by law, a public hearing was held in the Commission Chambers of the City Hall in the City of Bend on the 21st day of October, 1959, at 7:45 pm, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following described alley, located in the City of Bend, County of Deschutes, State of Oregon, more particularly described as:

The Alley in Block Fifteen, Bend View Addition

be and the same is hereby vacated.

Read for the first time this 21st day of October, 1959

Read for the second time this 4th day of November, 1959

Placed upon its passage this 4th day of November, 1959

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 4th day of November, 1959.

CITY OF BEND, DESCHUTES COUNTY, OREGON

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

Jack C Dempsey
Mayor

6062

No. _____

STATE OF OREGON }
County of Deschutes }

I hereby certify that the within instrument of writing was received for Record the 10th day of Nov. A. D. 1959 at 3:40 o'clock P M and recorded in book 123 on pages 426 Record of Deeds

Fred M. A... County Clerk

By _____ Deputy

Indexed

ORDINANCE NO. NS-540

AN ORDINANCE VACATING A PLATTED AREA WITHIN THE CITY OF BEND, DESCHUTES COUNTY, OREGON, MOREPARTICULARLY DESCRIBED AS FOLLOWS:

All lots and the alley in Block 11, Riverside Addition, lying west of the west line of the alley bordering Lots 13 to 16, inclusive, also

The alley in Block 8, Orokla Addition bordering the south line of Lots 3, 4, and 5 of said Block 8, Orokla Addition.

WHEREAS the City Commission of the City of Bend heretofore on the 16th day of September, 1959, duly and regularly initiated the necessary proceedings to vacate the platted area as above described on its own motion, and

WHEREAS the City Commissioners having considered the said vacation proceedings to vacate the platted area above described and found it to be in order and to meet the requirements of the law regarding the vacation of plats and

WHEREAS after due notice as required by law, a public hearing was held in the City Commission Room in the City Hall, in the City of Bend, at 7:45 p.m., on November 18, 1959, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following platted area located within the City of Bend, County of Deschutes, State of Oregon, more particularly described as:

All lots and the alley in Block 11, Riverside Addition, lying west of the west line of the alley bordering Lots 13 to 16, inclusive, also

The alley in Block 8, Orokla Addition bordering the south line of Lots 3, 4, and 5, of said Block 8, Orokla Addition.

be and the same is hereby vacated.

This within vacation shall only take effect upon the consummation of a proposed filing of a replat covering the above described area.

EMERGENCY CLAUSE: Inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof in that this plat vacation has been requested in furtherance of the operation of a nursing home, and that such a home appears to be necessary within the City of Bend to relieve the pressure currently being placed on the county operated home where crowded conditions presently exist,

NOW, THEREFORE, AN EMERGENCY IS HEREBY DECLARED TO EXIST and upon the passage hereof by the affirmative vote of all members of the commission this ordinance shall become immediately operative.

Read for the first time November 18, 1959
Read for the second time December 2, 1959
Placed upon its passage December 2, 1959.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 2nd day of December, 1959.

Jack C Dempsey
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-540

ORDINANCE NO. NS-541

AN ORDINANCE AMENDING ORDINANCE NO. NS-435 by adding thereto certain wording extending the time of operation of sound trucks until 9:00 o'clock P.M.

SECTION 1. Ordinance No. NS-435 (3-215) shall be and the same is hereby amended by adding to sub-section (e) (2) of Section 2 the following wording:

"except that sound trucks as herein defined broadcasting carols, folk songs and other music of general interest by non-profit organizations may be operated until 9:00 p.m."

EMERGENCY CLAUSE:

Inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof in that the Christmas season is rapidly approaching and certain groups within the City of Bend desire to further revere the holiday by broadcasting Christmas carols in commemoration of the season of Christmas and it is deemed to be in the best interest of the City of Bend to so assist in this reverent effort,

NOW, THEREFORE, AN EMERGENCY is hereby declared to exist and upon the passage hereof by the affirmative vote of all members of this Commission this ordinance shall become immediately operative.

Read for the first time December 2, 1959

Read for the second time December 16, 1959
Placed upon its passage December 16, 1959
Submitted to and approved by the Mayor this 16th day of December, 1959

YEAS: NAYS:

Jack C Dempsey
Mayor

ATTEST:

Recorder of the City of Bend

NS 541

ORDINANCE NO. NS-542

AN ORDINANCE providing for the issuance of City of Bend Improvement Bonds in the sum of $40,000.00; providing and approving the form of the bonds to be issued and the coupons attached thereto; providing for the advertisement and sale of said bonds, and declaring an emergency.

* * * * * * * * * * *

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

WHEREAS the owners of the property so assessed for such street improvements in the sum of Twenty-five Dollars ($25.00) or more, aggregating in all the sum of $40,000.00, have within ten (10) days after notice of such assessment was first published, filed with the City Recorder of the said City, written applications to pay said assessments in instalments, each and all of which written applications did state that said applicant and property owner does thereby waive all irregularities or defects, jurisdictional or otherwise, in the proceedings to improve the street for which said assessment is levied, and in the apportionment of the cost thereof; and

WHEREAS, in no application received as aforesaid did the amount of such assessment, including all unpaid assessments or previously bonded liens exceed double its assessed valuation as shown by the last tax roll of Deschutes County; except insofar as those applications made by educational, religious, fraternal, charitable or public corporations; and

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

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

WHEREAS, after the expiration of the time for filing applications for the payment of assessments for said improvements by instalments as provided by

law, the City Recorder did enter in a docket kept for that purpose, under separate heads for each street by name or number, a description of each lot, parcel of land, or other property, against which such assessment is made, or which bears or is chargeable for the cost of such improvement, with the name of the owner and the amount of such unpaid assessment; and

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the City of Bend shall issue bonds in the name of and under the corporate seal of said City in the amount of Forty Thousand and no/100 ($40,000) Dollars, in the denomination of One Thousand ($1,000) Dollars each, numbered consecutively from 1 to 40, both numbers inclusive, said bonds to bear date of April 1, 1960, to be signed by the Mayor and countersigned by the Recorder of the City of Bend and the corporate seal of said City to be affixed thereto and said bonds shall, by the terms thereof, mature serially at the rate of Four Thousand ($4,000) Dollars on the first day of April in each of the years 1961 to 1970, inclusive. All of said bonds which mature after April 1, 1962, shall be subject to call and redemption on April 1, 1962, and on any semi-annual interest paying date thereafter, shall bear interest at the rate of not to exceed six percent (6%) per annum, interest payable semiannually, said interest to be evidenced by coupons attached to said bonds, which said coupons shall have the signature of the Mayor and the signature of the Recorder of the City of Bend lithographed thereon, which bonds, together with the interest thereon, shall be payable at the office of the Treasurer of the City of Bend, and shall be known as City of Bend Improvement Bonds, Series 9.

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

No. _____ $1,000.00

UNITED STATES OF AMERICA

STATE OF OREGON

COUNTY OF DESCHUTES

CITY OF BEND IMPROVEMENT BOND

SERIES 9

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

ONE THOUSAND DOLLARS

in lawful money of the United States on the presentation and surrender of this obligation on the 1st day of April, 19__, without grace, with interest thereon, at the rate of __ percent (__%) per annum, payable semiannually on the 1st days of April and October of each year on the presentation and surrender of the proper coupons hereto annexed, principal and interest payable at the office of the Treasurer of the City of Bend, Oregon.

This bond is one of a series of bonds authorized by and under the provisions of the Charter of said City and Chapter 223-205 Oregon Revised Statutes, et seq. as amended, providing for the issuance of bonds for street and sewer improvements and for the payment of the costs of such improvements, and is an obligation of the City of Bend aforesaid, and it is further certified that all of the requirements of law have been fully complied with by the proper officers in the issuances of this bond.

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

IN WITNESS WHEREOF this bond has been signed by the Mayor and countersigned by the Recorder of the City of Bend, and the corporate seal of said City hereto affixed this 1st day of April, 1960.

_____
Mayor

Countersigned:

_____
Recorder

On the face of all bonds maturing after April 1, 1962, add a paragraph reading:

This bond is subject to call and redemption on April 1, 1962, and on any semiannual interest paying date thereafter.

(COUPON)

No._____ $_____

THE CITY OF BEND, STATE OF OREGON, will pay to bearer on the first day of APRIL / OCTOBER 19__

_____ DOLLARS

in lawful money of the United States at the office of the Treasurer of the City of Bend, being six months' interest on Improvement Bond No. _____, Series 9.

_____
Mayor

Countersigned:

_____
Recorder

On all coupons maturing after April 1, 1962, add the following:

unless said bond is sooner redeemed, as therein provided, which redemption will render this coupon void.

SECTION 3. The Recorder is hereby authorized and instructed to advertise the aforesaid bonds for sale at the Commission meeting to be held on the 17th day of February, 1960, by the insertion of an advertisement thereof once each week for two successive weeks in the Bend Bulletin, a newspaper published in the City of Bend.

SECTION 4. WHEREAS the improvements referred to herein have been completed and it is necessary to procure funds to pay for same, and it is necessary for the peace, health and safety of the inhabitants of the City of Bend that this ordinance take effect immediately, NOW, THEREFORE, AN EMERGENCY IS declared to exist and this ordinance shall take effect immediately after its enactment and approval.

Read for the first time January 6, 1960
Read for the second time January 20, 1960
YEAS: 6 NAYS: 0
Submitted to and approved by the Mayor this 20th day of January, 1960.

William E. Miller
Mayor

Julia S. Johnson
Recorder

ORDINANCE NO. NS-543

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Commission of the City of Bend, having by this ordinance elected to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend, does hereby and herewith set by this Ordinance the sixteenth (16th) day of March, 1960, at 7:45 p.m., as the day and time fixed for a public hearing before the legislative body of the City of Bend at which time the registered voters of the City of Bend may appear and be heard on the question of the aforesaid annexation. Notice of this aforesaid hearing shall be published once each week for two successive weeks in a newspaper of general circulation within the City of Bend and shall further be posted in four public places in the City for a like period.

SECTION 2. A copy of this ordinance shall be used as the required notice as above set forth.

SECTION 3. The property which is the subject of this Ordinance and which is proposed to be annexed to the City of Bend is located within the County of Deschutes, State of Oregon, more particularly described as follows:

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER (SE¼SE¼) SECTION 30, TOWNSHIP 17 SOUTH RANGE 12, EAST OF THE WILLAMETTE MERIDIAN; and

THE SOUTH THREE HUNDRED (300) FEET OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE¼SE¼), SECTION 30, TOWNSHIP 17 SOUTH RANGE 12, EAST OF THE WILLAMETTE MERIDIAN

SECTION 4. This Ordinance shall be published FEBRUARY 23 and MARCH 1, 1960.

SECTION 5. EMERGENCY CLAUSE:

Inasmuch as it is necessary in order to protect the peace, health and safety of the inhabitants of the City of Bend in that the property which is the subject of this ordinance contains thereon a City water reservoir and allied facilities and that certain questions and suggestions have been made for further use and development of the area and that such questions and uses indicate a need for this within described land to be annexed to the City of Bend at the earliest possible time, it is therefore necessary for this ordinance to become effective and operative immediately upon the passage hereof, NOW THEREFORE,

AN EMERGENCY IS HEREBY DECLARED TO EXIST and this ordinance shall become immediately operative and effective upon the passage thereof by unanimous vote of the City Commission of the City of Bend.

READ FOR THE FIRST TIME FEBRUARY 3, 1960
READ FOR THE SECOND TIME FEBRUARY 17, 1960
PLACED UPON ITS PASSAGE FEBRUARY 17, 1960
YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 17th day of February, 1960.

William E. Miller
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS 544

AN ORDINANCE AMENDING ORDINANCE NO. NS-120 BY ADDING TWO SECTIONS THERETO MAKING IT UNLAWFUL TO PERMIT DOGS RUNNING IN PACKS, ADOPTING PENALTIES AND CONTROL PROVISIONS AND DECLARING AN EMERGENCY

SECTION 1. Ordinance No. NS-120 (6-101) is hereby and herewith amended by adding to said ordinance new sections which shall be known and identified as Sections 5 and 6 of Ordinance No. NS-120 which wording shall be as follows:

Section 5. No owner or other person having the care, custody or control of any dog shall permit the same to run at large in a pack with other dogs. For the purposes of this ordinance a pack shall be defined as four or more dogs running and/or milling around together without being under control of a human being, regardless of whether the same is being done on public or private property. Penalties for violations hereof shall be those as are set forth in Section 4 of Ordinance No. NS-120.

Section 6. The control provisions of Section 3 of Ordinance No. NS-310 (6-104) pertaining to impounding, release, sale and disposition of dogs shall apply to this within ordinance amendment and are adopted herein by reference. The Police Chief is authorized to set up such control activities as necessity demands.

SECTION 2. EMERGENCY CLAUSE: Inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof in that the problem of dog packs is becoming more acute daily,

NOW, THEREFORE, an emergency is hereby declared to exist and upon the passage hereof by the affirmative vote of all members of the Commission this ordinance shall become immediately operative.

Read for the first time January 20, 1960
Read for the second time February 3, 1960
Placed upon its passage February 3, 1960

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 3rd day of February, 1960.

William E. Miller
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NO - 544

ORDINANCE NO. NS-545

AN ORDINANCE VACATING ALL THAT PORTION OF THE FOLLOWING DESCRIBED ALLEY AREA LOCATED WITHIN THE CITY OF BEND, COUNTY OF DESCHUTES, STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

That portion of the ALLEY IN BLOCK FOUR (4), STATE HIGHWAY ADDITION to the City of Bend beginning at a point on the south line of Lot Five (5), Block Four (4), State Highway Addition, said point being located 17.5 feet east of the southwest corner of said Lot Five (5); thence southeasterly on a curve to the right whose radius is 30.0 feet and whose central angle is 120° 08' 52" to the south line of said Alley in Block Four (4); thence due east along the south line of said Alley to the east property line of Block Four (4); thence due north 15.0 feet to the north line of said Alley in Block Four (4); thence due west 232.5 feet to the point of beginning.

WHEREAS the City Commission of the City of Bend heretofore on the 16th day of July, 1958, duly and regularly initiated the necessary proceedings to vacate the alley above described on its own motion, and

WHEREAS the City Commissioners having considered the said vacation proceedings to vacate the alley area above described and found them to be in order and to meet the requirements of the law regulating the vacation of alleys, and

WHEREAS after due notice as required by law, a public hearing was held at the Commission Room in the City Hall of the City of Bend at 7:45 p.m., on September 3, 1958, at which hearing no objections or remonstrances to such proposed vacation were presented,

NOW, THEREFORE, THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following portion of the following described alley area located within the City of Bend, County of Deschutes, State of Oregon, more particularly described as:

That portion of the Alley in Block Four (4), State Highway Addition to the City of Bend beginning at a point on the south line of Lot Five (5), Block Four (4), State Highway Addition, said point being located 17.5 feet east of the southwest corner of said Lot Five (5); thence southeasterly on a curve to the right whose radius is 30.0 feet and whose central angle is 120° 08' 52" to the south line of said Alley in Block Four (4); thence due east along the south line of said Alley to the east property line of Block Four (4); thence due north 15.0 feet to the north line of said Alley in Block Four (4); thence due west 232.5 feet to the point of beginning.

be and the same is hereby vacated, provided that nothing herein contained shall cause or require the removal of or abandonment of any sewer, water main, gas main, conduit of any kind, wire, pole or thing used or intended to be used for any public service; and the right hereby is reserved for the owner of any such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild and/or enlarge any and all such things.

Read for the first time this 3rd day of September, 1958.

Read for the second time this 17th day of February, 1960.

Placed upon its passage this 17th day of February, 1960.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 17th day of February, 1960.

William E. Miller
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

Repealed by NS-796

ORDINANCE NO. NS-546

AN ORDINANCE PROVIDING A COMPREHENSIVE ZONING PLAN FOR THE CITY OF BEND, OREGON WHICH DIVIDES THE TOTAL CITY AREA INTO DISTRICTS AND PRESCRIBES REGULATIONS FOR EACH OF THESE DISTRICTS; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ORDINANCE NUMBER N.S. 342 AND ALL AMENDMENTS THERETO AND ALL OTHER ORDINANCES IN CONFLICT THEREWITH.

THE CITY OF BEND ORDAINS AS FOLLOWS:

CHAPTER 1

SHORT TITLE

This ordinance shall be known as the Zoning Ordinance of the City of Bend, Oregon. Adoption hereof shall result in and does hereby repeal Ordinances numbered 342, 359, 381, 411, 412, 436, 444, 445, 446, 453, 456, 467, 468, 471, 472, 479, 482, 483, 493, 498, 507, 510, 513, and 538. All other Ordinances of the City of Bend in conflict herewith are hereby repealed and Ordinances containing only parts thereof in conflict herewith are repealed insofar as the conflicting part thereof is concerned.

A public hearing on this ordinance shall be held by the City Commission and Planning Commission in joint session prior to the final passage of this Ordinance. Such hearing shall be advertised once within the ten-day period prior to such hearing in a newspaper of general circulation within the City of Bend.

CHAPTER 2

PURPOSE

As set forth in the Oregon Revised Statutes 227.210 to 227.280 the primary purpose of this ordinance is to promote and protect the public health, safety, morals, order and general welfare by a comprehensive zoning plan. This plan divides the City into districts or zones and establishes regulations for each district. With regard to the existing conditions and also the proper use of land this ordinance regulates and restricts the use of land, buildings and structures for residence, trade, industry and other purposes. This ordinance also regulates and limits the height of buildings and structures and the size of yards and other open spaces.

These regulations are deemed necessary to provide adequate light and air, to prevent the overcrowding of land and thereby avoiding undue concentration of population, to lessen congestion on streets, to secure safety from fire, panic and other dangers, to facilitate the adequate provisions for transportation, water, sewage, schools, parks and recreation and other public requirements, to conserve the value of property and bring about the most appropriate use of land; all in accordance with a comprehensive plan.

CHAPTER 3

DEFINITIONS

SECTION 3.1 For the purpose of this ordinance certain words and terms are herewith defined. The words "used for" include "designed for" and vice versa. Words used in the present tense include the future; words in the singular number include the plural and vice versa. The word "building" includes "structure". The word "lot" includes the phrase "parcel of land". The word "shall" is mandatory and not directory.

ACCESSORY BUILDING: An accessory building is a building subordinate to the main building.

ACCESSORY USE: The use of land, or of a subordinate building or portion of a main building, such use being accessory or incidental to the principal use of the premises.

ALLEY: A public way which affords a secondary means of access to abutting property.

APARTMENT HOTEL: A building or portion thereof designed for or containing individual guest rooms or suites of rooms and dwelling units.

APARTMENT HOUSE: Same as DWELLING, MULTIPLE-FAMILY.

AUTOMOBILE SERVICE STATION: A building or portion thereof and land used for supplying fuel, oil and minor accessories and services for automobiles at retail direct to the customer.

AUTOMOBILE AND TRAILER SALES AREA: An open area, other than a street, used for the display, sale or rental of new or used passenger automobiles and/or house trailers and where no repair work is done except minor incidental repair of passenger automobiles and house trailers to be displayed, sold or rented on the premises.

AUTOMOBILE WRECKING: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or partially dismantled, obsolete or wrecked vehicles or their parts.

BASEMENT: A story of a building having more than one-half of its height above the average finished ground elevation at the building. A basement shall be considered a story in the height measurement of a building.

BOARD: Shall mean the "BOARD OF ADJUSTMENT".

BOARDING HOUSE, LODGING HOUSE, ROOMING HOUSE; A building or portion thereof, other than a hotel, where lodging and/or meals for three (3) or more persons are provided for compensation.

BUILDING: A structure having a roof, supported by columns or walls for the housing or enclosure of persons, animals or chattels when the same is of a permanent-type nature and excluding such structures as are not within the normal connotation of the term "building" such as islands for gas pumps, small garden tool sheds and other structures of like nature.

BUILDING, HEIGHT OF: The vertical distance measured from the curb level to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof or to the mean height level between eaves and ridge for a gable, hip, or gambrel roof, providing, however, that where buildings are set back from the street line, the height of a building may be measured from the average elevation of the finished grade along the front of the building.

CAMP, TOURIST OR TRAILER COURT: Any area or tract of land used or designed to accommodate two (2) or more camping parties, house trailers and other camping outfits and their toilet, bathing and laundry facilities, not including motels.

CELLAR: A story of a building having more than one-half of its height below the average finished ground elevation at the building. A cellar shall not be considered a story in the height measurement of a building.

COMMISSION: City Planning Commission.

CONVALESCENT HOME: Same as Nursing Home.

CURB LEVEL: The elevation of the established curb in front of the building measured at the center of such front. Where no curb level has been established the City Engineer shall establish such level for the purposes of this ordinance except that this requirement shall be tempered with the idea of practicality in its application so that the City Engineer within the limits of available budgetary monies and time will accomplish as much establishment of curb level as is reasonable and he shall not be expected to establish curb levels on isolated streets where construction or contemplated construction does not indicate the expenditure of time and money for such establishment to be practical.

DWELLING: A building or portion of a building designed exclusively for residential occupancy, including one-family, two-family and multiple-family dwellings but not including hotels, boarding or lodging houses.

DEWLLING, ONE-FAMILY: A detached building designed exclusively for the occupancy by one (1) family.

DWELLING, TWO-FAMILY: A building designed exclusively for occupancy by two families living independently of each other, including duplex.

DWELLING, MULTIPLE-FAMILY: A building or portion thereof, designed for occupancy by three or more families living independently of each other, including apartment house.

DWELLING, UNIT: A unit in a dwelling or apartment hotel designed for occupancy by one family in the nature of a permanent living place as distinguished from a hotel room which is of a temporary nature. On buildings constructed after the effective date of this ordinance a dwelling unit shall be defined, in addition to the above, as being two or more rooms, bathroom and kitchen, designed for occupancy by one family, in a dwelling or apartment hotel.

DWELLING, ROW: A row of three (3) to five (5) attached one family dwellings, not more than two and one-half (2½) stories in height, nor more than two (2) rooms deep, with the exception of the end houses which may not be more than three rooms deep. No row house shall exceed five (5) dwellings or one hundred (100) feet in breadth.

FAMILY: One or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, hotel, clubhouse, fraternity house, sorority house or dormitory.

FLOOR AREA, GROSS: The total floor area, in square feet, contained within the walls of a building.

FRONTAGE: All property fronting on one side of a street and measured along the street line, between intersecting and intercepting streets or between a street and a right-of-way, water way, end of a dead end street or city boundary. The term frontage shall also apply to the area of a lot which shall abut on a street or other public way when by the general nature of the building erected thereon it can be reasonably concluded that the structure is intended to front on that particular street or other public way.

GARAGE, PRIVATE: A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises, and shall also include a building or an accessory building or portion of a main building which could be used for the temporary storage of automobiles by the occupants thereof but which is instead rented to other persons.

GARAGE, PUBLIC: A building other than a private garage used for the care, repair

or equipment of automobiles or where such vehicles are parked or stored for remuneration hire or sale.

HOME OCCUPATION: A minor occupation carried on by the occupant of a dwelling as a secondary use of the premises with no other person or persons employed, the said home occupation being subservient to the principal use of the dwelling as a home. The same shall not be offensive to the premises or the neighborhood and shall not be in the nature of a retail store business as permitted in the various commercial zones herein set forth. The term shall not include businesses of a mechanical nature causing noise and/or vibration or create odors of an offensive nature, nor shall the term include a paint storehouse and mixing room, a licensed electrician's workshop and storage space or a licensed plumber's principal place of business or other like activities.

HOTEL: A place where transients and travelers and others of more permanent nature may obtain lodging for either one night or more where for a daily, weekly or monthly rate for said lodging is charged and wherein the rooms are located within one central building or if more than one building is used the said buildings are attached together with hallways and other closed means of access and also where there is generally no provision made for cooking in any individual room or apartment.

LOADING SPACE: An off-street space within a building or on the same lot with a building for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which space has direct access to a street, alley or public way.

LODGING HOUSE: Same as "Boarding House".

LOT: A parcel of land occupied, intended to be occupied, or capable of being occupied by a main building or unit group of buildings and accessory buildings, together with yards, open spaces and yard area as are required by this ordinance and having its principal frontage on a street or other public way.

LOT, CORNER: A lot situated at the intersection of two or more streets.

LOT, INTERIOR: A lot other than a corner lot.

LOT, THROUGH: A lot having frontage on two (2) parallel or approximately parallel streets.

LOT, OF RECORD: A lot which has been recorded, as required by the laws of the State of Oregon, in the office of the County Recorder of Deschutes County.

LOT, LINES: The lines bounding a lot as defined herein.

LOT, WIDTH: The mean or average, horizontal, distance between side lot lines.

LOT, DEPTH: The mean or average, horizontal, distance between the front lot line and the rear lot line.

NURSERY, DAY: Any institution, establishment or place in which are commonly received at one time three or more children, not necessarily of common parentage, under the age of fourteen (14) years, for a period or periods not to exceed twelve (12) hours for the purpose of being given board, care and training apart from parents or guardians for compensation or reward.

NURSING HOME: A home or institution maintained or operated for the nursing and care of four or more ill or infirm adults not requiring hospital care or hospital facilities.

NON-CONFORMING BUILDING: A building or structure or portion thereof lawfully existing at the time this ordinance became effective, or any amendments thereto, which was designed, erected or structurally altered, for a use that does not conform to the use regulations of the district in which it is located.

NON-CONFORMING USE: A use which lawfully occupied a building or land at the time this ordinance or any amendment thereto became effective and which does not conform to the use regulations of the district in which it is located.

PARKING AREA, PUBLIC: An open area, other than a street, used for the temporary parking of more than four (4) automobiles and available for public use either with or without compensation or as an accommodation to customers and clients.

PERFORMANCE STANDARD: A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, glare or heat generated by or inherent in uses of land or buildings.

PARKING SPACE: A clear, off-street area for the temporary parking or storage of one (1) automobile of a width not less than eight and one-half (8½) feet and a length of not less than twenty-two (22) feet and be not less than eight and one-half (8½) feet in height when within a building or structure; such parking space shall not be less than one hundred and ninety (190) square feet in area and shall have easy access to a street, alley or public way by a driveway.

PREMISES: An area of land, with or without buildings.

PLACE: An open, unoccupied space not less than thirty feet in width, other than a street or alley, permanently reserved, and recorded in the office of the Deschutes County Recorder, as the principal means of access to abutting property.

PUBLIC UTILITIES AND SERVICES: Provisions and facilities for providing essential public needs, safety, health, welfare and protection.

SIGN: Identification, description, and display by color, words, forms, structures and illustrations affixed to, painted or placed upon buildings, structures and land directing attention to activity, business, institutions, objects, organizations, products and places.

SIGN, ADVERTISING: A sign which directs attention to an activity, business, commodity, product or entertainment conducted, sold or offered elsewhere than upon the premises where such sign is located or to which it is affixed.

SIGN, BUSINESS: A sign which directs attention to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located or to which it is affixed.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

STORY, HALF: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

STREET: A public thoroughfare which provides the principal means of access to abutting property.

STRUCTURE: Anything constructed or erected which required location on the ground or attached to something having a location on the ground.

STRUCTURAL, ALTERATIONS: A change or alteration in any of the structural members of a building or structure as the same are commonly known in the building trade.

TOURIST COURT, MOTEL: A group of attached or detached buildings containing individual sleeping and living units for automobile tourists and transients, with garage attached or parking space adjacent to every unit, including auto courts or motor cottages.

TRAILER: A vehicle without motive power designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach or house trailer.

USE: The purpose for which land or a building is arranged, designed or intended or for which either land or a building is now or may be occupied or maintained.

YARD: An open space other than a court, which said court is defined as an open space surrounded by a building or a series of buildings, upon a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.

YARD, FRONT: A yard extending across the full width of the lot, the depth of the yard being the minimum horizontal distance between the front lot line and a line parallel thereto measured from the said front lot line to the nearest part of the front of the main building.

YARD, REAR: A yard extending across the full width of the lot between the most rear building and the rear lot line; the depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line toward the most rear part of a main building.

YARD, SIDE: A yard, between a main building and a side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard, the width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of a main building.

CHAPTER 4

SECTION 4.1 ESTABLISHMENT OF DISTRICTS.

In order to carry out the purpose and provisions of this ordinance the City of Bend is hereby divided into ten (10) DISTRICTS, known as:

"R-1" - One-family Dwelling District.
"R-2" - One-family Dwelling District.
"R-3" - Two-family Dwelling District.
"R-4" - Multiple-family Dwelling District.
"C-1" - Commercial District.
"C-2" - Commercial District.
"C-3" - Commercial District.
"C-4" - Central Commercial District.
"M-1" - Light Industrial District.
"M-2" - Heavy Industrial District.

These Districts and the boundaries of such Districts are shown upon the map entitled "ZONING DISTRICT MAP" and said map is attached hereto and made a part of this ordinance; the Zoning District Map and all notations, references and other information shown thereon shall be as much a part of this ordinance as if the notations, references and information set forth by said map were all fully described herein.

SECTION 4.2 BOUNDARIES OF DISTRICTS.

Where uncertainty exists with respect to any of the boundaries of the districts as shown on the Zoning District Map the following rules shall apply:

1. Where the boundaries of the districts designated on the Zoning District Map are approximately streets or alleys, the center lines of such streets and alleys shall be construed to be the boundaries of such districts.

2. Where the boundaries of the districts designated on the Zoning District Map are approximately lot lines, such lot lines shall be construed to be the boundaries of such districts.

3. In unsubdivided property, the district boundaries on the Zoning District Map shall be determined by use of the scale contained on such map.

CHAPTER 5

GENERAL PROVISIONS

SECTION 5.1 USE.

Except as hereinafter provided, no building, structure or land shall hereafter be used nor shall any building or structure hereafter be erected, structurally altered, enlarged or moved for any use other than a use permitted in the district in which such building, structure or land is located and then only after applying for and securing all permits and licenses required by law and ordinances of the City of Bend.

SECTION 5.2 HEIGHT.

Except as hereinafter provided, no building or structure shall hereafter be erected, enlarged or structurally altered to exceed the height limit established for the district in which such building or structure is located.

SECTION 5.3 AREA.

Except as hereinafter provided, no building or structure shall hereafter be erected, enlarged or moved on a lot unless such building or structure conforms to the area regulations of the district in which such building or structure is located.

1. LOT SIZE. No parcel of land held under separate ownership at the time this ordinance became effective, shall be reduced in any manner below the minimum lot area, size and dimensions required by this ordinance.

2. REDUCTION OF LOT AREA. No lot area shall be so reduced or diminished that the yards, open space or total lot area be made smaller than required by this ordinance nor shall the lot area per family be reduced in any manner except in conformity to the regulations of this ordinance.

3. DUPLICATE USE OF YARDS. Any yard or other open space provided for a building or structure in compliance with the regulations of this ordinance, shall not be considered as providing a yard or open space for any other building or structure nor shall any yard or open space of abutting property be considered as providing a yard or open space for a building on a lot it abuts.

4. DEDICATED LAND. Any required yard or open space shall not include any land dedicated, reserved or set aside for a road, highway or street or other public use.

5. OPEN SPACE. Every required front, side and rear yard shall be open and unobstructed from the ground to the sky.

6. PUBLIC HEALTH REQUIREMENTS. Any lot or parcel of land not served by a public sewer system or by an approved public water system shall comply with the health laws of the State of Oregon and the requirements of the State Board of Health as to size and dimensions of lot or land parcels.

SECTION 5.4 PUBLIC UTILITIES AND SERVICE.

Nothing in this ordinance shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any public utility or public service or any such property where such use lawfully existed at the time this ordinance became effective.

SECTION 5.5 NEW ANNEXATIONS.

All territory hereafter annexed to the City of Bend shall automatically become an "R-1" ONE-FAMILY DWELLING DISTRICT until the City Planning Commission shall make a thorough study of the new city area and report its recommendations for the final district classification to the City Commission. This study and report shall be made within four (4) months after such annexation.

In the event that promoters and annexers desire to have a predetermined district category set up on their proposed to-be-annexed-area prior to their annexation, they may petition the City Planning Commission for consideration of such a request and upon such a petition which may be oral as well as written the City Planning Commission will undertake an investigation of the area and will make a recommendation to the City Commission within two months after the said petition has been presented to them and the City Commission shall thereupon be enabled to determine what classification district the new annexation shall receive upon its admittance to the City of Bend.

The subdivisions regulations as have been heretofore accepted, approved and adopted by the City Planning Commission shall be used as a guide for new annexations coming into the City of Bend after the effective date of this ordinance.

CHAPTER 6

"R-1" ONE-FAMILY DWELLING DISTRICT

The following are the regulations of the "R-1" One-Family Dwelling District:

SECTION 6.1 PURPOSE.

The purpose of the regulations of the "R-1" One-Family Dwelling District is to bring about spacious, single family residential areas where liberal yards and open space insure healthful and safe living conditions, to create quiet neighborhoods with a minimum of traffic on local streets, to insure sustained and improving residential property values.

SECTION 6.2 USE.

Buildings, structures or land shall be used and buildings or structures hereafter erected, structurally altered or enlarged shall be used for only the following uses:

1. One-family dwellings.

2. Publicly-owned parks, playgrounds, playfields, and community centers on sites and in locations approved by the Planning Commission and with yards as required in CHAPTER 19.

3. Public schools, public libraries, and churches in locations and on sites approved by the City Planning Commission and with yards as required in CHAPTER 19.

4. Necessary public utilities and public service uses or structures on sites and in locations and in a manner least objectionable to adjacent residences, all meeting the approval of the City Planning Commission.

5. Agricultural uses, in the nature of a home occupation as the same is defined in this ordinance including one greenhouse not to exceed 600 square feet in area as a part of such use but no other commercial building or structure. The keeping of livestock, animals, birds, fowl and other live things of whatsoever nature except humans and such other live things in their wild state, shall be permitted in the nature of a home occupation as herein defined or as pets but the same shall be kept so as to comply with the provisions of Ordinance No. NS-470, and shall be subject to the following regulations:

(a) One horse or one cow may be kept to each twenty-five thousand (25,000) square feet of lot area and within an enclosure at least thirty (30) feet from and within the property lines of such lot or land parcel.

(b) Goats, sheep, swine, rabbits, mink or other fur-bearing animal and fowls shall not be raised or kept on any lot or land parcel having an area of less than five (5) acres.

(c) Usual household pets (dogs, cats, or song or talking birds) but not in such numbers or in a manner as will be offensive to neighbors and not for sale or rent or as a business.

6. The offices of physicians, dentists or other professional persons provided that they first submit their plans for construction or alteration to the City Planning Commission for approval and such approval shall be contingent upon an examination of the said plans by the City Planning Commission who shall determine whether or not the proposed plans fit in with the architectural scheme of the neighborhood so as not to permit any detrimental architecture to be allowed in this district and further providing for off-street parking in accordance with the following formula, to-wit: One parking space shall be provided for each 500 square feet of office floor area. Home occupations as herein defined may also be allowed in this district so long as the same meet with the requirements of this subsection in addition to being within the definition of home occupation.

7. Accessory uses and building customarily incidental to the above uses including one private garage not to exceed seven hundred and twenty (720) square feet in floor area. Detached accessory buildings shall be located not less than sixty (60) feet from the front lot line and shall not project into the required side yard on the street side of a corner lot. Where no alley exists accessory buildings shall be located not less than eight feet from the rear lot line.

8. Name Plates and Signs: One non-illuminated name plate, not more than one (1) square foot in area, placed flat against the building for each dwelling containing the office of a physician or minister as a home occupation. One non-illuminated temporary sign not more than six (6) square feet in area appertaining to the lease, rental or sale of a building or premises. One bulletin board not exceeding twelve (12) square feet in area for each church, neighborhood or community center. No other sign is permitted.

9. Additional uses as permitted by Chapter 18.

SECTION 6.3 HEIGHT.

Main buildings, structures, or portions thereof hereafter erected shall not exceed a height of two and one-half (2½) stories or thirty-five (35) feet.

Detached accessory buildings hereafter erected shall not exceed a height of one (1) story or fifteen (15) feet.

Height exceptions, CHAPTER 19.

SECTION 6.4 AREA.

Buildings or structures hereafter erected, enlarged or moved shall provide the following yards and lot areas:

1. FRONT YARD. There shall be a front yard having a depth of not less than twenty-five (25) feet; provided, however, that where lots comprising forty (40) percent of the frontage are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depths shall establish the front yard depth for the entire frontage. The front yard need not exceed thirty-five (35) feet in depth.

2. SIDE YARD. There shall be a side yard on each side of the main building and each side yard shall have a width of not less than ten (10) percent of the width of the lot but in any case shall be not less than eight (8) feet in width. The combined widths of both side yards shall be not less than eighteen (18) feet; however, on corner lots the side yard on the street side shall not be less than ten (10) feet in width.

3. REAR YARD. There shall be a rear yard of not less than twenty-five (25) feet in depth.

4. LOT AREA. Every lot shall have a width of not less than eighty (80) feet and an area of not less than ninety-six hundred (9,600) square feet. Buildings or structures shall not occupy more than thirty-five (35) percent of the lot area. (Area Exceptions, CHAPTER 19.)

5. PARKING SPACE. Parking space for dwelling and for buildings other than dwellings shall be required as stated in CHAPTER 16.

CHAPTER 7

"R-2" ONE-FAMILY DWELLING DISTRICT

The following are the regulations of the "R-2" One-Family Dwelling District:

SECTION 7.1 PURPOSE.

The purpose of the regulations of the "R-2" One-Family Dwelling District is to preserve the existing residential areas within the city, protecting them from encroachment and change through the introduction of non-conforming uses and abuse of height and lot area requirements, thereby maintaining and improving residential character and property values.

SECTION 7.2 USE.

Buildings, structures or land shall be used and buildings or structures hereafter erected, structurally altered or enlarged shall be used for only the following uses:

1. Any use permitted in the "R-1" One-Family Dwelling District.

2. Accessory uses and buildings as permitted in the "R-1" One-Family Dwelling District.

3. Name plates and signs as permitted in the "R-1" One-Family Dwelling District.

4. Additional uses as permitted by CHAPTER 18.

SECTION 7.3 HEIGHT.

Main buildings, structures or portions thereof hereafter erected shall not exceed a height of two and one-half (2½) stories or thirty-five (35) feet.

Detached accessory buildings hereafter erected shall not exceed a height of one (1) story or fifteen (15) feet.

(Height Exceptions, CHAPTER 19.)

SECTION 7.4 AREA.

Buildings or structures hereafter erected, enlarged or moved shall provide the following yards and lot areas:

1. FRONT YARD. Same as required in the "R-1" One-Family Dwelling District.

2. SIDE YARD. There shall be a side yard on each side of the main building and each side yard shall have a width of not less than ten (10) percent of the width of the lot but in any case shall not be less than five (5) feet in width. The combined widths of both side yards shall not be less than fourteen (14) feet; however, on corner lots the side yard on the street side shall not be less than ten (10) feet in width and the combined widths not less than fifteen (15) feet.

3. REAR YARD. There shall be a rear yard of not less than twenty-five (25) feet in depth.

4. LOT AREA. Every lot shall have a width of not less than fifty (50) feet and an area of not less than fifty-five hundred (5,500) square feet. Buildings or structures shall not occupy more than thirty-five (35) percent of the lot area. (Area Exceptions, CHAPTER 19.)

5. PARKING SPACE. Parking space for dwellings and for buildings other than dwelling shall be required as stated in CHAPTER 16.

CHAPTER 8

"R-3" TWO-FAMILY DWELLING DISTRICT

The following are the regulations of the "R-3 Two-Family Dwelling District:

SECTION 8.1 PURPOSE.

The purpose of the regulations of the "R-3" Two-Family Dwelling District is to provide logical city areas where two family dwellings or duplexes can locate within desirable residential surroundings and contribute to established residential neighborhoods. These district areas are for the most part, city portions now holding such dwelling types. These regulations will stabilize and improve land values for both one and two-family dwellings in these districts that have easy access to business and industrial areas.

SECTION 8.2 USE.

Buildings, structures or land shall be used and buildings or structures hereafter erected, structurally altered or enlarged shall be used for only the following uses:

1. Any use permitted in the "R-2" One-Family Dwelling District.

2. Two-Family Dwellings.

3. Home occupations as defined in this ordinance.

4. Accessory uses and buildings as permitted in the "R-1" One-Family Dwelling District.

5. Name plates and signs as permitted in the "R-1" One-Family Dwelling District.

6. Additional uses as permitted by CHAPTER 18.

SECTION 8.3 HEIGHT.

A main building, structure or portion thereof hereafter erected shall not exceed a height of two and one-half (2½) stories or thirty-five (35) feet.

Detached accessory buildings hereafter erected shall not exceed a height of one (1) story or fifteen (15) feet.

Height Exceptions, CHAPTER 19.

SECTION 8.4 AREA.

Buildings or structures hereafter erected, enlarged or moved shall provide the following yards and lot areas:

1. FRONT YARD. There shall be a front yard having a depth of not less than twenty (20) feet; provided, however, that where lots comprising forty (40) percent of the frontage are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such depths shall establish the front yard depth for the entire frontage. The front yard need not exceed thirty (30) feet in depth.

2. SIDE YARD. For one-family dwellings same as required in the "R-2" One-Family Dwelling District.

For two-family dwellings there shall be a side yard on each side of the main building and each side yard shall have a width of not less than ten (10) percent of the width of the lot but in any case shall not be less than seven and one-half (7½) feet in width. The combined widths of both side yards shall be not less than seventeen and one-half (17½) feet; however, on corner lots the side yard on the street side shall not be less than ten (10) feet in width.

3. REAR YARD. There shall be a rear yard of not less than twenty-five (25) feet in depth.

4. LOT AREA. Every lot for a one-family dwelling shall have a width of not less than fifty (50) feet and an area of not less than fifty-five hundred (5,500) square feet.

Every lot for a two-family dwelling shall have a width of not less than seventy-five (75) feet and an area of not less than eight thousand (8,000) square feet or four thousand (4,000) square feet for each family unit.

Buildings or structures shall not occupy more than thirty-five (35) percent of a lot of a one-family dwelling nor more than forty (40) percent of a lot of a two-family dwelling.

Area Exceptions, CHAPTER 19.

5. PARKING SPACE. Parking space for dwellings or buildings other than dwellings as required in CHAPTER 16.

CHAPTER 9

"R-4" MULTIPLE-FAMILY DWELLING DISTRICT

The following are the regulations of the "R-4" Multiple-Family Dwelling District:

SECTION 9.1 PURPOSE.

The purpose of the regulations of the "R-4" Multiple-Family Dwelling District is to provide ample city area for multiple-family dwellings or apartments in established residential neighborhoods; to encourage spacious apartment structures on garden-type sites in keeping with one and two-family home development. City areas permitting multiple-dwellings have easy access to commercial zones.

SECTION 9.2 USE.

Buildings, structures or land shall be used and buildings or structures hereafter erected, structurally altered or enlarged shall be used for only the following uses:

1. Any use permitted in the "R-3" Two-Family Dwelling District.

2. Multiple-family dwellings, apartments or row dwellings.

3. Boarding and lodging houses.

4. Private schools.

5. Fraternities and sororities with side yards as required by CHAPTER 19.

6. Private clubs and lodges with side yards as required by CHAPTER 19.

7. Hospitals, sanitariums, nursing homes, except those specifically for contagious, mental, liquor or drug addict cases and animal clinics or hospitals, with side yards as required by CHAPTER 19.

8. Day nurseries including home group care.

9. Educational and philanthropic institutions, except those for correctional purposes or for mental cases, with side yards as required by CHAPTER 19.

10. Art Galleries.

11. Accessory uses and buildings customarily incidental to the above uses including a private garage. Detached accessory buildings shall be located not less than sixty (60) feet from the front lot line and shall not project into the required side yard on the street side of a corner lot. Where no alley exists accessory buildings shall be located not less than eight (8) feet from the rear lot line.

12. Name plates and signs: one non-illuminated name plate not more than one (1) square foot in area, placed flat against the building, for each dwelling containing a home occupation. One non-illuminated, temporary, sign not more than six (6) square feet in area appertaining to the lease, rental or sale of the building or premises on which it is located. One non-illuminated sign not more than six (6) square feet in area, placed flat against the building for each multiple-family dwelling or for a building other than a dwelling. One bulletin board not more than twelve (12) square feet in area for each church, neighborhood or community center or educational institution. One lighted sign not more than sixteen (16) square feet in area for each hospital or sanitarium. Lighted signs shall not be of a flashing or animated character.

13. Additional uses as permitted by CHAPTER 18.

SECTION 9.3 HEIGHT.

Main buildings, structures or portions thereof hereafter erected shall not exceed a height of three (3) stories or forty-five (45) feet.

Detached accessory buildings hereafter erected shall not exceed a height of one(1) story or fifteen (15) feet.

Height Exceptions, CHAPTER 19.

SECTION 9.4 AREA.

Buildings or structures hereafter erected, enlarged or moved shall provide the following yards and lot areas:

1. FRONT YARD. Same as required in the "R-3" Two-Family Dwelling District.

2. SIDE YARD. For one-family dwellings, same as required in the "R-2" One-Family Dwelling District. For two-family dwellings, same as required in the "R-3" Two-Family Dwelling District.

For multiple-family dwellings there shall be a side yard on each side of the main building and each side yard shall have a width of not less than ten (10) percent of the width of the lot but in any case shall not be less than ten (10) feet in width.

3. REAR YARD. There shall be a rear yard of not less than twenty-five (25) feet in depth.

4. LOT AREA. Lot area for a one-family dwelling as required in the "R-2" One-Family Dwelling District.

Lot area for a two-family dwelling as required in the "R-3" Two-Family Dwelling District.

Every lot for a multiple-family dwelling shall have a width of not less than one hundred (100) feet and an area of not less than ten thousand (10,000) square feet. There shall be not less than fifteen hundred (1,500) square feet of lot area for each dwelling unit.

Buildings or structures shall not occupy more than forty-five (45) percent of a lot of a multiple-family dwelling.

Area Exceptions, CHAPTER 19.

5. PARKING SPACE. Parking space for dwellings or buildings other than dwellings as required in CHAPTER 16.

CHAPTER 10

"C-1" COMMERCIAL DISTRICT

The following are the regulations of the "C-1" Commercial District:

SECTION 10.1 PURPOSE.

The purpose of the regulations of the "C-1" Commercial District is to provide, in locations within easy access of all parts of each residential neighborhood, retail stores and shops where urgent daily needs such as food, facilities and services are supplied. In modern city development this means a shopping center within relatively easy walking distance of the neighborhood home or within a short drive to the parking space provided in such neighborhood retail center. Such centers are for daily needs and not for the permanent or long time needs provided in other and more inclusive retail business areas.

SECTION 10.2 USE.

Buildings, structures or land shall be used and buildings or structures hereafter erected, structurally altered or enlarged shall be used for only the following uses:

1. Any use permitted in the "R-4" Multiple-Family Dwelling District.

2. Automobile service station with lubrication and car washing carried on within a building.

3. Bakery, retail only and only products which are sold on the premises.

4. Bank.

5. Barber shop or beauty parlor.

6. Bicycle shop.

7. Book or stationery shop.

8. Clinic, medical or dental.

9. Clothes cleaning agency or pressing shop, excluding cleaning and dyeing on the premises.

10. Clothing store or tailor shop.

11. Confection shop, retail only, including soda fountain and ice cream.

12. Delicatessen.

13. Drug store or pharmacy.

14. Dry goods store, millinery or dress shop.

15. Florist shop.

16. Frozen food locker establishment, renting lockers for only individual or family use.

17. Gift shop.

18. Grocery, fruit or vegetable store.

19. Hardware or electrical appliance store.

20. Jewelry store.

21. Laundry agency, excluding laundry.

22. Meat market, retail.

23. Notions or variety store and second-hand stores.

24. Offices, business or professional.

25. Photographer's shop.

26. Public automobile parking area, subject to the regulations of CHAPTER 16.

27. Restaurant, tea room or cafeteria, excluding dancing, entertainment and drive-in restaurant.

28. Shoe store or shoe repair shop.

29. Theater, enclosed within a building.

30. Accessory uses and buildings customarily incidental to the above retail business and professional uses located on the same lot, permitting only such incidental preparation and packaging of products as is necessary to prepare the retail goods sold only on the premises.

Accessory uses and buildings for dwellings, same as permitted in the "R-4" Multiple-Family Dwelling District.

31. Signs as permitted in the "R-4" Multiple-Family Dwelling District and also business signs. Business signs shall not project beyond nor above the building. Business signs shall not exceed forty (40) square feet in area and shall be placed flat against the walls of the building. Signs shall not be placed upon walls or surfaces facing any "R" or Dwelling District. A separate directional sign for each automobile service station or public parking area is permitted but not to exceed an area of sixteen (16) square feet and shall not project beyond the property lines of such station or public parking area.

32. Additional uses as permitted by CHAPTER 18.

SECTION 10.3 HEIGHT.

Main buildings, structures or portions thereof hereafter erected shall not exceed a height of two and one-half (2½) stories or thirty-five (35) feet.

Detached accessory buildings hereafter erected shall not exceed a height of one (1) story or fifteen (15) feet.

Height Exceptions, CHAPTER 19.

SECTION 10.4 AREA.

Buildings or structures hereafter erected, enlarged or moved shall provide the following yards and lot areas and no building or structure shall be permitted to be enlarged when the same is already in violation of these yard and lot area requirements or when such enlargement will result in an encroachment thereon:

1. FRONT YARD. Same as required in the "R-1" One-Family Dwelling District.

2. SIDE YARD. Where the side of a lot in the "C-1" Commercial District abuts any "R" or Dwelling District there shall be a side yard having a width of not less than ten (10) percent of the width of the lot or not less than five (5) feet in width. On corner lots there shall be a yard of not less than ten (10) feet in width on the street side of such corner lot. Accessory buildings on a corner lot shall be located not less than ten (10) feet from the side lot line on the street side of such corner lot. In other cases a side yard for a commercial building shall not be required. The side yard regulations for dwellings shall be the same as required in the "R-4" Multiple-Family Dwelling District.

3. REAR YARD. There shall be a rear yard of not less than twenty-five (25) feet in depth. Accessory buildings shall not be located less than eight (8) feet from the rear lot line, where no alley exists.

4. LOT AREA. Accessory buildings shall not occupy more than thirty (30) percent of the required rear yard. The lot area for dwellings shall be the same as required in the "R-4" Multiple-Family Dwelling District.

Area Exceptions, CHAPTER 19.

5. PARKING AND LOADING SPACE. Parking space for dwellings or buildings other than dwellings as required in CHAPTER 16. Loading space as required in CHAPTER 16.

CHAPTER 11

"C-2" COMMERCIAL DISTRICT

The following are the regulations of the "C-2" Commercial District:

SECTION 11.1 PURPOSE.

The purpose of the regulations of the "C-2" Commercial District is to provide the same retail shopping facilities found in the "C-1" Commercial

District and also a limited list of retail or commercial uses providing for the needs of tourists and the owners of automobiles.

SECTION 11.2 USE.

Buildings, structures or land shall be used and buildings or structures hereafter erected, structurally altered or enlarged shall be used for only the following uses:

1. Any use permitted in the "C-1" Commercial District.

2. Art supplies store, retail.

3. Automobile accessories store, retail.

4. Automobile and trailer sales area developed as required by CHAPTER 16 and provided that any incidental repairs to automobiles and trailers be made within a building.

5. Leather goods and luggage store.

6. Motel or tourist court.

7. Public garage including automobile repairing, battery service and incidental body and fender repairing enclosed within a building.

8. Public services including electric power substation, fire and police station and telephone exchange.

9. Radio and television station.

10. Sporting goods store.

11. Telegraph office.

12. Tire shop enclosed within a building.

13. Tourist home.

14. Trailer court or camp.

15. Accessory uses and buildings customarily incident to the above retail business and professional uses located on the same lot, permitting only such incidental preparation and packaging of products as is necessary to prepare the retail goods sold only on the premises.

Accessory uses and buildings for dwellings, same as permitted in the "R-4" Multiple-Family Dwelling District.

16. Signs as permitted by the ordinances of the City of Bend.

17. Additional uses as permitted by CHAPTER 18.

SECTION 11.3 HEIGHT.

Main buildings, structures or portions thereof hereafter erected shall not exceed a height of two and one-half (2½) stories or thirty-five (35) feet.

Detached accessory buildings hereafter erected shall not exceed a height of one (1) story or fifteen (15) feet.

Height exceptions, CHAPTER 19.

SECTION 11.4 AREA.

Buildings or structures hereafter erected, enlarged or moved shall provide the following yards and lot areas.

1. FRONT YARD. There shall be a front yard of not less than twenty (20) feet in depth.

2. SIDE YARD. Same as required in the "C-1" Commercial District. The side yards for dwellings shall be the same as required in the "R-4" Multiple-Family Dwelling District.

3. REAR YARD. Where the rear lot line abuts on an alley there shall be no rear yard requirement but where there is no alley sufficient space must be left as a rear yard requirement to provide for adequate fire protection. Such adequacy shall be determined by the Fire Chief of the City of Bend in any given situation.

4. LOT AREA. Accessory buildings shall not occupy more than thirty (30) percent of the required rear yard. The lot area for dwellings shall be the same as required in the "R-4" Multiple-Family Dwelling District.

Area Exceptions, CHAPTER 19.

5. PARKING AND LOADING SPACE. Parking space for dwellings and buildings other than dwellings as required in CHAPTER 16. Loading space as required in CHAPTER 16.

CHAPTER 12

"C-3" COMMERCIAL DISTRICT

The following are the regulations of the "C-3" Commercial District.

SECTION 12.1 PURPOSE.

The purpose of the regulations of the "C-3" Commercial District is to provide for large retail shopping areas or centers serving a large area of the city and permitting very close to the same number of commercial uses permitted in the central business area; this to encourage well designed district shopping centers.

SECTION 12.2 USE.

Buildings, structures or land shall be used and buildings or structures hereafter erected, structurally altered or enlarged shall be used for only the following uses:

1. Any use permitted in the "C-2" Commercial District.

2. Amusement enterprises, including billiard or pool hall, bowling alley, dance hall and games of skill and science enclosed within a building but excluding skating rink, roller coaster, merry-go-round, penny arcade or other equally noisy amusement establishment.

3. Antique shop and second hand store enclosed within a building.

4. Auditorium, sports arena or stadium.

5. Bus station.

6. Business college, studio or private school.

7. Cabinet shop enclosed within a building as a retail business only and in which not more than three thousand (3,000) board feet of lumber may be stored.

8. Catering establishment.

9. Cleaning and pressing establishment using only non-inflammable cleaning fluid.

10. Department, furniture and interior decorating store.

11. Hotel and apartment hotel.

12. Ice storage house of not more than five (5) tons capacity for retail ice sales.

13. News stand and tobacco shop.

14. Radio and television store, sales and service.

15. Undertaking establishment.

16. Upholstering shop, enclosed within a building.

17. Accessory uses and buildings same as permitted in the "C-2" Commercial District.

18. Signs as permitted by the ordinances of the City of Bend.

19. Bakeries with a retail outlet on the premises.

20. Additional uses as permitted by CHAPTER 18.

SECTION 12.3 HEIGHT.

Main buildings, structures or portions thereof hereafter erected shall not exceed a height of two and one-half (2½) stories or thirty-five (35) feet.

Detached accessory buildings hereafter erected shall not exceed a height of one (1) story or fifteen (15) feet.

Height Exceptions, CHAPTER 19.

SECTION 12.4 AREA.

Buildings or structures hereafter erected or enlarged or moved shall provide the following yards and lot areas.

1. FRONT YARD. There shall be a front yard of not less than twenty (20) feet in depth.

2. SIDE YARD. Same as required in the "C-1" Commercial District. The side yards for dwellings shall be the same as required in the "R-4" Multiple-Family Dwelling District.

3. REAR YARD. Where the rear lot line abuts on an alley there shall be no rear yard requirement but where there is no alley sufficient space must be left as a rear yard requirement to provide for adequate fire protection. Such adequacy shall be determined by the Fire Chief of the City of Bend in any given situation.

4. LOT AREA. Accessory buildings shall not occupy more than thirty (30) percent of the required rear yard. The lot area for dwellings shall be the same as required in the "R-4" Multiple-Family Dwelling District.

Area Exceptions, CHAPTER 19.

5. PARKING AND LOADING SPACE. Parking space for dwellings and buildings other than dwellings as required in CHAPTER 16. Loading space as required in CHAPTER 16.

CHAPTER 13

"C-4" CENTRAL COMMERCIAL DISTRICT

The following are the regulations of the "C-4" Central Commercial District.

SECTION 13.1 PURPOSE.

The purpose of the regulations of the "C-4" Central Commercial District is to permit, in the central business district of Bend, a complete range of

retail trades and also business and professional services in a manner in keeping with existing and natural conditions; this with district boundaries permitting spacious improvement including adequate customer parking and business structures efficient and pleasing in design.

SECTION 13.2 USE.

Buildings, structures or land shall be used and buildings or structures hereafter erected, structurally altered or enlarged shall be used for only the following uses:

1. Any use permitted in the "C-3" Commercial District.
2. Baths, public.
3. Blue printing and photostating.
4. Feed, seed or fuel store enclosed within a building.
5. Harness shop.
6. Painting shop enclosed within a building.
7. Pawn shop.
8. Plumbing or sheet metal shop enclosed within a building.
9. Printing, lithographing or publishing.
10. Retail stores and shops.
11. Accessory uses and buildings same as permitted in the "C-2" Commercial District.
12. Signs as permitted by the ordinances of the City of Bend.
13. Additional uses as permitted by CHAPTER 18.

SECTION 13.3 HEIGHT.

Main buildings, structures or portions thereof hereafter erected shall not exceed a height of three (3) stories or forty-five (45) feet.

Detached accessory buildings hereafter erected shall not exceed a height of one story or fifteen (15) feet.

Height exceptions, CHAPTER 19.

SECTION 13.4 AREA.

Buildings or structures hereafter erected or enlarged or moved shall provide the following yards and lot areas:

1. FRONT YARD. Where all of the frontage is located in the "C-4" Central Commercial District, no front yard is required. Where the frontage is partly in the "C-4" Central Commercial District and partly in an "R" or Dwelling District the front yard requirements of the "R" or Dwelling District shall apply in the "C-4" Central Commercial District.

2. SIDE YARD. Where the side of a lot in the "C-4" Central Commercial District abuts upon the side of a lot in any "R" or Dwelling District there shall be a side yard having a width of not less than ten (10) percent of the width of the lot but in any case shall be not less than five (5) feet in width. Where the rear lot line of a corner lot in the "C-4" Central Commercial District abuts the side lot line of a lot in any "R" or Dwelling District the side yard on the street side of such corner lot shall be not less than ten (10) feet in width. Accessory buildings shall not project into the required side yard on the street side of a corner lot. In other cases a side yard for a commercial building shall not be required.

Side yards for dwellings shall be the same as required in the "R-4" Multiple-Family Dwelling District.

3. REAR YARD. Where the rear lot line abuts on an alley there shall be no rear yard requirement but where there is no alley sufficient space must be left as a rear yard requirement to provide for adequate fire protection. Such adequacy shall be determined by the Fire Chief of the City of Bend in any given situation.

4. LOT AREA. Accessory buildings shall not occupy more than thirty (30) percent of the required rear yard. The lot area for dwellings shall be the same as required in the "R-4" Multiple-Family Dwelling District.

Area exceptions, CHAPTER 19.

5. PARKING AND LOADING SPACE. Parking space for dwellings and buildings other than dwellings as required in CHAPTER 16. Loading space as required in CHAPTER 16.

CHAPTER 14

"M-1" LIGHT INDUSTRIAL DISTRICT

The following are the regulations of the "M-1" Light Industrial District.

SECTION 14.1 PURPOSE.

The purpose of the "M-1" Light Industrial District is to allocate logical city area for assembly type of industry which for the most part makes use of already prepared materials to shape them into finished products. Existing such use along the railroads and existing streets influenced the selection of the districts where light industry wishes to locate and which industry is not objectionable by reason of noise, smoke, odors or vibration.

SECTION 14.2 USE.

Buildings, structures or land shall be used and buildings or structures hereafter erected, structurally altered or enlarged shall be used for only the following uses:

1. Any use permitted in the "C-4" Central Commercial District.

THE FOLLOWING USES SHALL BE ENCLOSED WITHIN A BUILDING:

2. Art glass works and ceramics manufacture using only electric kilns and excluding the grinding of clay.

3. Assembly, rebuilding, repair and maintenance of automobiles, trucks, motorcycles, aeroplanes, trailers and farm vehicles including painting and upholstery.

4. Assembly of machinery, machines, toys, musical instruments and mechanical equipment including painting.

5. Automobile laundry or livery stable.

6. Battery assembly and repair.

7. Blacksmith shop, machine shop and sheet metal works but excluding heavy and automatic machines such as large drop and power hammers, punch presses and screw machines that are offensive to neighboring property by reason of noise and vibration.

8. Bottling and manufacture of beverages.

9. Canning, packaging, processing, manufacture and distribution of food products, bakery goods, candy and confections but excluding meat, fish, vinegar, sauerkraut, yeast and the rendering or preparation of oils and fats.

10. Carpenter shop and wood products manufacture but excluding planing mill, pulp mill and lumber mill.

11. Cigar, cigarette and tobacco manufacture but excluding the manufacture of chewing tobacco and snuff.

12. Circus and other amusements.

13. Crematory.

14. Cleaning, dyeing and pressing of clothing, carpets, rugs including laundries.

15. Cosmetics, medicines, drugs, pharmaceutical products, perfumes and toiletries manufacture.

16. Electric appliances and equipment including radio, radar and television assembly, repair and maintenance also including the manufacture of their small parts and electric signs.

17. Ice Manufacturing plant.

18. Jewelry manufacture.

19. Optical goods and precision instrument manufacture, using only electric power and electric furnace.

20. Photo engraving.

21. Poultry and rabbit slaughter.

22. Laboratories, excluding the use of publicly dangerous substances.

23. Manufacture of objects made by the assembling or processing of the following materials that have been prepared elsewhere: bone, cane, cloth, bark, cellophane, feathers, felt, fibre, fur, glass, hair, horn, leather, metal, paper, plastics, precious and semi-precious stones and metals, also shell, stone and straw.

24. Mirror works.

25. Public utilities and public service facilities.

26. Transportation and freight terminal.

27. Veterinary or pet clinic or hospital, kennel or hatchery.

28. Warehouses, cold storage, frozen food storage, wholesale business, transfer company, grain elevator or commissary business but excluding the storage of volatile material and explosives.

29. The following uses may occupy a building or yard space other than required front and side yards, and such occupied space shall be enclosed by a wall or fence of sturdy construction and uniform color or an evergreen hedge, not less than six (6) feet in height and which wall or fence shall not be used for advertising purposes:

(a) Retail lumber yard and building materials yard excluding the mixing of concrete.

(b) Retail feed and fuel yard.

(c) Draying, trucking and motor freighting yard.

(d) Contractor's equipment yard.

(e) Small boat yard for the building or repair of boats not exceeding sixty-five (65) feet in length.

30. Similar uses to those listed above provided they meet with the performance standards set forth in CHAPTER 17.

31. Uses customarily incident to any of the above uses and accessory buildings when located on the same lot or land parcel.

Accessory uses and buildings for dwellings, same as permitted in the "R-4" Multiple-Family Dwelling District.

32. Signs as permitted by the ordinances of the City of Bend.

All industrial uses hereafter permitted in the "M-1" Light Industrial District shall conform to the performance standards set forth in CHAPTER 17.

SECTION 14.3 HEIGHT.

Main buildings, structures or portions thereof hereafter erected shall not exceed a height of three (3) stories or forty-five (45) feet.

Detached accessory buildings hereafter erected shall not exceed a height of one (1) story or fiteen (15) feet.

Height exceptions, CHAPTER 19.

SECTION 14.4 AREA.

Buildings or structures hereafter erected or enlarged or moved shall provide the following yards and lot areas.

1. FRONT YARD. There shall be a front yard having a depth of not less than twenty-five (25) feet.

2. SIDE YARD. Where the side of a lot in the "M-1" Light Industrial District abuts an "R" or Dwelling District there shall be a side yard having a width of not less than ten (10) feet in width. On corner lots there shall be a yard of not less than ten (10) feet in width on the street side of such corner lot. In other cases a side yard for a light industrial or commercial building shall not be required. The side yard regulations for dwellings shall be the same as required in the "R-4" Multiple-Family Dwelling District.

3. REAR YARD. Where the rear lot line of a lot in the "M-1" Light Industrial District abuts upon an "R" or Dwelling District there shall be a rear yard having a depth of not less than twenty-five (25) feet. In other cases a rear yard is not required for light industrial or commercial buildings.

For dwellings there shall be a rear yard having a depth of not less than twenty-five (25) feet.

4. LOT AREA. The lot area for dwellings shall be the same as required in the "R-4" Multiple-Family Dwelling District.

Area exceptions, CHAPTER 19.

5. PARKING AND LOADING SPACE. Parking space for dwellings and buildings other than dwellings as required in CHAPTER 16. Loading space as required in CHAPTER 16.

CHAPTER 15

"M-2" HEAVY INDUSTRIAL DISTRICT

The following are the regulations of the "M-2" Heavy Industrial District.

SECTION 15.1 PURPOSE.

The purpose of the regulations of the "M-2" Heavy Industrial District is to provide ample city area for heavy industry or manufacturing in locations that will not be objectionable to residential areas by reason of excessive noise,

smoke, odors, vibration and glare; this with safeguards that will properly place certain industries and reject dangerous or extremely noxious or offensive industry.

SECTION 15.2 USE.

Buildings, structures or land shall be used and buildings or structures hereafter erected, structurally altered or enlarged shall be used for only the following uses:

1. Necessary dwellings for caretakers and watchmen on or adjacent to the industrial site they serve. No other dwellings are permitted.

2. Any industrial or commercial use, except, that each of the following uses will be permitted only after approval of the City Planning Commission following a written application for each such use, examination of the proposed industrial site and a public hearing held thereon by the City Planning Commission.

(a) Acid manufacture.

(b) Cement, lime, gypsum or plaster of paris manufacture.

(c) Distillation of bones.

(d) Explosives, manufacture or storage.

(e) Fat rendering.

(f) Fertilizer manufacture.

(g) Garbage, offal or dead animal reduction or dumping.

(h) Gas manufacture.

(i) Glue manufacture.

(j) Petroleum refining.

(k) Smelting of tin, copper, zinc or iron ores.

(l) Stock yards or slaughter of animals.

(m) Tannery.

(n) Storage or baling of rags, paper, iron and junk, including used car junk yards.

All industrial uses shall conform to the Performance Standards as set forth in CHAPTER 17.

SECTION 15.3 HEIGHT.

Buildings, structures or portions thereof hereafter erected shall not exceed a height of three (3) stories or forty-five (45) feet.

Height exceptions, CHAPTER 19.

SECTION 15.4 AREA.

Buildings or structures hereafter erected, enlarged or moved shall provide the following yards and lot areas:

1. FRONT YARD. There shall be a front yard having a depth of not less than fifty (50) feet.

2. SIDE YARD. Where the side of a lot in the "M-2" Heavy Industrial District abuts an "R" or Dwelling District there shall be a side yard having a width of not less than twenty-five (25) feet in width. On corner lots or sites there shall be a yard of not less than twenty-five (25) feet in width on the street side of such corner lot. In other cases a side yard will not be required.

3. REAR YARD. Where the rear lot line of a lot in the "M-2" Heavy Industrial District abuts upon an "R" or Dwelling District there shall be a rear yard having a depth of not less than twenty-five (25) feet. In other cases a rear yard will not be required.

4. PARKING AND LOADING SPACE. Parking space for buildings other than dwellings as required in CHAPTER 16.

Loading space as required in CHAPTER 16.

CHAPTER 16

AUTOMOBILE SPACE REGULATIONS

SECTION 16.1 AUTOMOBILE PARKING SPACE.

Automobile parking in the "C-4" Central Commercial District is now and will in the future be provided by business extablishments and the City of Bend or association of such business establishments and the City of Bend.

The following regulations apply to all Districts other than the "C-4" Central Commercial District --

Buildings or structures hereafter erected, enlarged or increased in capacity shall provide off-street parking area as follows:

1. ONE AND TWO FAMILY DWELLINGS. For new dwellings, one (1) parking space shall be provided on the lot for each one-family dwelling and for each dwelling unit of a two-family dwelling.

2. MULTIPLE DWELLINGS. For multiple-dwellings, one (1) parking space shall be provided on a lot for each dwelling unit of the first ten (10) dwelling units of a new building and one (1) additional parking space shall be provided for every two (2) dwelling units that such building exceeds ten (10) dwelling units.

For an existing multiple-dwelling, one (1) parking space shall be provided on the lot for each new dwelling unit hereafter added to such building up to and including ten (10) dwelling units and one additional parking space shall be provided for every two (2) new dwelling units hereafter added to such building in excess of ten (10) dwelling units.

3. HOTELS AND APARTMENT HOTELS. For hotels and apartment hotels, one (1) parking space shall be provided for each of the first ten (10) guest rooms or suites and one (1) additional parking space shall be provided for every three (3) guest rooms or suites in excess of ten (10) within a new building or within an addition added to an existing such building.

4. TOURIST COURT, MOTEL AND TOURIST HOMES. For tourist court, motel or tourist homes, one (1) parking space shall be provided on the lot for each sleeping or living unit of a new building or for each sleeping or living unit hereafter added to an existing such building, home or court.

5. LODGING AND BOARDING HOUSES. For lodging and boarding houses one (1) parking space shall be provided on the lot for each three (3) sleeping (rental) or living units of a new building or for each three (3) sleeping (rental) or living units hereafter added to an existing such building.

6. FRATERNITIES, SORORITIES AND DORMITORIES. For fraternity and sorority houses, and dormitory buildings one (1) parking space shall be provided for each six (6) residents above the age of sixteen (16) years of a new building or for each six (6) residents above the age of sixteen (16) years

provided for within any addition hereafter made to an existing such building.

7. HOSPITALS AND WELFARE INSTITUTIONS. For hospitals and welfare institutions one (1) parking space shall be provided for each one thousand (1,000) square feet of floor area within a new building or for each one thousand (1,000) square feet of floor area hereafter added to an existing such building.

8. MEDICAL AND DENTAL CLINICS. For medical and dental clinics one (1) parking space shall be provided for each four hundred (400) square feet of floor space in a new building or for each four hundred (400) square feet of floor space added to an existing such building.

9. MORTUARIES OR FUNERAL HOMES. For mortuaries or funeral homes one (1) parking space shall be provided for each four (4) seats or for each fifty (50) square feet of floor space in the chapel, parlors or place of assembly in a new building or for each four (4) seats or for each fifty (50) square feet of floor space in the chapel, parlors or place of assembly hereafter added to an existing such building.

10. AUDITORIUMS, STADIUMS AND THEATERS. (a) For church, school, college and public auditoriums, for sports stadiums, theatres and similar places of assembly having fixed seats, one (1) parking space shall be provided for each eight (8) seats within a new building or structure or for each eight (8) seats within any addition hereafter made to an existing such building or structure.

(b) For auditoriums, lodge halls, private clubs, public and semi-public halls, including dance halls, where moveable seats are used, one (1) parking space shall be provided for each one hundred (100) square feet of floor space of such halls within a new building or structure or for each one hundred (100) square feet of floor space hereafter added to an existing such auditorium or hall.

11. BOWLING ALLEYS. For bowling alleys four (4) parking spaces shall be provided for each alley, plus one (1) parking space for each four (4) employees in a new building or four (4) parking spaces for each alley, plus one (1) parking space for each four (4) employees hereafter added to an existing such establishment.

12. OFFICE BUILDINGS. For office buildings or buildings providing offices, one (1) parking space shall be provided for each five hundred (500) square feet of office floor area within a new building or for each five hundred (500) square feet of office floor area hereafter added to any existing office building or building providing offices.

13. COMMERCIAL BUILDINGS. For commercial establishments having more than twenty-five hundred (2,500) square feet of floor area, one (1) parking space shall be provided for each five hundred (500) square feet of floor area that such building exceeds twenty-five hundred (2,500) square feet in a new building. For an existing commercial building one (1) parking space shall be provided for each five hundred (500) square feet of floor area hereafter added to such building in excess of twenty-five hundred (2,500) square feet.

14. INDUSTRIAL BUILDINGS. For industrial establishments, one (1) parking space shall be provided for every six (6) regular employees occupying a new building or any addition hereafter made to an existing industrial building. Where employees work in shifts, the number of employees shall be the number of regular employees in the largest shift within a new building or within any addition hereafter made to an existing industrial building.

15. ADJACENT PARKING AREAS. Required parking spaces for other than dwelling and tourist courts and motels shall be located on the lot with the main building or within the main building or structure or on property within five hundred (500) feet of the main building or structure and such separate property must be of the same ownership as the main building or structure. However, property jointly owned by several persons and used as parking space with the total number of parking spaces of such property at least equalling the total of all spaces required by the terms of this ordinance for all of the owners thereof individually, shall be deemed to be within the same ownership as the main building or structure.

16. PARKING SPACE LOCATION. Required parking space in any "R" or Dwelling District shall not be located in any front yard or in the side yard on the street side of a corner lot.

SECTION 16.2 PUBLIC PARKING AREAS.

Every lot or parcel of land hereafter used as a public parking area or an automobile or trailer sales area shall be developed as follows:

1. Such areas shall be surfaced with permanent paving; they shall have bumper rails or curbs and be enclosed by a sturdy wall or fence or an evergreen hedge not less than thirty (30) inches in height nor more than six (6) feet in height. Such wall, fence or hedge shall not enclose any required front yard or required side yard on the street side of a corner lot. Any such required front or side yard shall be developed as a grass lawn or landscaped and shall be properly maintained.

2. Where a public parking area or automobile or trailer sales area is illuminated, the lights shall be fixed so as to reflect away from any adjoining "R" or Dwelling District.

SECTION 16.3 LOADING SPACE.

Any commercial or industrial building hereafter erected on a lot which abuts upon an alley or has frontage on two streets and which building has a gross floor area of three thousand (3,000) or more square feet shall provide a permanent off-street loading space not less than twenty-five (25) feet long, ten (10) feet wide and fourteen (14) feet in height on or easily accessible to such alley or street. If such building has a gross floor area of more than six thousand (6,000) square feet, two such loading spaces shall be provided and for each forty thousand (40,000) square feet of gross floor area such building exceeds six thousand (6,000) square feet of gross floor area one (1) additional such loading space shall be provided. Such truck loading space and its access ways shall have an all-weather surface.

CHAPTER 17

PERFORMANCE STANDARDS

SECTION 17.1 GENERAL PERFORMANCE STANDARDS "M-1" LIGHT INDUSTRIAL DISTRICT.

1. FUTURE LIGHT INDUSTRY CONDUCTED WITHIN BUILDINGS. All light industrial uses with the exception of those listed under subsections 29, 30 and 31 in CHAPTER 14 shall be enclosed within buildings.

2. PERFORMANCE STANDARDS. No use shall hereafter be permitted in the "M-1" Light Industrial District that is objectionable by reason of noise, vibration, odor and glare beyond the lot lines of such use. Buildings housing possible objectionable use may set back from the lot lines to insure compliance with these requirements. Yard or outside lights shall be fixed to direct light away from the lot lines.

3. ENFORCEMENT. The building inspector of the City of Bend shall determine uses that are objectionable and may, in the determination of the objectionableness of a use beyond its lot lines, seek the assistance and advice of any appropriate agency or department of the State of Oregon and the opinion of such agency or department shall aid or govern the action of the City of Bend to remove such objectionableness.

SECTION 17.2 GENERAL PERFORMANCE STANDARDS "M-2" HEAVY INDUSTRIAL DISTRICT.

1. PERFORMANCE STANDARDS. No use shall be hereafter permitted in the "M-2" Heavy Industrial District that is objectionable by reason of noise, vibration, odor and glare beyond the lot lines of such use. Buildings housing possible objectionable use may set back from the lot lines to insure compliance with these requirements. Industries making use of machines such as drop forges, stamping machines, etc., of known earth shaking vibrations shall be located four hundred (400) feet from the boundary of any Dwelling or Commercial District. Yard or outside lights shall be fixed to direct light away from the boundaries of any Dwelling or Commercial District.

2. ENFORCEMENT. Same as required in subsection 3 of SECTION 17.1 above.

SECTION 17.3 AIR POLLUTION PROVISIONS.

1. GENERAL AIR POLLUTION CONTROL PROVISIONS. The discharge into the air of solids, liquids and gases so as to cause injury to human, plant or animal life or to property as constitutes a public nuisance is contrary to the intent of this ordinance.

(a) AREA AIR QUALITY STANDARDS. No single operation by itself or in combination with other land uses shall cause air pollution in excess of the following limits in the designated land use areas:

LAND USE	Particle Deposition (tons per square mile per month)	Suspended Particulate Matter (Micrograms per cubic meter of air)	Lime Dust (as CaO) (Micrograms per cubic meter of air)
Residential Commercial	15	150	10
Light Mfg.	20	200	10
Heavy Mfg.	45	300	10

(b) MEASUREMENT OF AIR POLLUTANTS. All measurements of air pollution shall be by the procedure and with equipment approved by the State of Oregon Air Pollution Authority or equivalent and acceptable methods of measurement approved by the City.

(c) SUBMISSION OF PLANS AND SPECIFICATIONS. Applicants requesting land use or building permits for a suspected source of air pollution shall provide quantitative and qualitative information regarding the discharge that will adequately and accurately describe operating conditions. Plans and specifications of air pollution control equipment must be submitted for review and approval.

2. AIR POLLUTION CONTROL PROVISIONS "M-1" LIGHT INDUSTRIAL DISTRICT.
(a) SMOKE DENSITY. Discharge of smoke of a density greater than No. 1 on the Ringelman Smoke Chart as published by the U. S. Bureau of Mines shall be prohibited except the smoke of a density not greater than

No. 2 of the Ringelman Chart may be emitted for not more than three (3) minutes in any hour.

(b) ODORS. The emission of odors in such quantities as to be readily detectable at any point beyond the property line is prohibited.

(c) PARTICULATE MATTER. The discharge of total particulate matter measured at all stacks shall not exceed 30 grams per hour for each acre of land devoted to the operation.

(d) OPEN BURNING. No open burning shall be permitted. The disposal of refuse and/or liquid waste by burning must be accomplished in properly designed incineration units which will not create nuisance conditions.

3. AIR POLLUTION CONTROL PROVISIONS "M-2" HEAVY INDUSTRIAL DISTRICT.

(a) SMOKE DENSITY. Discharge of smoke of a density greater than No. 2 on the Ringelman Smoke Chart as published by the U. S. Bureau of Mines shall be prohibited except that smoke of a density not greater than No. 3 may be emitted for not more than three (3) minutes in any hour.

(b) ODORS. The emission of odors in such quantities as to create a nuisance condition at any point beyond the property line is prohibited.

(c) PARTICULATE MATTER. The discharge of particulate matter at a rate sufficient to produce 300 micrograms per cubic meter of air beyond the property line shall be prohibited.

(d) OPEN BURNING. No open burning shall be permitted. The disposal of refuse and/or liquid waste by burning must be accomplished in properly designed incineration units which will not create nuisance conditions.

CHAPTER 18

ADDITIONAL USES

SECTION 18.1 HOUSE TRAILERS.

1. NEWLY ARRIVED HOUSE TRAILERS. Newly arrived house trailers within the City of Bend shall move into an established trailer court or park or other authorized location within four (4) days after the time of arrival. Existing house trailers used as residences and located in other than trailer courts or parks or other authorized locations may remain in their present locations. Removing the same from such location, or replacing the same, will result in a loss of the status of existing house trailers and the loss of the exemption herein provided for. House trailers may not move from a trailer court or park or other authorized location to an unauthorized location.

Bona fide transient trailers visiting Bend on a temporary basis and while visiting residents of Bend shall be allowed to remain on lots in residence areas for a period of time not to exceed fourteen (14) days. Permits for such stop-overs may be obtained at the City Hall upon payment of $2.00.

2. "SPORTS" TRAILERS. "Sports" trailers is a term here applied to all house trailers of twenty-four (24) feet or less in length. A "Sports" trailer may be stored within the rear yard of the dwelling of the owner of such "Sports" trailer, provided such trailer is not connected with any water supply or sewage disposal system nor used in such location for any dwelling or business use or purpose and shall be placed within a

garage or accessory building or in a rear yard location such as is required for an accessory building or structure. Persons with "Sports" trailers longer than twenty-four (24) feet may apply to the Board of Adjustment for a special permit to park the same and the Board of Adjustment shall consider size of lot, proposed location of the trailer parking site, other buildings and structures in the area, and general over-all conditions of the site, and if the said Board feels that the trailer larger than twenty-four (24) feet may be parked in the proposed location without detrimental effect to the site and area, then the permit shall be issued.

SECTION 18.2 ADDITIONAL USES BY PERMISSION OF THE CITY COMMISSION OF BEND.

The City Commission of the City of Bend, after a public hearing, may permit the following uses in any district from which they are prohibited by this ordinance or in specific districts as herein provided, where such uses are deemed essential or desirable to the public convenience or welfare and are in harmony with the purposes and objectives of the Comprehensive City Plan:

1. Airports and airfields.

2. Cemeteries, crematories or mausoleums.

3. Circus or similar transient amusement enterprise, for a temporary period.

4. Development of natural resources other than the drilling or production of oil, gas or other hydrocarbon substances.

5. Educational institutions.

6. Government enterprises (federal, state and local).

7. Hospitals, sanitariums, nursing homes or public welfare institutions.

8. Nursery schools or day nurseries.

9. Parks, playgrounds or recreation areas or centers privately operated.

10. Philanthropic or correctional institutions.

11. Private clubs, fraternity of sorority houses.

12. Radio, radar or television installation and aerial.

13. A public parking area in an "R" or Dwelling District abutting a commercial or light industrial district; such parking to be contiguous to and within two hundred (200) feet of such commercial or light industrial district. Such parking area shall be subject to the following conditions and limitations:

(a) The regulations set forth in SECTION 16.2 PUBLIC PARKING AREAS.

(b) Such parking area shall not be separated from the commercial or light industrial district by any street, road or highway.

(c) No entrance or exit of such parking area shall be more than one hundred (100) feet from a commercial or light industrial district.

(d) Such parking area shall be solely and entirely for the temporary parking of passenger automobiles and shall not be used for the sale, repair and servicing of automobiles.

(e) Only one (1) non-illuminated sign not exceeding ten (10) square feet in area shall be permitted in such parking area.

14. Residential neighborhood developments of more than twenty (20) acres and large scale neighborhood housing projects, provided the buildings comply with the height and area regulations of the district in which they are located. In no case shall the yards on the boundary of the site be

less than those required in the district in which the property is located nor shall the distance between buildings within the site be less than twice the width of the required side, front or rear yards or the sum of a combination of any two such yards depending on the arrangement or location of the buildings in relation to each other. Written application for any of the above uses shall be made to the City Commission of the City of Bend who shall refer it to the City Planning Commission for review. The City Planning Commission shall make a written report of its findings and determination within thirty (30) days of the receipt of the referred application.

Should the City Planning Commission fail to make its report within thirty (30) days, the absence of such report shall be deemed the approval of that body. No action shall be taken by the City Commission on the application until after receipt of the report or after the time allowed for the report from the City Planning Commission. In approving an application for any of the above uses the City Commission may impose such additional conditions as it deems proper to protect the property adjacent to such use and the purposes and intent of this ordinance.

SECTION 18.3 TEMPORARY CONSTRUCTION BUILDINGS.

A temporary camp for a contractor and temporary construction buildings which are incidental to construction will be permitted on or adjacent to the site containing such construction and a permit for each camp and temporary construction building shall be required. Such permits will be issued by the Building Inspector of the City, for a period not to exceed six (6) months and may, for good reason, be renewed for a six (6) months period, but only two such renewals shall be permitted for each such use or building. A fee of two ($2.00) dollars for each such camp and for each such building and one ($1.00) dollar for each renewed permit is required and payable to the City Recorder.

CHAPTER 19

EXCEPTIONS

SECTION 19.1 USE EXCEPTIONS.

1. EXISTING LOTS OF RECORD. A lot of record at the time of the passage of this ordinance and in any district where dwellings are permitted and which lot has less dimension and lot area than is required for a one-family dwelling by the regulations of such district: a one-family dwelling shall be permitted on such lot unless, in the opinion of the Board of Adjustment, a proper such dwelling cannot be built upon such lot.

SECTION 19.2 HEIGHT EXCEPTIONS.

1. SCHOOLS TO THREE STORIES. In the "R-1" and "R-2" One-Family Dwelling Districts and the "R-3" Two-Family Dwelling District schools may be erected to a height of three (3) stories or forty-five (45) feet provided the side yards comply with the regulations in SECTION 19.3 for such yards.

2. HOSPITALS, SANITARIUMS AND INSTITUTIONS TO SIX STORIES. Hospitals, sanitariums and institutions in the "R-4" Multiple-Family Dwelling District may be erected to a height of six (6) stories or seventy-five (75) feet, provided they increase the required (SECTION 19.3) side yards for such building, one and one-half (1½) feet for each one foot such building exceed three (3) stories or forty-five (45) feet.

3. THROUGH LOTS. (a) On through lots one hundred and fifty (150) feet or less in depth, the height of the building may be measured from the curb on either adjoining street.

(b) On through lots more than one hundred and fifty (150) feet in depth, the height regulations for the street permitting the greater height shall apply to a depth of not more than one hundred and fifty (150) feet from that street.

4. STRUCTURES ABOVE HEIGHT LIMITS. Necessary roof structures for the housing of elevators, stairways, tanks, ventilating fans or other equipment required to operate and maintain a building and also fire or parapet walls, skylights, towers, steeples, roof signs, flagpoles, chimneys, smokestacks, radio masts, water tanks, silos and similar structures may be erected above the required height limits of the district in which they are located provided no usable floor space is provided in such structures above the required height limits.

SECTION 19.3 AREA EXCEPTIONS.

1. SIDE YARDS FOR SCHOOLS, HOSPITALS, SANITARIUMS AND INSTITUTIONS. Side yards for schools, hospitals, sanitariums and institutions hereafter erected in any "R" or Dwelling District shall provide side yards of not less than twenty (20) feet in width.

2. SIDE YARDS FOR CHURCHES, LIBRARIES, MUSEUMS, ART GALLERIES, PRIVATE CLUBS, FRATERNITY AND SORORITY HOUSES. Side yards for churches, libraries, museums, art galleries, private clubs, fraternity and sorority houses hereafter erected in any "R" or Dwelling District shall provide side yards of not less than fifteen (15) feet in width.

3. SIDE YARDS FOR ATTACHED BUILDINGS AND ROW HOUSES. For the purpose of side yard regulations the following dwellings with common party walls shall be considered as one (1) building occupying one (1) lot, to-wit: detached two-family dwelling, four-family dwelling and row house.

4. YARDS FOR GROUP BUILDINGS. (a) In the case of group buildings on one site, including institutions and dwellings, the yards on the boundary of such site or lot shall be not less than required for a main building on one (1) lot in the district in which the property is located.

(b) The distance between group buildings on one site, including institutions and dwellings, shall be twice the width of the required side, front or rear yards or the sum of a combination of any two (2) such yards, depending upon the arrangement or location of the buildings in relation to each other.

(c) In the case of group dwellings or court apartments rearing upon side yards, in those districts where multiple-family dwellings are permitted, the required side yards shall be increased two (2) feet for each dwelling unit rearing thereon; but such side yards need not exceed twenty-five (25) feet in width.

(d) No group-dwelling court shall be less than twenty-five (25) feet in width.

(e) In the case of row houses or dwellings rearing upon one side yard and fronting upon another, in districts where multiple-family dwellings are permitted, the side yard upon which the dwellings rear shall be increased two (2) feet for each dwelling unit rearing on such side yard and the yard upon which the dwellings front shall not be less than twenty (20) feet in width.

5. THROUGH LOTS. A through lot having a frontage on two (2) streets shall provide the required front yard on each street, provided that one such yard may serve as a rear yard but in such case an accessory building shall not project into a front yard established by other main buildings.

6. DWELLING UNITS ABOVE STORES. Front and side yards for dwelling units above stores or business establishments shall be waived when front and side yards are not required for such commercial use or business.

7. LOT AREA REQUIREMENTS FOR TOURIST COURTS. Tourist courts where permitted under the terms of this ordinance shall have a minimum ground area of four thousand (4,000) square feet for the first unit and one thousand (1,000) square feet for each additional unit.

8. PROJECTIONS INTO YARDS. No projection shall be allowed into any required yard.

9. FRONT YARD FENCES AND SIGHT CLEARANCE. No fence, hedge or obstruction of any kind shall exceed three (3) feet in height where such fence, hedge or obstruction interferes with vision at a street intersection for a distance back from the point where the curb line or edge of the travel portion thereof meets the curb line, or edge of the travelled portion of the intersecting street a distance of thirty (30) feet.

CHAPTER 20

NON-CONFORMING USES

SECTION 20.1 NON-CONFORMING USES OF BUILDINGS.

1. NON-CONFORMING USE CONTINUED. The lawful use of a building or structure existing at the time of the passage of this ordinance may be continued although such use does not conform to the regulation of the district in which it is located. If no structural alterations are made, a non-conforming use of a building or structure may be changed to another non-conforming use of the same or a more restricted classification.

2. NON-CONFORMING USE BY REASON OF CHANGE IN THIS ORDINANCE. Whenever the use of a building or structure becomes non-conforming by reason of a subsequent change in this ordinance, such use may be continued and if no structural alterations are made it may be changed to another non-conforming use of the same or of a more restricted classification.

3. NON-CONFORMING USE DISCONTINUED. Should a non-conforming use of a building or structure be discontinued for a period of one (1) year, the use of such building shall thereafter conform to a use permitted in the district in which it is located.

4. ALTERATIONS OR CHANGE OF A BUILDING OCCUPIED BY A NON-CONFORMING USE. An existing building or structure occupied by a non-conforming use shall not be enlarged, extended or structurally altered unless its use and such enlargement, extension or altered portion is made to conform to all of the regulations of the district in which the building or structure is located.

5. MOVING OF A BUILDING OCCUPIED BY A NON-CONFORMING USE. An existing building or structure occupied by a non-conforming use shall not be moved in whole or in part to another location on the same lot or another lot unless every portion of such building or structure is made to conform to all of the regulations of the district in which it is moved.

6. RESTORATION OF A DAMAGED BUILDING. When a building or structure which is occupied by a non-conforming use is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity or act of God or public enemy to the extent of not more than sixty (60) percent of its value at that time, it may be restored and occupancy or use of such building or structure or part thereof, which existed at the time of the partial destruction, may be continued or resumed. Such reconstruction, however, must be started within one (1) year following the time of such damage. After such time has elapsed and no reconstruction started, the building or structure can be repaired or restored only if its use and the damaged portion conform to all of the regulations of the district in which the building or structure is located. In the event that the damage or destruction to such building or structure exceed sixty (60) percent of its value, then such building or structure may be repaired or restored only if it conforms to all of the regulations of the district in which it is located.

SECTION 20.2 NON-CONFORMING USE OF LAND.

CONTINUATION OF USE. The non-conforming use of land, as distinguished from a building, existing at the time of the passage of this ordinance, may be continued for a period of not more than three (3) years therefrom, provided:

(a) That no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property.

(b) That if such non-conforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with all of the regulations of the district in which it is located.

SECTION 20.3 NON-CONFORMING SIGNS.

CONTINUATION OF USE. Any sign, billboard or commercial advertising structure or figure which is lawfully existing and maintained at the time this ordinance is passed may be continued although such use does not conform to the provisions thereof; provided, however, that no structural alterations shall be made thereto and provided, further, that all such non-conforming signs, billboards, commercial advertising structures and figures and their supporting members shall be completely removed from the premises not later than three (3) years from the effective date of this ordinance.

CHAPTER 21

BOARD OF ADJUSTMENT

SECTION 21.1 ESTABLISHMENT OF THE BOARD.

A Board of Adjustment is hereby established. The word "BOARD" when used in this chapter shall be construed to mean The Board of Adjustment. The Board shall consist of five (5) members, all of whom shall be freeholders appointed by the Mayor and approved by the Commission of the City of Bend. The term of office of the members of the Board shall be for five (5) years, excepting that the membership of the first Board shall be one (1) member for one (1) year, one for two (2) years, one for three (3) years, one for four (4) years and one for five (5) years. Thereafter members shall be appointed for terms of five (5) years each. Vacancies shall be filled for the unexpired term only. Members shall be removed for cause by the Mayor and City Commission upon written charges and after public hearing.

The Board shall elect its own chairman and vice-chairman who shall serve

for one year. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry out its duties.

1. MEETINGS. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations or other actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

SECTION 21.2 APPEALS.

Appeals to the Board may be taken by any person aggrieved by any action taken under the terms of this ordinance or by any officer, department, board or bureau of the City of Bend affected by any decision or ruling by the Building Inspector made under this ordinance. Such appeal shall be taken within a reasonable time, as shall be prescribed by the Board by general rule, by filing with the Building Inspector and with the Board a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate a stay would in his opinion cause imminent peril to life and property. In such cases proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application or notice to the Building Inspector on good cause shown.

The Board shall fix a reasonable time for the hearing of the appeal and shall give not less than fifteen (15) days public notice thereof in a newspaper of general circulation and also serve copies of such notice upon the Building Inspector, the appellant, other parties in interest and upon such parties having requested such notice within the designated time. Upon the hearing any party may appear in person or by agent or by attorney.

A fee of ten dollars ($10.00) shall be paid to the City Recorder at the time the notice of appeal is filed, to cover costs, notices and investigation.

SECTION 21.3 POWERS OF THE BOARD OF ADJUSTMENT.

The Board of Adjustment shall have the following powers and it shall be its duty:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Inspector in the enforcement of this ordinance or by any action taken under the terms of this ordinance.

2. To permit the extension of a district where the boundary line of a district divides a lot held in single ownership at the time of the passage of this ordinance.

3. To interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts accompanying and made a part of this ordinance where the street layout actually on the ground varies from the street layout as shown on the Zoning District Map.

4. To authorize upon appeal a variation in the regulations in this ordinance:

(a) When a property owner or contract purchaser can show that his property was acquired in good faith.

(b) Whereby reason of the irregular shape of lot of record at the time of passage of this ordinance, or by reason of existing topographic conditions or peculiar or exceptional conditions that the strict application of such regulations would result in real and unnecessary hardship.

(c) The Board, through investigation and from evidence before it, being satisfied that the granting of the variance will alleviate an unusual hardship and it will not be detrimental to adjacent property.

(d) The Board will find that by granting variance the spirit and purpose of this ordinance will not be subverted or unobserved.

(e) Substantial justice will be done by so granting the variance.

5. To hear exception applications to the terms of this ordinance regarding trailers.

In exercising the above powers, the Board may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or to decide in favor of the applicant on any matter which it is required to pass under this ordinance or to effect any variation of this ordinance.

Any person or persons jointly or severally aggrieved by a decision of the Board of Adjustment or of any officers, department, board or bureau of the City of Bend may present to an appropriate court of record a petition, duly verified, stating that such decision is illegal in whole or in part, specifying the grounds of the illegality and asking for relief therefrom.

CHAPTER 22

CERTIFICATE OF OCCUPANCY

SECTION 22.1 CERTIFICATE OF OCCUPANCY FOR BUILDINGS.

A Certificate of Occupancy for a new building or the alteration of an existing building except residential buildings but not those residences being built or altered so as to house a home occupation as herein defined shall be applied for coincident with the application for a building permit and said certificate shall be issued within three (3) working days after the request for same shall have been made in writing to the Building Inspector after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of these regulations. Pending the issuance of a regular certificate a temporary certificate of occupancy may be issued by the Building Inspector for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the City relating to the use or occupancy of the premises or any other matter covered by this ordinance and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

SECTION 22.2 CERTIFICATE OF OCCUPANCY FOR LAND.

No Certificate of Occupancy is necessary for the use of land for agri-

cultural uses; a Certificate of Occupancy for other uses of vacant land or the change in the character of the use of land as herein provided, shall be applied for before any such land shall be occupied or used and a Certificate of Occupancy shall be issued within three (3) working days after the application has been made, provided such use is in conformity with the provisions of this ordinance.

SECTION 22.3 THE CERTIFICATE.

The Certificate of Occupancy shall state that the building or proposed use of a building or land, complies with the building and health laws and ordinances and with the provisions of this ordinance. A record of all certificates shall be kept on file in the office of the Building Inspector, and copies shall be furnished, on request, to any person having proprietary or tenancy interest in the building affected.

No permit for excavation for any building shall be issued before application has been made for certificate of occupancy.

No fee shall be charged for the original Certificate of Occupancy applied for at the time of application for a building permit but a charge of one dollar ($1.00) shall be made for each copy of the original certificate.

CHAPTER 23

PLAT OR PLAN

Each application for a building permit shall be accompanied by a drawing, plat, or plan, in duplicate, drawn to scale and showing accurately the location of the lot, all lot dimensions, building dimensions, yard dimensions, location of existing buildings and such information necessary to provide for the enforcement of this ordinance. This plat or plan shall have been prepared from an official plat or record or from a survey made by a registered engineer or land surveyor. A careful record of the original copy of such application and plat shall be kept in the office of the Building Inspector and the duplicate copy shall be kept at the building at all times during construction.

CHAPTER 24

INTERPRETATION - PURPOSE AND CONFLICT

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants, or agreements, the provisions of this ordinance shall govern.

CHAPTER 25

CHANGES AND AMENDMENTS

Whenever public necessity and general public welfare require, the Bend City Commission may on its own motion or on petition or on recommendation of the City Planning Commission, after public notice and public hearing, amend, supplement or change the regulations and the districts of this ordinance herein established.

SECTION 25.1 INITIATION OF AMENDMENT.

An amendment, supplement or change in this ordinance may be initiated by:

1. A resolution of request by the City Commission.

2. An official proposal by the City Planning Commission.

3. A petition to the City Commission presented on forms and accompanied by information prescribed by the City Planning Commission, signed by the owners of fifty (50) percent or more of the property within the area of the desired change and within three hundred (300) feet of such area.

All requests for amendment, supplement or change in this ordinance shall first be referred to the City Planning Commission.

SECTION 25.2 PUBLIC HEARING BY THE CITY PLANNING COMMISSION.

Upon receipt of a request or petition for an amendment, supplement or change in this ordinance the City Planning Commission shall set a date for a public hearing and give public notice of the time and place of such hearing in a newspaper of general circulation in the City of Bend at least fifteen (15) days before the time of such hearing. The findings and determination of the City Planning Commission resulting from this public hearing shall be made in writing and a copy transmitted to the applicant or petitioner and also to the City Commission within fifteen (15) days after such hearing.

SECTION 25.3 AMENDMENT BY THE CITY COMMISSION.

When the City Planning Commission after holding a public hearing approves such request or petition for an amendment, supplement or change it shall forward its findings and recommendations to the City Commission for its action thereon.

SECTION 25.4 PROTEST TO A PROPOSED AMENDMENT.

Should a written protest against a proposed amendment, supplement or change in this ordinance be filed with the City Recorder by owners of twenty (20) percent or more of the property in the area of the proposed change and within three hundred (300) feet of such area, such amendment, supplement or change shall not become effective except by a favorable vote of three-fourths of all members of the City Commission. Likewise, on any proposed amendment, supplement or change in this ordinance which shall affect the City as a whole rather than a particular area as is contemplated hereinabove should a written protest be filed with the City Recorder by and bearing one hundred and fifty (150) signatures of legal and qualified voters within the said City of Bend, then such amendment, supplement or change shall not become effective except by a favorable vote of three-fourths of all members of the City Commission.

SECTION 25.5 FILING OF PETITIONS.

Petitions for amendment, supplement or change in this ordinance shall be filed with the City Recorder. At the time of filing such petition the petitioner shall pay to the City Recorder the sum of fifteen dollars ($15.00) as a fee to cover expense incident to the investigation of such petition and cost of publishing notice of public hearing.

CHAPTER 26

VALIDITY

Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

CHAPTER 27

ENFORCEMENT

It shall be the duty of the Building Inspector to enforce this ordinance.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum not exceeding one hundred dollars ($100.00) or by imprisonment in the city jail for a term not exceeding thirty (30) days or both such fine and imprisonment. Each day that such violation is permitted to exist shall constitute a separate offense.

The City of Bend may, at its option, deem a violation hereof to be a nuisance upon the declaration thereof by the City Commission and may bring suit in equity in a court of competent jurisdiction to abate the same in addition to the other penalties provided herein.

Read for the first time this 17th day of February, 1960.

Read for the second time this 16th day of March, 1960.

Placed upon its passage this 16th day of March, 1960.

YEAS: 7 NAYS: 0

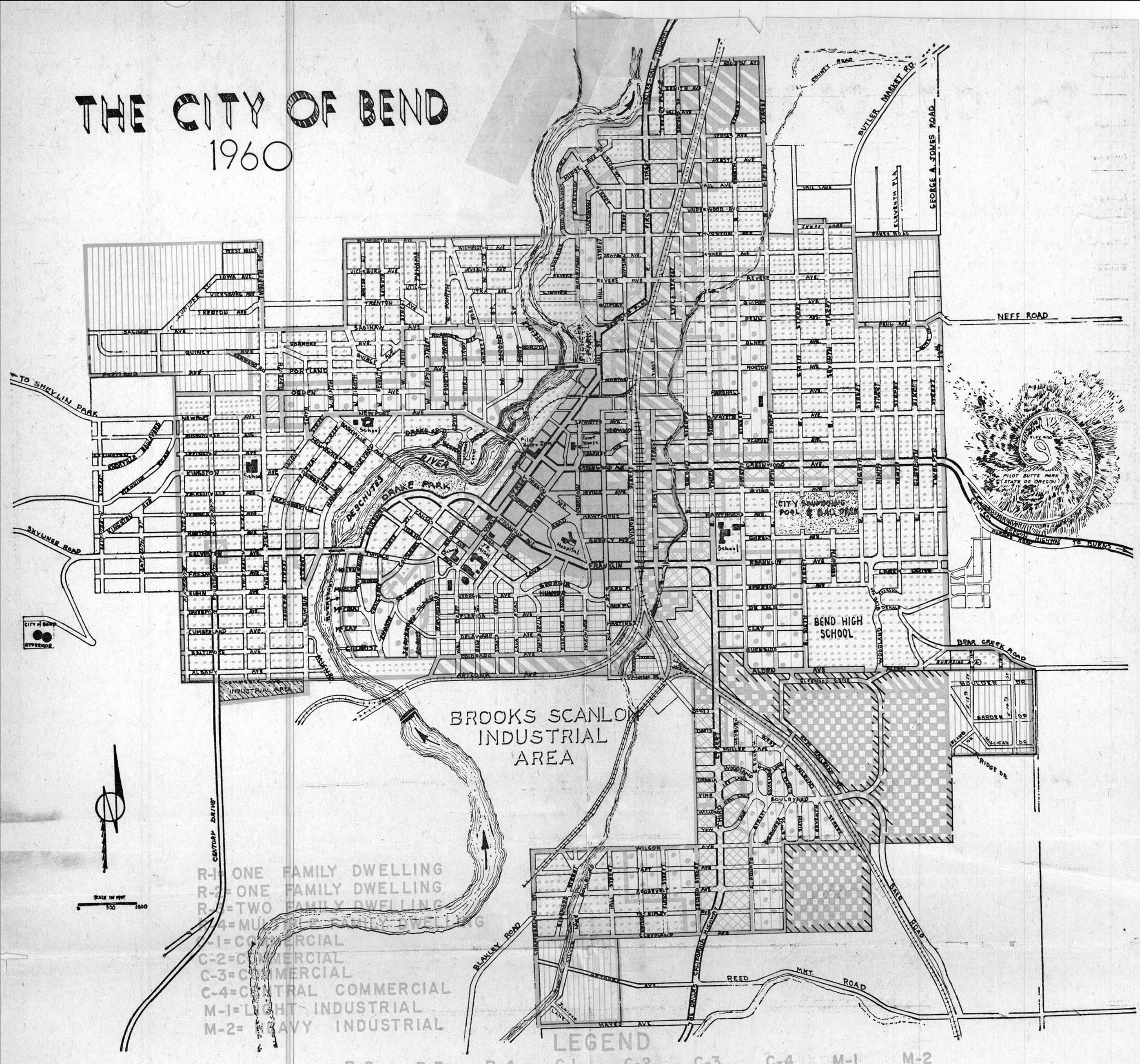
Submitted to and approved by the Mayor this 16th day of March, 1960.

William E. Miller
Mayor

ATTEST:

Julia E. Johnson
Recorder of the City of Bend

THE CITY OF BEND
1960



OUTLINE OF THE REVISED ZONING ORDINANCE
BEND, OREGON

DISTRICT	PERMITTED USES	HEIGHT STORIES	HEIGHT FEET	FRONT YARD	SIDE YARD	REAR YARD	LOT AREA PER FAMILY
"R-1"	One-Family Dwellings, Public Schools, Churches, Public Libraries, Public Parks, Public Utilities and Agricultural Uses, Professional Offices and Home Occupations.	2½	35	25 Feet Or The Established Setback	10 Percent Of The Lot Width	25 Feet	9,600 Square Feet
"R-2"	Same As "R-1" District	2½	35	25 Feet Or The Established Setback	10 Percent Of The Lot Width	25 Feet	5,500 Square Feet
"R-3"	Uses Permitted In The "R-2" District, Two-Family Dwellings, Home Occupations.	2½	35	20 Feet Or The Established Setback	10 Percent Of The Lot Width	25 Feet	5,500 Sq. Ft. For A One-Family Dwelling 8,000 Sq. Ft. For A Two-Family Dwelling
"R-4"	Uses Permitted in "R-3" District, Multiple-Family Dwellings, Boarding Houses, Private Clubs, Institutions.	3	45	20 Feet Or The Established Setback	10 Percent Of The Lot Width	25 Feet	5,500 Sq. Ft. For A One-Family Dwelling 8,000 Sq. Ft. For A Two-Family Dwelling 1,500 Sq. Ft. for each Dwelling Unit in a Multiple-Family Dwelling
"C-1"	Uses Permitted in "R-4" District, Retail Commercial Uses Needed In A Residential Neighborhood.	2½	35	25 Feet Or The Established Setback	For Stores 10% Lot Width Next to "R" Dist. 10% Lot Width for all dwellings.	25 Feet	For Dwellings Same As Required In "R-4" Multiple-Family Dwelling Districts
"C-2"	Uses Permitted In "C-1" District, Retail Commercial Uses To Serve Auto Travelers Including Motels.	2½	35	20 Feet	Side Yards As Required In "C-1" District.	Where It Abuts On Alley, Enough Rear Yard To Provide Access For Fire Protection	For Dwellings Same As Required In "R-4" Multiple-Family Dwelling Districts
"C-3"	Uses Permitted In "C-2" District, Commercial Uses Common To Large Shopping Centers.	2½	35	20 Feet	Side Yards As Required In "C-1" District.	Same As "C-2"	For Dwellings Same As Required In "R-4" Multiple-Family Dwelling Districts
"C-4"	Uses Permitted In "C-3" District, Full Range Of Retail Business Uses In Central Business District.	3	45	Front Yard Is Rquired Only Where Part Of Frontage Is In An "R" District.	Side Yards As Required In "C-1" District.	Same As "C-2"	For Dwellings Same As Required In "R-4" Multiple-Family Dwelling Districts
"M-1"	Uses Permitted In "C-4" District, Light Or Assembly Type Of Industry Not Objectionable By Reason Of Noise, Smoke, Odors, Etc.	3	45	25 Feet	For Industry 10% Lot Width Next to "R" Dist. 10% Lot Width for all dwellings.	Where Industry Rears On An "R" District A 25 Foot Rear Yard. 25 Feet For Dwellings.	For Dwellings Same As Required In "R-4" Multiple-Family Dwelling Districts
"M-2"	Uses Permitted In "M-1" District, Heavy Industry But With Controls For Very Objectionable Or Dangerous Types.	3	45	50 Feet	25 Feet Next To Any "R" District	Where Industry Rears On An "R" District A 25 Foot Rear Yard.	Dwellings Not Permitted Except For Caretakers

Nov. 26. 1958

J. Haslett Bell, Planning Consultant

5-110-g

ORDINANCE NO. NS - 547

AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. NS-537 BY ADDING A NEW SUB-SECTION THERETO PERTAINING TO AN AMENDMENT OF THE UNIFORM BUILDING CODE PROVIDING MORE APPEAL PROVISIONS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. The following shall be inserted into the Uniform Building Code, 1958 Edition by adding to Section 203 thereof a new sub-section "F" as follows:

F. Owners and other persons aggrieved by a decision of the Building Official relating to an unsafe building shall have a right of appeal to the Appeal Board so long as the same shall be timely and made within ten days of receipt of the notice relating to the said unsafe building, the said notification of appeal shall be in writing and in accordance with the rules and regulations of the Appeal Board.

Owners and other persons still aggrieved by the decision of the Building Official or the Appeal Board relating to an unsafe building shall have a further right of appeal to the City Commission of the City of Bend, whose decision thereon shall be final and upon affirmative approval as to the decision of the Building Inspector and Appeal Board the necessary orders shall issue to abate the offending condition. Such abatement may also be enforced through a Court of Equity.

Read for the first time the 17th day of February, 1960.

Read for the second time the 2nd day of March, 1960.

Placed upon its passage the 2nd day of March, 1960.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 2nd day of March 1960.

William E. Miller
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-548

AN ORDINANCE AMENDING ORDINANCE NO. NS-469 BY REPEALING PRESENT SECTION 37 AND ADDING A NEW SECTION 37, BOTH PERTAINING TO RECKLESS DRIVING.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 37 of Ordinance No. NS-469 is hereby and herewith repealed and the following new Section 37 is substituted in lieu thereof, to-wit:

SECTION 37. Any person who drives any vehicle upon a highway, street or thoroughfare within the City of Bend, carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others is guilty of reckless driving and upon conviction shall be punished by imprisonment for not more than sixty days or by a fine of not more than $250.00 or both.

Read for the first time the 2nd day of March, 1960.

Read for the second time the 16th day of March, 1960.

Placed upon its passage the 16th day of March, 1960.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 16th day of March, 1960.

William E. Miller
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-549

AN ORDINANCE AMENDING SECTION 4 OF ORDINANCE NO. NS-537 BY CHANGING SECTION 204 OF THE UNIFORM BUILDING CODE 1958 EDITION VOLUME 1, TO INCREASE THE NUMBER OF MEMBERS OF APPEAL BOARD FROM FIVE TO SEVEN, APPOINTING THE CITY ATTORNEY AS EX-OFFICIO MEMBER AND EXPANDING THE DUTIES OF THE BOARD OF APPEALS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 4 of Ordinance No. NS-537 adopting the Uniform Building Code, 1958 Edition is hereby and herewith amended by deleting Section 204 of the Uniform Building Code, 1958 Edition, and substituting a new Section 204 as follows:

SECTION 204. In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this code there shall be and is hereby created a Board of Appeals consisting of 7 members who are qualified by experience and training to pass upon matters pertaining to building construction. The said Board shall have power to hear appeals from any order or ruling of the building official, to establish standards for, and give approval of, any materials and appliances used in building construction to adopt reasonable rules and regulations for the enforcement of the codes and to make such investigations as it may deem advisable to carry out the foregoing, and to grant such reasonable deviations from the strict provisions of the codes as may be necessary to carry out the objectives and intent of the codes. The building official, and City Attorney shall be ex-officio members of the Board and the building official shall act as secretary of the board. The Board of Appeals shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official with a duplicate copy to the appellant and may recommend to the City Commission such new regulations as is consistent therewith.

Read for the first time this 16th day of March, 1960
Read for the second time this 6 day of April, 1960
Placed upon its passage this 6 day of April, 1960

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 6 day of April, 1960

William E. Milton
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

9621

ORDINANCE NO. NS-550

AN ORDINANCE ANNEXING TO THE CITY OF BEND CERTAIN REAL PROPERTY AS DESCRIBED IN THE WITHIN ORDINANCE: CITING AN ORDINANCE DISPENSING WITH SUBMITTING THE QUESTION OF THE ANNEXATION TO THE REGISTERED VOTERS OF THE CITY OF BEND: AND RECOGNIZING THE RECEIPT OF CONSENTS TO ANNEXATION FROM THE PROPERTY OWNERS OF THE PROPERTY WITHIN THE TRACT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. The legislative body of the City of Bend does by the enacting of this ordinance recognize the following facts:

a. That under date of February 17, 1960, Ordinance No. NS-543 was passed by the City of Bend wherein the said City Commission of the said City of Bend did elect to dispense with submitting the question of the annexation of the following described lands and property to the registered voters of the City.

b. That the aforesaid Ordinance No. NS-543 was published once a week for two successive weeks in the Bend Bulletin, a newspaper of general circulation within the City of Bend. That said Ordinance was also posted in four public places within the said City of Bend. That said publication and posting ran concurrently.

c. That within the said Ordinance No. NS-543 there was also given notice of a public hearing to be held on the aforesaid annexation proceedings which said public hearing was to be held on the 16th day of March, 1960, at the hour of 7:45 pm in the Commission Chambers of the City Hall in Bend, Oregon. That at said public hearing no persons appeared to remonstrate against the proposed annexation.

d. That at the time of the public hearing as set forth there was presented to the City Commission of the City of Bend consents to the annexation by 100% of the property owners of the property described to be annexed.

SECTION 2. NOW, THEREFORE, the City Commission of the City of Bend, the legislative body of said City, does hereby proclaim that the following described property located within the County of Deschutes and State of Oregon shall be and the same hereby is annexed to the City of Bend and shall become a part thereof. That the said property is more particularly described as follows, to-wit:

The Southeast Quarter of the Southeast Quarter, Section 30, Township 17 S., Range 12, E.W.M., and the South 300 Feet of the Northeast Quarter of the Southeast Quarter, Section 30, Township 17 S., Range 12, E.W.M.

Read for the first time March 16, 1960.
Read for the second time April 6, 1960.
Placed upon its passage April 6, 1960.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 6th day of April, 1960.

William E. Miller
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

No. 5624

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 10th day of May A. D. 1960 at 10:42 o'clock A M and recorded in book 124 on pages 664 Record of Deeds

Helen McDaca County Clerk

By [illegible] Deputy

Indexed

ORDINANCE NO. NS-551

AN ORDINANCE AMENDING ORDINANCE NO. NS-546 BY ADDING TO SECTION 18.2 THEREOF A NEW SUBSECTION 15 CONTAINING THE WORD "LAUNDRIES", AND CITING THE HISTORY OF THE CHANGE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Ordinance No. NS-546 is hereby and herewith amended by adding to Section 18.2 thereof a new sub-section as follows, to-wit:

15. Laundries.

SECTION 2. That this within change was proposed by the Planning Commission of the City of Bend and a public hearing was had thereon by the said Planning Commission on May 16, 1960, and as a result thereof they have approved and recommended passage of the same.

Read for the first time this 18th day of May, 1960.

Read for the second time this 1st day of June , 1960.

Placed upon its passage this 1st day of June , 1960.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 1st day of June , 1960.

William E. Miller
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-552

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE OF THE CITY OF BEND, BY CHANGING CERTAIN AREAS AS HEREIN SET FORTH FROM THEIR PRESENT ZONING DISTRICT DESIGNATION TO A DESIGNATION AS IS HEREIN SET FORTH, CITING THE HISTORY OF THE CHANGES AND MAKING THE ORDINANCE APPLICABLE THERETO.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That Chapter 4 of Ordinance No. NS-546 shall be amended by adding thereto a new sub-section known as Section 4.3 as follows, to-wit:

SECTION 4.3

That the official Zoning District Map as mentioned in Section 4.1 hereof shall be changed in accordance with this subsection as follows, to-wit:

1. The east half of Blocks 19, 20 and 21, Riverside Addition, from R-2, One-Family Dwelling District, to M-1, Light Industrial District.

2. Blocks 1 and 2 in Lava Road Addition, and Lots 7,8,9, and 10, of Block 17 and all of Block 18, in Bend Addition, from R-4 Multiple-Family Dwelling District to C-4 Central Commercial District.

3. Block 7, Highland Addition from C-1 Commercial District to C-3 Commercial District.

4. Lots 4, 5, and 6, Block 37, and Lots 7, 8, and 9, Block 18, Riverside Addition, from R-2 One-Family Dwelling District, to C-2 Commercial District.

5. The present unplatted area which is a portion of Section 29, Township 17, South Range 12, E.W.M., in the NW¼ SE¼ and SE¼ NE¼ lying east of the Deschutes River, which is presently undesignated to R-2 One-Family Dwelling District.

6. That portion of Tract 6, Lytle Acres Tracts, bordered by Hill Street, Penn Avenue and Deschutes Place, which is presently undesignated, to C-2 Commercial District.

7. Lots 7 through 12, Block 70, Bend Park Addition, from R-3 Two-Family Dwelling District, to C-3 Commercial District.

8. Lots 14 and 15, Block 2, Keystone Terrace Addition, from R-3 Two-Family Dwelling District, to C-3 Commercial District.

9. That portion of Block 16, Riverside Addition lying east of the Pilot Butte Canal and Lots 1, 2, 3 and 4, of Block 39, Riverside Addition, from R-3 Two-Family Dwelling District to C-2 Commercial District.

SECTION 2. That subparagraphs 1 through 7 in the above Section 4.3 have been proposed by the City of Bend Planning Commission as an official proposal thereof. That subparagraphs 8 and 9 in the above Section 4.3 have been considered by the City of Bend Planning Commission as a result of petitions duly filed. That a public hearing was had on all of the above changes by the City of Bend Planning Commission on May 16, 1960. That as

a result thereof all of the above changes were approved and recommended to the City Commission for passage.

SECTION 3. That all rules, regulations, terms and conditions of the said Ordinance No. NS-546 shall apply to the changes herein this ordinance set forth.

Read for the first time this 18th day of May, 1960.

Read for the second time this 1st day of June , 1960.

Placed upon its passage this 1st day of June , 1960.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 1st day of June ,1960.

William E. Miller
Mayor

ATTEST:

Lucia S. Johnson
Recorder of the City of Bend

745

ORDINANCE NO. NS-553

AN ORDINANCE VACATING THE SOUTHERLY 114 FEET OF THE NORTH-SOUTH ALLEY IN BLOCK TWO, KEYSTONE TERRACE ADDITION TO THE CITY OF BEND, DESCHUTES COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS:

> The southerly 114 feet of the north-south alley in Block Two, Keystone Terrace Addition to the City of Bend, County of Deschutes, State of Oregon, according to the official plat thereof on file in the office of the Clerk of Deschutes County, Oregon

AND CONTAINING AN EMERGENCY CLAUSE.

WHEREAS the City Commission of the City of Bend, heretofore on the 20th day of April, 1960, duly and regularly initiated the necessary proceedings to vacate the alley location as above described on its own motion, and

WHEREAS the City Commissioners having considered the said vacation proceedings to vacate the alley area above described and found it to be in order and to meet the requirements of the law regulating the vacation of streets and alleys, and

WHEREAS after due notice as required by law, a public hearing was held in the City Commission Room in the City Hall, in the City of Bend, at 7:45 p.m., on June 1, 1960, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following alley area located within the City of Bend, County of Deschutes, State of Oregon, more particularly described as:

> The southerly 114 feet of the north-south alley in Block Two, Keystone Terrace Addition to the City of Bend, County of Deschutes, State of Oregon, according to the official plat thereof on file in the office of the clerk of Deschutes County, Oregon,

be and the same is hereby vacated.

This vacation is conditioned upon the receipt and acceptance by the City of Bend of a valid dedicatory deed to the following described real property, to-wit:

> The north six feet of Lot 15, Block 2, Keystone Terrace Addition to the City of Bend, County of Deschutes, State of Oregon, as shown on the official plat thereof on file in the office of the Clerk of Deschutes County, Oregon.

EMERGENCY CLAUSE: Inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof in that the area to be vacated hereby is destined to be built upon in a commercial expansion project that will increase the tax values of the City of Bend and it is deemed in the best interest of the City of Bend and the inhabitants thereof and for their peace, health, safety and general welfare for this alley to be vacated at the earliest opportunity, now, THEREFORE

AN EMERGENCY IS HEREBY DECLARED TO EXIST and upon the passage hereof by the affirmative vote of all members of the Commission this ordinance shall become immediately operative.

Read for the first time June 1, 1960
Read for the second time June 29, 1960
Placed upon its passage June 29, 1960
YEAS: 6 NAYS: 0
Submitted to and approved by the Mayor this 29th day of June, 1960.

William E. Miller
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend.

NS-553

No. 745

STATE OF OREGON }
County of Deschutes }

I hereby certify that the within instrument of writing was received for Record the 6th day of July A. D. 1960 at 2:05 o'clock P M and recorded in book M-25 on pages 408 or Record

Helen M. Breese County Clerk

By Rosemary Cotterell Deputy

Indexed

ORDINANCE NO. NS-554

AN ORDINANCE VACATING A PORTION OF THE ALLEY LOCATED WITHIN BEND TOWNSITE ADDITION TO THE CITY OF BEND, DESCHUTES COUNTY, OREGON, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

> The Alley bordered by Lots 4, 5, 6, and 7, Block 17, Bend Townsite Addition to the City of Bend, according to the official map thereof on file in the office of the Clerk of Deschutes County, Oregon.

WHEREAS the City Commission of the City of Bend heretofore on the 4th day of May, 1960, duly and regularly initiated the vacation proceedings to vacate the alley area above described in response to a petition for said vacation presented by Fr. Stephen Murtagh of St. Francis Catholic Church, one of the petitioners, and

WHEREAS the City Commissioners having considered said vacation proceeding and found them to be in order and to meet the requirements of the law regulating the vacation of streets, and

WHEREAS after due notice as required by law, a public hearing was held at the Commission Chambers at the City Hall in the City of Bend, at 7:45 o'clock p.m., on the 15th day of June, 1960, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following portion of the following described alley located in Bend Townsite Addition, City of Bend, Deschutes County, State of Oregon, more particularly described as:

> The Alley bordered by Lots 4, 5, 6 and 7, Block 17, Bend Townsite Addition to the City of Bend, according to the official map thereof on file in the office of the Clerk of Deschutes County, Oregon

be and the same is hereby vacated, provided that nothing herein contained shall cause or require the removal of or abandonment of any sewer, water main, gas main, conduit of any kind, wire, pole or thing used or intended to be used for any public service; and the right hereby is reserved for the owner of any such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild and/or enlarge any and all such things.

Inasmuch as it is necessary for the immediate preservation of the public health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof in that the petitioner in the aforesaid vacation matter is planning immediate construction of additional parochial school facilities and that such facilities are desired to be in operation by the start of the school year in September, 1960, and it being deemed that it is in the best interest of all persons concerned that this be accomplished, NOW, THEREFORE,

AN EMERGENCY IS HEREBY DECLARED TO EXIST and upon the passage hereof by the affirmative vote of all members of the Commission this ordinancesshall become immediately operative.

Read for the first time June 15, 1960
Read for the second time June 29, 1960
Placed upon its passage June 29, 1960

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 29th day of June, 1960.

William E. Miller
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

No. 246

STATE OF OREGON }
County of Deschutes }

I hereby certify that the within instrument of writing was received for Record the 6th day of June A. D. 19 66 at 2:06 o'clock P M and recorded in book 125 on Pages 309 Record

Deschutes County Clerk

By Deputy

Indexed

747

ORDINANCE NO. NS-555

AN ORDINANCE VACATING A PORTION OF THE ALLEY IN BLOCK 30 CENTER ADDITION TO THE CITY OF BEND, DESCHUTES COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS

> That portion of the Alley in Block 30, Center Addition to the City of Bend bordered by Lots 7 8 and 9 and 10, Block 30, as shown on the official map thereof on file in the office of the Clerk of Deschutes County, Oregon

AND CONTAINING AN EMERGENCY CLAUSE.

WHEREAS, the City Commission of the City of Bend, heretofore on the 4th day of May, 1960, duly and regularly initiated the necessary proceedings to vacate the alley location as above described on its own motion, and

WHEREAS, the City Commissioners having considered the said vacation proceedings to vacate the alley area above described and found it to be in order and to meet the requirements of the law regulating the vacation of streets and alleys, and

WHEREAS, after due notice as required by law, a public hearing was held in the City Commission Room in the City Hall, in the City of Bend at 7:50 p.m. on June 15th, 1960, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following alley area located within the City of Bend, County of Deschutes, State of Oregon, more particularly described as:

> That portion of the Alley in Block 30, Center Addition to the City of Bend bordered by Lots 7, 8, 9 and 10, Block 30, as shown on the official map thereof on file in the office of the Clerk of Deschutes County, Oregon,

be and the same is hereby vacated.

This vacation is conditioned upon the receipt and acceptance by the City of Bend of a valid dedicatory deed to the following described real property, to-wit:

The south ten (10) feet of Lot 5, and the south twenty (20) feet of Lots 6, 7 and 8, all in Block 30, Center Addition to Bend, County of Deschutes, State of Oregon, as shown on the official plat thereof on file in the office of the Clerk of Deschutes County, Oregon.

EMERGENCY CLAUSE: Inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof in that the alley vacated herein is being temporarily encroached upon and that the building construction, if held up, would result in serious financial loss and it is deemed in the best interest of the City of Bend and the inhabitants thereof for the aforesaid temporary encroachment to be obviated at the earliest opportunity NOW, THEREFORE, AN EMERGENCY is hereby declared to exist and upon the passage hereof by the affirmative vote of all members of the Commission this ordinance shall become immediately operative.

Read for the first time June 15, 1960
Read for the second time June 29, 1960
Placed upon its passage June 29, 1960
YEAS: 6 NAYS: 0
Submitted to and approved by the Mayor this 29th day of June, 1960

William E. Miller
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City ofBend.

NS-555

No. 12117

{STATE OF OREGON}
{ County of Deschutes }

I hereby certify that the within instrument of writing was received for Record the 6th day of June A. D. 1960 at 7:57 o'clock A M and recorded in book 325 on pages 320-321 Record

Nolan D. Barnes County Clerk

By Bernice Patterson Deputy

Indexed

ORDINANCE NO. NS-556

AN ORDINANCE SETTING FORTH THE NEED FOR A CHANGE IN DIRECTIVE OF A FORMER ORDINANCE, DIRECTING SEWER SERVICE CHARGES BE PLACED IN A NEW RESERVE FUND, DIRECTING SUCH FUNDS USE, DIRECTING THE CITY RECORDER PROVIDE PROCEDURES AND SETTING FORTH AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That heretofore the City Commission of the City of Bend did pass Ordinance No. NS-461 which was an ordinance setting forth facts about the sewer condition within the City of Bend, providing for monthly sewer charges designed to alleviate the sewer problem, setting forth a schedule of sewer charges, providing directions for the disposition of the funds collected and setting forth the effective date of the ordinance which said effective date was the 1st day of July, 1956. It is noted that within the terms of the aforesaid ordinance that a reserve fund was established wherein was placed the monies resulting from the sewer service charges and which monies were designated to be drawn to finance later studies as to what best may be done to improve the aforesaid sewage system. That, now on the date hereof, the City Commission of the City of Bend does deem that there are presently sufficient monies within the said above mentioned reserve fund to accomplish the purposes as set forth in the said Ordinance No. NS-461 and that therefore the designation for the placement of funds therein shall be no longer necessary after the 30th day of June, 1960.

SECTION 2. In view of the matters set forth in Section 1 hereinabove the City Recorder is directed that from and after the first day of July, 1960, to place no further funds collected under the terms of Ordinance No. NS-461 into the reserve fund as set forth therein but, instead, shall place funds collected in accordance with the terms of Ordinance No. NS-461 into a new reserve fund entitled Sewer Maintenance Reserve Fund which funds may be expended upon the authority of the City Commission of the City of Bend for maintenance, repair, rehabilitation, equipment and personal services, all to be used on the present sewer and sewage disposal system of the City of Bend so that the same may be kept in a workable condition for as long a time as possible.

SECTION 3. That the City Recorder of the City of Bend is specifically instructed and authority is hereby delegated to her to continue to provide the necessary procedures and facilities for the billing and collection of charges for the use of the aforesaid sewer system in accordance with the schedules as set forth in the said Ordinance No. NS-461.

SECTION 4. EMERGENCY CLAUSE: That inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof in that it is deemed necessary and advisable to change the manner of disposal of the funds collected for sewer service charges as of July 1, 1960, and that in order to accomplish the above desired and needed reserve it is necessary that this ordinance be fully operative prior to that time.

NOW, THEREFORE,

An emergency is hereby declared to exist, and upon the passage hereof by the affirmative vote of all members of the City Commission, this ordinance shall become immediately operative.

Read for the first time this 29 day of June, 1960.
Read for the second time this 6 day of July, 1960.
Placed upon its passage this 6 day of July, 1960.

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 6 day of July, 1960.

William E. Miller
Mayor

ATTEST:

Julia S. Johnson, Recorder of the City of Bend Repealed by ORD. NO. NS-1399

NS-556

ORDINANCE NO. NS-557

AN ORDINANCE AMENDING ORDINANCE NO. NS-288 BY REPEALING SECTION 4 OF ARTICLE VI AND SUBSTITUTING A NEW SECTION 4 IN LIEU THEREOF PERTAINING TO PUBLIC VIEW INTO A PUBLIC CARDROOM.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 4 of Article VI of Ordinance No. NS-288 shall be and the same hereby is repealed and the following Section 4 of Article VI of Ordinance No. NS-288 is hereby and herewith substituted in lieu thereof, to-wit:

> Section 4. Every public cardroom in the City of Bend shall be located upon the ground floor and a conveniently clear public view thereof shall be possible from the outside of the building housing the same.

Read for the first time September 7, 1960.

Read for the second time September 21, 1960.

Placed upon its passage September 21, 1960.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor September 21, 1960.

William E. Miller
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-558

AN ORDINANCE AMENDING ORDINANCE NO. NS-516 (8-104-o) BY DELETING SECTION 3 THEREOF AND SUBSTITUTING A NEW SECTION 3 THEREFORE PERTAINING TO THE FURTHER DEFINITION OF OPERATING GARBAGE COLLECTION VEHICLES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That Section 3 of Ordinance No. NS-516 shall be and the same hereby is amended by deleting the same from the said Ordinance and by substituting in lieu thereof the following Section 3.

Section 3. That because of the increased regulations and the enforcement thereof as in this ordinance set forth it is deemed advisable and necessary to increase the license fees in and for the business of collecting garbage and trash within the City of Bend so that the said City of Bend will be at least partially reimbursed for the additional costs thereof. Thus, Ordinance No. NS-317 (8-104-B) is herewith and hereby amended by deleting therefrom the 12th item in Section 1 thereof setting forth license fees for garbage trucks per quarter or fraction thereof at $10.00 inserting in lieu thereof the following item 12.

Garbage companies, including the first operating garbage collection vehicle thereof $20.00 monthly and for each additional operating garbage collecting vehicle $10.00 monthly additional payable quarterly in advance.

Substitute or additional vehicles when operated by the same man or crew as an original vehicle and when original vehicle is idle shall not be deemed additional operating garbage collection vehicles.

No person, firm, corporation, partnership or other business entity shall engage in the business of collecting or hauling garbage, trash, debris or litter within the City of Bend without having first obtained a license as provided for herein.

Read for the first time this 21st day of September, 1960.
Read for the second time this 5 day of October , 1960.
Placed upon its passage this 5 day of October , 1960.

Yeas: 6 Nays: 0

Submitted to and approved by the Mayor this 5 day of October , 1960

William E. Wilson
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-559

AN ORDINANCE AMENDING ORDINANCE NO. NS-546 BY CHANGING THE ZONE CLASSIFICATION OF LOTS FIVE (5) AND SIX (6), BLOCK FIFTEEN (15), CENTER ADDITION, FROM R-4 MULTIPLE FAMILY DWELLING DISTRICT TO C-3 COMMERCIAL DISTRICT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-546 is hereby and herewith amended by changing the District Zoning Map insofar as the same pertains to Lots Five (5) and Six (6), of Block Fifteen (15), Center Addition to the City of Bend by changing the district zone classification of the above mentioned lots from R-4 Multiple Family Dwelling District to C-3 Commercial District.

Read for the First time this 2nd day of November, 1960.

Read for the second time this 16th day of November, 1960

Placed upon its passage this 16th day of November, 1960.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 16th day of November, 1960.

William E. Miller
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-560

AN ORDINANCE VACATING THE FOLLOWING DESCRIBED PORTION OF A PUBLIC WAY:

A tract of land lying in the SE¼SE¼ of Section 32, Township 17, South, Range 12, E.W.M., and in the SW¼SW¼ of Section 33, Township 17, South, Range 12, E.W.M., further described as follows: Beginning at a point in the SE¼SE¼ of Section 32, Township 17 South, Range 12, E.W.M., said point being the southeasterly corner of the Cascade Forest Products property and being further located by being South 2,529.51 feet and East 35.25 feet according to the city of Bend's local coordinate system; thence on a curve to the left whose central angle is 96°00' and whose radius is 159.52 feet for a distance of 239.28 feet; thence N. 55°48' East for 35.00 feet; thence on a curve to the left whose central angle is 28°14' and whose radius is 218.60 feet for 107.72 feet; thence N. 27°34' East for 16.69 feet to the west line of East Third Street; thence due north along said west line of E. 3rd Street for 86.43 feet; thence S. 27°34' West for 93.31 feet; thence on a curve to the right whose central angle is 28°14' and whose radius is 178.60 feet for 88.01 feet; thence S. 55°48' West for 35.00 feet; thence on a curve to the right whose central angle is 96°00' and whose radius is 119.52 feet for 179.30 feet; thence S. 51°44'35" West for 40.00 feet to the point of beginning

WHEREAS the City Commission of the City of Bend heretofore on the 7th day of September, 1960, duly and regularly initiated the vacation proceedings to vacate the street area above described, and

WHEREAS the City Commissioners having considered said vacation proceedings and found them to be in order and to meet the requirements of the law regulating the vacation of streets, and

WHEREAS after due notice as required by law, a public hearing was held at the Commission Chambers at the City Hall in the City of Bend at 7:45 p.m. o'clock, on the 16th day of November, 1960, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following portion of the following described street located in the City of Bend, Deschutes, County, State of Oregon, more particularly described as:

A tract of land lying in the SE¼SE¼ of Section 32, Township 17, South, Range 12, E.W.M., and in the SW¼SW¼ of Section 33, Township 17 South, Range 12, E.W.M., further described as follows: Beginning at a point in the SE¼SE¼ of Section 32, Township 17 South, Range 12, E.W.M., said point being the southeasterly corner of the Cascade Forest Products property and being further located by being South 2,529.51 feet and East 35.25 feet according to the City of Bend's local coordinate system; thence on a curve to the left whose central angle is 96°00' and whose radius is 159.52 feet for a distance of 239.28 feet; thence N. 55°48' East for 35.00 feet; thence on a curve to the left whose central angle is 28°14' and whose radius is 218.60 feet for 107.72 feet; thence N. 27°34' East for 16.69 feet to the west line of East Third Street; thence due north along said west line of East Third Street for 86.43 feet; thence S. 27°34' West for 93.31 feet; thence on a curve to the right whose central angle is 28°14' and whose radius is 178.60 feet for 88.01 feet; thence S. 55°48' west for 35.00 feet; thence on a curve to the right whose central angle is 96°00' and whose radius is 119.52 feet for 179.30 feet; thence S. 51°44'35" West for 40.00 feet to the point of beginning

be and the same is hereby vacated, however a reservation of use and easement is herewith and hereby reserved by the City of Bend within the above described real property for ingress and egress, maintenance, repair, operation, continuance and use of a water pipe line and attendant facilities, including but not limited to fire hydrants, meter boxes, etc.,

and also free access and ingress to and upon the said real property for emergency vehicles, over which said easement there shall be no permanent structures constructed.

The street vacation herein provided for is conditioned upon the utilization of the contiguous area in conjunction with a shopping center within two years from the date hereof and further is conditioned upon the acquisition by the City of Bend of real property upon which to dedicate and construct a 30-foot roadway northerly and westerly of this vacated roadway to serve the area now served by this within described roadway being vacated. If all of the above conditions are not met, then this vacation shall be null and void and of no force and effect.

Read for the first time 11-16-60

Read for the second time 12-7-60

Placed upon its passage 12-7-60

Yeas: 7 Nays: 0

Submitted to and approved by the Mayor this 7 day of December, 1960.

William E. Miller
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-561

AN ORDINANCE SETTING FORTH RESTRICTIVE AND REVERSIONARY POLICIES FOR SALE AND DISPOSITION OF CITY OWNED REAL PROPERTY INSOFAR AS ITS PROJECTED USE IS CONCERNED.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION I. WHEREAS the present City Commission of the City of Bend deems it advisable to state a policy with regard to the sale and disposition of City-owned real property and therefore enacts the ordinance herein contained.

SECTION 2. From and after the effective date of this ordinance all persons and other entitles desiring to purchase or acquire real property owned by the City of Bend, other than those purchasing real property being sold at foreclosure sales, will be required to state their proposed use of such real property. This use as stated will then be made a part of the conveyance or sale papers in the form of a restriction, reversion or condition, as the case may be, and a time limit shall be placed therein for such use to be accomplished or effectuated except in the case of other public bodies when such restriction, reversion or condition may or may not be placed therein at the option of the City of Bend. Failure to comply therewith will be cause for the City to reclaim its title or interest therein.

Read for the first time December 7, 1960.
Read for the Second time December 21, 1960.
Placed upon its passage December 21, 1960.
YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 21 day of December.

William E Miller
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

3-101-a

ORDINANCE NO. NS-562

AN ORDINANCE REPEALING ORDINANCE NO. NS-122

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That Ordinance No. NS-122 shall be and hereby is repealed.

Read for the first time this 4th day of January, 1961.

Read for the second time this 18th day of January, 1961.

Placed upon its passage this 18th day of January, 1961.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 18th day of January, 1961.

E. L. Nelson
Mayor

ATTEST:

Irene S. Johnson
Recorder of the City of Bend

3-101-a

ORDINANCE NO. NS-563

AN ORDINANCE PROVIDING FOR WORKING OF PRISONERS UNDER SENTENCE TO WORK, FOR THE IMPRISONMENT OF PRISONERS NOT PAYING FINES AND PROVIDING FOR CREDIT PAYMENTS THERETO, ALLOWING PERSONS IN JAIL TO REQUEST WORK AND ACCEPTANCE THEREOF AT OPTION OF POLICE CHIEF, AND PROVIDING FOR ADDITIONAL CREDIT FOR SAME, AND PROVIDING PENALTIES FOR SENTENCED PRISONERS REFUSING TO WORK OR ESCAPING OR ATTEMPTING TO ESCAPE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Any person sentenced to a term of imprisonment in the city jail for the violation of any ordinance of the City of Bend shall, upon the order of the Municipal Judge, be compelled to work on any of the public thoroughfares of said City or upon any of its public grounds, in the improvement thereof, or upon any public work of said City, during the entire term of such imprisonment or any part thereof; said work shall be performed under the control and direction of the Chief of Police of the City of Bend who may, when necessary, take whatever actions which in his estimation may be necessary to prevent the escape of such person.

Section 2. Any person sentenced to pay a fine for a violation of any ordinance of the City of Bend, who shall fail for any reason to pay such fine, shall be imprisoned in the City jail for one day for each $5.00 of such fine.

Section 3. Persons in jail either under jail sentence without a court order requiring them to work, or for failure to pay a fine, may on their request and at the further option of the Police Chief, work, and for each day of such work will be credited for an additional day on their jail sentence or an additional $5.00 on their fine.

Section 4. Eight hours of work shall constitute a working day.

Section 5. Any prisoner refusing to work when sentenced to do such under the provisions of Section 1 hereof, and when physically able to so work, or any person who escapes or attempts to escape while working or going to or from work, shall be charged with a violation of this section and upon conviction therefor in the Municipal Court of the City of Bend shall be punished by further imprisonment for a term of not less than 10 days or more than 50 days.

Read for the first time this 4th day of January, 1961.

Read for the second time this 18th day of January, 1961.

Placed upon its passage this 18th day of January, 1961.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 18th day of January, 1961.

E. L. Nelson
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

Repealed by NO. NS-1399

5257

ORDINANCE NO. NS-564

AN ORDINANCE VACATING A PORTION OF WOODLAND BOULEVARD DESCRIBED AS FOLLOWS:

Beginning at a point on the west boundary of Woodland Boulevard, said point being 146.48 feet north of the south boundary of Alden Avenue, said point being further described as the northerly end of the curve bounding Woodland Pond Park on the easterly side; thence due south 146.48 feet to the south boundary of Alden Avenue extended west from the east side of Woodland Boulevard; thence due west to the westerly boundary of Woodland Boulevard as originally platted; thence northeasterly along the original westerly boundary of Woodland Boulevard to the point of beginning.

WHEREAS the City Commission of the City of Bend heretofore on the 7th day of December, 1960, duly and regularly initiated the vacation proceedings to vacate the street area above described, and

WHEREAS the City Commissioners having considered said vacation proceedings and found them to be in order and to meet the requirements of the law regulating the vacation of streets, and

WHEREAS after due notice as required by law, a public hearing was held at the Commission Chambers at the City Hall in theCity of Bend at 7:45 p.m. o'clock on the 18th day of January, 1961, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following portions of Woodland Boulevard located in the City of Bend, County of Deschutes, State of Oregon, more particularly described as

Beginning at a point on the west boundary of Woodland Boulevard, said point being 146.48 feet north of the south boundary of Alden Avenue, said point being further described as the northerly end of the curve bounding Woodland Pond Park on the easterly side; thence due south 146.48 feet to the south boundary of Alden avenue extended west from the east side of Woodland Boulevard; thence due west to the westerly boundary of Woodland Boulevard as originally platted; thence northeasterly along the original westerly boundary of Woodland Boulevard to the point of beginning

be and the same is hereby vacated.

It is the intent of this vacation that the portion of Woodland Boulevard being vacated and lying north of the north boundary of Section 4, Tn. 18, South Range 12, E.W.M. shall revert to Woodland Pond Park; and that the portion of Woodland Boulevard being vacated but lying south of the north boundary of Section 4, Tn. 18, South Range 12, E.W.M. shall revert to the adjoining land south of said section line.

Read for the first time January 18, 1961

Read for the second time February 1, 1961

Placed upon its passage February 1, 1961

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 1st day of ~~January~~ February, 1961

E. L. Nelson
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

No. 5257

{STATE OF OREGON}
{County of Deschutes}

I hereby certify that the within instrument of writing was received for Record the 13th day of March A. D. 1961 at 8:30 o'clock A M and recorded in book 127 on pages 190 Record of Deeds.

Helen M Dacey County Clerk

By Opal Sprague Deputy

Indexed

5258

VOL 127 PAGE 191

ORDINANCE NO. NS- 565

AN ORDINANCE VACATING A PORTION OF THE ALLEY IN BLOCK 24 CENTER ADDITION TO THE CITY OF BEND, DESCHUTES COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS:

> That portion of the Alley in Block 24, Center Addition to Bend, from a point 105.0 feet west of the west line of East Fourth Street, to a point 200.0 feet west of the west line of East Fourth Street, as shown on the official map thereof on file in the office of the Clerk of Deschutes County, Oregon

AND CONTAINING AN EMERGENCY CLAUSE.

WHEREAS, the City Commission of the City of Bend, heretofore on the 21st day of December, 1960, duly and regularly initiated the necessary proceedings to vacate the alley location as above described on its own motion, and

WHEREAS, the City Commissioners having considered the said vacation proceedings to vacate the alley area above described and found it to be in order and to meet the requirements of the law regulating the vacation of streets and alley,s and

WHEREAS, after due notice as required by law, a public hearing was held in the City Commission Room in the City Hall, in the City of Bend at 7:45 p.m., on February 15th, 1961, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following alley area located within the City of Bend, County of Deschutes, State of Oregon, more particularly described as:

> That portion of the Alley in Block 24, Center Addition to Bend, from a point 105.0 feet west of the west line of East Fourth Street, to a point 200.0 feet west of the west line of East Fourth Street, as shown on the official map thereof on file in the office of the Clerk of Deschutes County, Oregon

be and the same is hereby vacated.

This vacation is conditioned upon the receipt by the City of Bend of a valid easement for emergency vehicles for access to the area and an easement for public utilities service to the area.

EMERGENCY CLAUSE: Inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof in that on the above described premises there is to be constructed a medical-dental clinic that will add to the assessed valuation of the City of Bend, and enhance the neighborhood, and that said construction should commence at the earliest possible moment, NOW, THEREFORE, AN EMERGENCY is hereby declared to exist and upon the asssage hereof by the affirmative vote of all members of the Commission this ordinance shall become immediately operative.

SEAL OF THE CITY OF BEND, DESCHUTES COUNTY, OREGON

Read for the first time February 15, 1961
Read for the second time March 1, 1961
Placed upon its passage March 1, 1961

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 1st day of March, 1961.

E. L. Nelson
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend.

No. 5253

{STATE OF OREGON}
{County of Deschutes}

I hereby certify that the within instrument of writing was received for Record the 13th day of March A. D. 1961 at 8:31 o'clock A M and recorded in book 127 on pages 191 Records

Helen M. Stacy County Clerk
By Opal Sprague Deputy

Indexed

ORDINANCE NO. NS-566

AN ORDINANCE providing for the issuance of City of Bend Improvement Bonds in the sum of $37,000.00; providing and approving the form of the bonds to be issued and the coupons attached thereto; providing for the advertisement and sale of said bonds, and declaring an emergency.

****

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

WHEREAS the owners of the property so assessed for such street improvements in the sum of Twenty-five Dollars ($25.00) or more, aggregating in all the sum of $37,000.00, have within ten (10) days after notice of such assessment was first published, filed with the City Recorder of the said City, written applications to pay said assessments in instalments, each and all of which written applications did state that said applicant and property owner does thereby waive all irregularities or defects, jurisdictional or otherwise, in the proceedings to improve the street for which said assessment is levied, and in the apportionment of the cost thereof; and

WHEREAS, in no application received as aforesaid did the amount of such assessment, including all unpaid assessments or previously bonded liens exceed double its assessed valuation as shown by the last tax roll of Deschutes County; except insofar as those applications made by educational, religious, fraternal, charitable or public corporations; and

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

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

WHEREAS, after the expiration of the time for filing for the payment of assessments for said improvements by instalments as provided by law, the City Recorder did enter in a docket kept for that purpose, under separate heads for each street by name or number, a description of each lot, parcel

of land, or other property, against which such assessment is made, or which bears or is chargeable for the cost of such improvement, with the name of the owner and the amount of such unpaid assessment; and

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the City of Bend shall issue bonds in the name of and under the corporate seal of said City in the amount of Thirty-seven Thousand and no/100 ($37,000) Dollars, in the denomination of One Thousand ($1,000) Dollars each, numbered consecutively from 1 to 37, both numbers inclusive, said bonds to bear date of May 1, 1961, to be signed by the Mayor and countersigned by the Recorder of the City of Bend and the corporate seal of said City to be affixed thereto and said bonds shall, by the terms thereof, mature serially at the rate of Three Thousand ($3,000) Dollars on the first day of May in each of the years 1962 to 1964, inclusive, and Four Thousand ($4,000) Dollars on the first day of May in each of the years 1965 through 1971, inclusive. All of said bonds which mature after May 1, 1963 shall be subject to call and redemption on May 1, 1963, and on any semi-annual interest paying date thereafter, shall bear interest at the rate of not to exceed Six percent (6%) per annum, interest payable semiannually, said interest to be evidenced by coupons attached to said bonds, which said coupons shall have the signature of the Mayor and the signature of the Recorder of the City of Bend lithographed thereon, which bonds, together with the interest thereon, shall be payable at the office of the Treasurer of the City of Bend, and shall be known as City of Bend Improvement Bonds, Series 10.

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

No. _____ $1,000.00

UNITED STATES OF AMERICA

STATE OF OREGON

COUNTY OF DESCHUTES

CITY OF BEND IMPROVEMENT BOND

SERIES 10

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

ONE THOUSAND DOLLARS

in lawful money of the United States on the presentation and surrender of this obligation on the 1st day of May, 19__, without grace, with interest thereon, at the rate of ___ percent (__%) per annum, payable semiannually on the 1st days of May and November of each year on the presentation and surrender of the proper coupons hereto annexed, principal and interest payable at the office of the Treasurer of the City of Bend, Oregon.

This bond is one of a series of bonds authorized by and under the provisions of the Charter of said City and Chapter 223-205 Oregon Revised Statutes, et seq. as amended, providing for the issuance of bonds for street improvements and for the payment of the costs of such improvements, and is an obligation of the City of Bend aforesaid, and it is further certified that all of the requirements of law have been fully complied with by the proper officers in the issuances of this bond.

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

IN WITNESS WHEREOF this bond has been signed by the Mayor and countersigned by the Recorder of the City of Bend, and the corporate seal of said City hereto affixed this 1st day of May, 1961.

E. L. Mahoney
Mayor

Countersigned:

_____
Recorder

On the face of all bonds maturing after May 1, 1963, add a paragraph reading:

This bond is subject to call and redemption on May 1, 1963, and on any semiannual interest paying date thereafter.

(COUPON)

No.____ $____

THE CITY OF BEND, STATE OF OREGON, will pay to bearer on the first day of MAY / NOVEMBER 19___

_____DOLLARS

in lawful money of the United States at the office of the Treasurer of the City of Bend, being six months' interest on Improvement Bond No. ____, Series 10.

_____
Mayor

Countersigned:

_____
Recorder

On all coupons maturing after May 1, 1963, add the following:

unless said bond is sooner redeemed, as therein provided, which redemption will render this coupon void.

SECTION 3. The Recorder is hereby authorized and instructed to advertise the aforesaid bonds for sale at the Commission meeting to be held on the 5th day of April, 1961, by the insertion of an advertisement thereof once each week for two successive weeks in the Bend Bulletin, a newspaper published in the City of Bend.

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

AN EMERGENCY IS declared to exist and this ordinance shall take effect immediately after its enactment and approval.

Read for the first time March 1, 1961
Read for the second time March 15, 1961
YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 15th day of March, 1961.

E. L. Nielsen
Mayor

ATTEST:

Julia S. Johnson
Recorder

ORDINANCE NO. NS-567

AN ORDINANCE dispensing with election in the subject of an annexation, setting a date for public hearing, describing the property proposed to be annexed, setting up a publication schedule and setting forth an emergency clause.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City Commission of the City of Bend having by this Ordinance elected to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend, does hereby and herewith set by this Ordinance the 17th day of May, 1961, as the day fixed for a public hearing before the legislative body of the City of Bend at which time registered voters of the City of Bend may appear and be heard on the question of the aforesaid annexation. Notice of this aforesaid hearing shall be published once each week for two successive weeks in a newspaper of general circulation within the City of Bend and shall further be posted in four public places in the City for a like period.

Section 2. A copy of this Ordinance shall be used as the required notice as above set forth.

Section 3. The property which is the subject of this Ordinance and which is proposed to be annexed to the City of Bend is located within the County of Deschutes, State of Oregon, more particularly described as follows:

> Beginning at a point which is N. 0° 11' 25" W. a distance of 549.98' from the S. W. corner of the NE¼ SW¼ Section 31, Township 17 South, Range 12, E.W.M. said point being at the intersection of the west boundary of said NE¼ SW¼ of Section 31, Township 17, South, Range 12 with the center line of Galveston Avenue thence, N. 0° 11' 25" W. for 768.13' to the N. W. corner of said NE¼ SW¼, thence N. 0° 15' 43" W., for 761.86' to an intersection of the west boundary of the SE¼ NW¼ Section 31, Township 17 South, Range 12 with the center line of Lexington Avenue; thence due east along the center line of Lexington Avenue for 601.20'; thence due N. 265.00' to the center line of Milwaukee Avenue, thence due east for 160.00'; thence due north 132.50' to the center line of the alley in Block 2, Bonne Homes; thence due east for 242.84' to the center line of Knoxville Blvd.; thence S. 30° W. along the center line of Knoxville Avenue for 210.73'; thence southwesterly along a curve to the right whose central angle is 60° and whose radius is 840.00' for a distance of 80.16'; thence S. 54° 32' E. for 180.00' thence northeasterly on a curve to the left whose radius is 1020.00' and whose central angle is 60°00' for a distance of 9.32'; thence S. 60° E. for 145.30' to the center line of Stannium Road; thence S. 30° W. for 16.60'; thence southwesterly on a curve to the right whose central angle is 25°00' and whose radius is 630.00' for 179.05'; thence S. 43° 43' E. for 30.00'; thence S. 35°00' E. for 199.30'; thence S. 58° E. for 40.0' to the center line of Kingston Avenue; thence S. 32°00' W. for 120.24'; thence on a curve to the right whose central angle is 23°00' and whose radius is 560.00' for 224.79' thence S. 55°00' W. for 494.15'; thence due east along the center line of Ithaca Avenue for 647.42'; thence 147.50' due south to the center line of the alley in Block 20;

thence due east 99.58' to the easterly boundary of the NE¼ SW¼ Section 31, Township 17 South, Range 12, E.W.M.; thence due south for 147.50' to the center line of Hartford Avenue; thence due west 499.58'; thence due south for 147.50' to the center line of the alley in Block 21, Bonne Home Addition; thence due west for 410.00'; thence due south for 157.50' to the center line of Galveston Avenue; thence due west for 395.17' to the point of beginning.

Section 4. This Ordinance shall be published April 21 and April 28, 1961.

Section 5. AND WHEREAS, the owner of the above described real property is desirous of immediate construction of residences on the said property, and annexation of the aforedescribed real property is a prerequisite thereof, and because of the lateness of the season and the interest of the City and the inhabitants thereof indicate the desirability of construction as soon as possible,

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

Read for the first time this 5th day of April, 1961.
Read for the second time this 19th day of April, 1961.
Placed upon its passage this 19th day of April, 1961.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 19th day of April, 1961.

E L. Nelson
Mayor

ATTEST:

Julia B. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS- 568

AN ORDINANCE VACATING A PORTION OF EAST SEVENTH STREET DESCRIBED AS FOLLOWS:

East Seventh Street from the north line of Innes Lane to the north line of Neal Addition

WHEREAS the City Commission of the City of Bend heretofore on the 15th day of February, 1961, duly and regularly initiated the vacation proceedings to vacate the street area above described, and

WHEREAS the City Commissioners having considered said vacation proceedings and found them to be in order and to meet the requirements of the law regulating the vacation of streets, and

WHEREAS after due notice as required by law a public hearing was held at the Commission Chambers at the City Hall in the City of Bend at 7:45 p.m. o'clock on the 5th day of April, 1961, at which hearing

NOW, THEREFORE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following portion of East Seventh Street located in the City of Bend, County of Deschutes, State of Oregon, more particularly described as

East Seventh Street from the north line of Innes Lane to the north line of Neal Addition

be and the same is hereby vacated, provided that nothing herein contained shall cause or require the removal of or abandonment of any sewer, water main, gas main, conduit of any kind, wire, pole or thing used or intended to be used for any public service; and the right hereby is reserved for the owner of any such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild and/or enlarge any and all such things.

Read for the first time April 5, 1961

Read for the second time April 19, 1961

Placed upon its passage April 19, 1961

YEAS: 2 NAYS: 5

Submitted to the Mayor this 19th day of April, 1961

_____
Mayor

ATTEST:

_____
Recorder of the City of Bend

NOT PASSED

NS-568

ORDINANCE NO. NS 569

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That on the 19th day of April, 1961, the City of Bend passed Ordinance No. NS 567 dispensing with the question of submitting the question of annexation of the following described real property to the registered voters of the City of Bend and also set the 17th day of May, 1961, as the day fixed for a public hearing on the said question. That notice of this hearing was published once each week for two successive weeks in a newspaper of general circulation within the City of Bend and that notice of the same was posted in 4 public places in the City of Bend for a like period.

Section 2. The property which is the subject of this ordinance and which is proposed to be annexed to the City of Bend is located within the County of Deschutes, State of Oregon, more particularly described as follows:

> Beginning at a point which is N. 0° 11' 25" W. a distance of 549.98' from the S. W. corner of the NE¼ SW¼ Section 31, Township 17 South, Range 12, E.W.M. said point being at the intersection of the west boundary of said NE¼ SW¼ of Section 31, Township 17 South, Range 12 with the center line of Galveston Avenue thence, N. 0° 11' 25" W. for 768.13' to the N.W. corner of said NE¼ SW¼, thence N. 0° 15' 43" W., for 761.86' to an intersection of the west boundary of the SE¼ NW¼ Section 31, Township 17 South, Range 12 with the center line of Lexington Avenue; thence due east along the center line of Lexington Avenue for 601.20'; thence due N. 265.00' to the center line of Milwaukee Avenue, thence due east for 160.00'; thence due north 132.50' to the center line of the alley in Block 2, Bonne Homes; thence due east for 242.84' to the center line of Knoxville Blvd.; thence S. 30° W. along the center line of Knoxville Avenue for 210.73'; thence southwesterly along a curve to the right whose central angle is 60° and whose radius is 840.00' for a distance of 80.16'; thence S. 54° 32' E. for 180.00' thence northeasterly on a curve to the left whose radius is 1020.00' and whose central angle is 60°00' for a distance of 9.32'; thence S. 60° E. for 145.30' to the center line of Stannium Road; thence S. 30° W. for 16.60'; thence southwesterly on a curve to the right whose central angle is 25°00' and whose radius is 630.00' for 179.05'; thence S. 43° 43' E. for 30.00'; thence S. 35°00' E. for 199.30'; thence S. 58° E. for 40.0' to the center line of Kingston Avenue; thence S. 32°00' W. for 120.24'; thence on a curve to the right whose central angle is 23°00' and whose radius is 560.00' for 224.79' thence S. 55°00' W. for 494.15'; thence due east along the center line of Ithaca Avenue for 647.42'; thence 147.50' due south to the center line of the alley in Block 20; thence due east 99.58' to the easterly boundary of the NE¼ SW¼ Section 31, Township 17 South, Range 12, E.W.M.; thence due south for 147.50' to the center line of Hartford Avenue; thence due west 499.58'; thence due south for 147.50' to the center line of the alley in Block 21, Bonne Home Addition; thence due west for 410.00'; thence due south for 157.50' to the center line of Galveston Avenue; thence due west for 395.17' to the point of beginning.

Section 3. The said public hearing now having been had and there appearing

no opposition to the annexation of the aforedescribed real property to the City of Bend,

NOW THEREFORE, The City of Bend by this ordinance does declare that the territory above described is annexed to the City of Bend, the consent of the owner or owners of all the subject and contiguous territory proposed to be annexed having been provided and filed within the City of Bend in writing prior to the public hearing.

Read for tne first time the 17th day of May, 1961.

Read for the second time the 7th day of June, 1961.

Placed upon its passage the 7th day of June, 1961.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 7th day of June, 1961.

E. L. Nelson
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-570

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, the Zoning Ordinance of the City of Bend.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1: Ordinance No. NS-546, The Zoning Ordinance of the City of Bend, shall be and the same hereby is amended by deleting Section 19.1 thereof and substituting in lieu thereof the following Section 19.1:

Section 19.1

1. EXISTING LOTS OF RECORD. A lot of record at the time of the passage of this ordinance and in any district where dwellings are permitted and which lot has less dimension and lot area than is required for a one-family dwelling by the regulations of such district: a one-family dwelling shall be permitted on such lot so long as the lot shall have at least 5,000 square feet of realty contained therein and on lots of less than 5,000 square feet a one-family dwelling shall be permitted on such lot unless, in the opinion of the Board of Adjustment, a proper such dwelling cannot be built upon such lot.

SECTION 2: Ordinance No. NS-546, the Zoning Ordinance of the City of Bend, shall be and the same hereby is amended as follows:

(a) Add to Section 7.4, sub-section 2, at the end thereof the following: "A roof or eave overhang encroaching on the side yard shall be permitted in accordance with the following formula, to-wit: 4 inches of overhang for each foot of side yard up to a maximum overhang of 36 inches. Except that in cases where this formula will not permit 24" of overhang a 24" overhang shall be permitted.

(b) Add to Section 8.4, sub-section 2, at the end thereof the following: "A roof or eave overhang encroaching on the side yard shall be permitted in accordance with the following formula, to-wit: 4 inches of overhang for each foot of side yard up to a maximum overhang of 36 inches. Except that in cases where this formula will not permit 24" of overhang a 24" overhang shall be permitted.

(c) Add to Section 9.4, sub-section 2, at the end thereof the following: "A roof or eave overhang encroaching on the side yard shall be permitted in accordance with the following formula, to-wit: 4 inches of overhang for each foot of side yard up to a maximum overhang of 36 inches. Except that in cases

where this formula will not permit 24" of overhang a 24" overhang shall be permitted.

(d) Add to Section 5.3, sub-section 5, regarding open space at the end thereof by changing the period to a comma, the following "except for such overhang encroachments as are provided for and permitted under the terms of Ordinance No. NS-570.

SECTION 3. The City Recorder is authorized and directed to codify the within amendment into the paper bound copies of said Ordinance No. NS-546 available and on hand.

Read for the first time 6-7-61

Read for the second time 6-21-61

Placed upon its passage 6-21-61

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 21st day of June, 1961.

E. L. Mulas
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-570

ORDINANCE NO. NS-571

AN ORDINANCE GRANTING TO FRED DAVIES A FRANCHISE FOR AN INTRA-CITY BUS SERVICE, RETAINING PUBLIC PROPERTY AND USE THEREOF AND THE RIGHT OF INSPECTION; PROVIDING THE FRANCHISEE FURNISH A MAP AND SCHEDULE OF OPERATION; PROVIDING FOR INSURANCE COVERAGE AND NO ASSIGNMENT OF THE FRANCHISE WITHOUT APPROVAL; REQUIRING HIS ACCEPTANCE OF THE OBLIGATIONS; INCORPORATING PROVISIONS OF ORDINANCE NO. NS-298; RETAINING A RIGHT TO EXAMINE RATE STRUCTURE AND SETTING FORTH CONSIDERATIONS THEREFOR TOGETHER WITH A RIGHT TO EXAMINE SERVICE; CONTAINING A SAVE HARMLESS CLAUSE; SETTING FORTH A 5-YEAR TERM AND CONTAINING AN EMERGENCY CLAUSE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend, hereinafter designated as City does hereby grant to Fred Davies, hereinafter called grantee the exclusive right, privilege, authority and franchise of providing and furnishing unto the people of the City of Bend a public transportation service in the nature of a bus line, and included within such right is the right to use and operate upon the streets, alleys, avenues, thoroughfares and public highways within the City of Bend, and the right to maintain certain bus stops at designated places within the said City of Bend, which said bus stops and designated places must be approved by the City Manager prior to the use thereof as such.

Section 2. That any rights granted hereunder shall always be subject to the right of the public to free use of public property and that nothing herein shall be construed as granting any right that may interrupt or infringe upon the free use by the people of such public property. In the event there is such a conflict grantee hereby agrees to remove said offending installation and in the event it fails to do so authorizes the City to do so and to charge the cost thereof to grantee.

Section 3. Any and all installations made under the authority granted in this franchise shall be made in such a manner as to conform to any and all applicable regulations now in force or which may be enacted in the future for the public health, safety and welfare of the City of Bend and its inhabitants. The City specifically reserves the right acting through its lawfully constituted agents to inspect any installations of whatsoever nature installed under the rights granted herein, and that upon a violation found the City may require the offending installation to be removed, replaced or altered in such a manner as to conform to the required specifications. Inasmuch as this franchise herein granted contemplates public transportation in the nature of a bus service, the matter of inspection shall include the equipment such as busses being used for the said public transportation the same as if the same were a fixed installation.

Section 4. The grantee, as a condition to the granting of this franchise, agrees to provide unto the City a word map or a pictorial map indicating the proposed route of transportation as herein contemplated and likewise a time schedule for such transportation. It is agreed however, that the grantee may from time to time change its route and time schedule, but before doing so it must provide to the City Manager of the City of Bend all proposed changes and shall receive prior to the time of the inception of the changes, the approval of the said City Manager of the City of Bend.

Section 5. Prior to the time this franchise shall create any rights in grantee, grantee must provide certificate of insurance showing coverage as follows:

(a). Bodily injury liability insurance with limits of at least $100,000 each person and $200,000 each occurance.

(b). Property damage liability insurance with limits of $50,000 each accident and $100,000 aggregate.

(c). That included within such coverage as above set forth, there shall be a save harmless clause in favor of the City of Bend protecting the City from any injuries, property damage and any other liabilities arising in any way from the operation of grantee as contemplated within this ordinance.

Section 6. No assignment of this franchise shall be permitted on the part of grantee without prior approval of the City Commission of the City of Bend.

Section 7. Grantee shall, as a condition to the granting of this franchise, file with the City Recorder of the City of Bend its written acceptance of the obligations contained herein and its agreements to abide with any of the regulations herein enclosed.

Section 8. The terms of Ordinance No. NS-298 (8-107) together with amendments thereto shall be and hereby are made a part hereof by reference except that those portions of the said Ordinance No. NS-298 which are in conflict with the terms and provisions of this franchise ordinance shall not be applicable hereto. In this connection the City reserves unto itself the right to change the license fees as set forth in Ordinance No. NS-298 as amended.

Section 9. The City reserves the right at any time during the period of this franchise to examine the rate structure of grantee and to direct certain and any rate changes which, in the opinion of the City Commission, are dictated in view of the following considerations:

(a). That grantee shall have the right to charge and collect reasonable compensation from persons to whom it shall furnish public transportation and the term "reasonable compensation" may be defined at the discretion of the City after a study and consideration of national figures pertaining thereto and as affected by local conditions.

(b). The City bases its rights reserved hereunder upon the inherent and statutory right of the City to perform in the best interest of the people of the City of Bend and to prevent any possible flagrant misuse of the right granted hereunder.

Section 10. The City also reserves the right to consider the situation and areas served by the grantee in its public transportation operation and to make recommendations for service to other areas not being served at any given time. It is agreed that grantee will attempt to serve as many people and areas as it is economically possible for it so to do, and it is also agreed that grantee will serve the areas without discrimination.

Section 11. Grantee agrees to indemnify and save harmless the City from any and all liability arising from bodily injury or property damage caused by use of the rights granted hereunder.

Section 12. This franchise as herein granted shall be for a term of 5 years and the right is reserved unto the franchise holder to cease and desist its public transportation operations as are contemplated under this franchise at any time after having given to the City of Bend notice in writing of his intentions so to do sixty days prior to termination of the services herein contemplated.

Section 13. EMERGENCY CLAUSE . Inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof in that the grantee of this franchise has agreed to provide public transportation in the nature of a bus service which is not presently available to the City of Bend and the inhabitants thereof and that the people of the City of Bend are desirous of and are entitled to obtain such a service at the earliest possible time.

NOW THEREFORE, an emergency is hereby declared to exist and upon the passage hereby by the affirmative vote of all members of the City Commission this ordinance shall become immediately operative.

Read for the first time this 9th day of August, 1961.

Read for the second time this 20th day of September, 1961.

Placed upon its passage this 20th day of September, 1961.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 20th day of September, 1961.

E. L. Nalder
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

VOL 129 PAGE 40

9820

ORDINANCE NO. NS-572

AN ORDINANCE VACATING THE ALLEY IN BLOCK ONE, CASCADE ADDITION TO THE CITY OF BEND, DESCHUTES COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

The Alley in Block One (1), Cascade Addition to the City of Bend, as shown on the official map thereof on file in the office of the Clerk of Deschutes County, Oregon.

WHEREAS the City Commission of the City of Bend heretofore on the 21st day of June, 1961, duly and regularly initiated the necessary proceedings to vacate the alley as above described on petition by the Oregon Trail Box Co., Inc., the petitioner, and

WHEREAS, the City Commissioners having considered the said vacation proceedings to vacate the alley area above described and found it to be in order and to meet the requirements of the law regulating the vacation of streets and alleys, and

WHEREAS, after due notice as required by law, a public hearing was held in the City Commission Room in the City Hall, in the City of Bend, at 7:45 o'clock P.M., on September 20, 1961, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following alley area located within the City of Bend, County of Deschutes, State of Oregon, more particularly described as

The Alley in Block One (1), Cascade Addition to the City of Bend, as shown on the official map thereof on file in the office of the Clerk of Deschutes County, Oregon

be and the same is hereby vacated.

Read for the first time this 20th day of September, 1961.

Read for the second time this 4th day of October, 1961.

Placed upon its passage this 4th day of October, 1961.

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 4th day of October, 1961.

SEAL OF THE CITY OF BEND, DESCHUTES COUNTY, OREGON

E. L. Nelson
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

9820

No.

{STATE OF OREGON,
County of Deschutes }

I hereby certify that the within instrument of writing was received for Record the 9th day of October A. D. 19 61 at 8:30 o'clock A M and recorded in book 129 on pages 40 Deeds Record

Helen M. Dacy County Clerk
By Opal Sprague Deputy

Indexed

NS-572

ORDINANCE NO. NS-573

AN ORDINANCE VACATING A PORTION OF E. BURNSIDE AVENUE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

All of E. Burnside Avenue lying east of the east line of E. Thirteenth Street, as shown on the official map thereof on file in the office of the Clerk of Deschutes County, Oregon.

WHEREAS the City Commission of the City of Bend heretofore on the 1st day of August, 1961, duly and regularly initiated the necessary proceedings to vacate the street as above described on petition by Richard D. Kerr, the petitioner, and

WHEREAS, the City Commissioners having considered the said vacation proceedings to vacate the street area above described and found it to be in order and to meet the requirements of the law regulating the vacation of streets and alleys, and

WHEREAS, after due notice as required by law, a public hearing was held in the City Commission Room in the City Hall, in the City of Bend, at 8:00 o'clock P.M., on September 20, 1961, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That the following street area located within the City of Bend, County of Deschutes, State of Oregon, more particularly described as

All of E. Burnside Avenue lying east of the east line of E. Thirteenth Street, as shown on the official map thereof on file in the office of the Clerk of Deschutes County, Oregon

be and the same is hereby vacated.

Read for the first time this 20th day of September, 1961,

Read for the second time this 4th day of October, 1961.

Placed upon its passage this 4th day of October, 1961.

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 4th day of October, 1961.

SEAL OF THE CITY OF BEND, DESCHUTES COUNTY, OREGON 1905

ATTEST:

E. L. Nelson
Mayor

Jessica S. Johnson
Recorder of the City of Bend

Indexed

No.
{STATE OF OREGON}
County of Deschutes }
I hereby certify that the within instrument of writing was received for Record the 9th day of October A. D. 1961 at 10:25 o'clock A M and recorded in book 129 on pages 59 Deeds
Helen M. Dacus County Clerk
By Opal Sprague Deputy

NS-573

ORDINANCE NO. NS-574

AN ORDINANCE AMENDING ORDINANCE NO. NS-546 BY CHANGING THE ZONE CLASSIFICATION OF A PORTION OF BEND AUTO PARK FROM R-2 ONE FAMILY DWELLING DISTRICT TO C-2 COMMERCIAL DISTRICT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-546 is hereby and herewith amended by changing the District Zoning Map insofar as the same pertains to:

All of the following described property not presently zoned as C-2

That part of the Southwest Quarter of the Southeast Quarter (SW¼SE¼) of Section Twenty-nine (29), Township Seventeen (17), South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, described as follows: Beginning at the southeast corner of the Southwest Quarter of the Southeast Quarter (SW¼SE¼) of Section Twenty-nine (29), Township Seventeen (17), South, Range Twelve (12), East of the Willamette Meridian, thence north twenty (20) rods; thence west to the Deschutes River; thence south along said river to the south line of said Section Twenty-nine (29), thence east along said section line to the point of beginning, excepting from said tract, however, a strip of land along the north side thereof, twenty (20) feet in width, which strip is hereby reserved for road purposes

by changing the district zone classification of the above mentioned area from R-2 One Family Dwelling District to C-2 Commercial District.

Section 2. EMERGENCY CLAUSE. Inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative on the passage hereof in that the sale of this property has been made contingent upon the passage of this ordinance, which sale contemplates additional improvements to the said premises which will improve the tax situation and the general over-all appearance of the said property,

NOW, THEREFORE, AN EMERGENCY IS HEREBY DECLARED to exist and upon the affirmative vote hereon by all members of the City Commission now in attendance this ordinance will become immediately operative.

Read for the first time this 20th day of September, 1961.

Read for the second time this 4th day of October, 1961.

Placed upon its passage this 4th day of October, 1961.

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 4th day of October, 1961.

E. L. Nelson
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-575

AN ORDINANCE AMENDING THE UNIFORM BUILDING CODE BY ADDING A NEW SUB-SECTION SETTING FORTH A FEE OF $1.00 AS THE BUILDING PERMIT FEE FOR FALL-OUT SHELTERS, AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That Section 4 of Ordinance No. NS-537 adopting the Uniform Building Code, 1958 Edition, is hereby and herewith amended by adding sub-section (c) to Section 303 of the said Uniform Building Code as follows:

(c) Building permit fees for structures identified as being "Fall-out Shelters" shall be $1.00 regardless of the dollar value of the work.

Section 2. EMERGENCY CLAUSE. Inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof in that the subject hereof is of a critical nature and it is in the national interest that such shelters be built with a minimum delay, NOW, THEREFORE,

AN EMERGENCY is hereby declared to exist and upon the passage hereof by the affirmative vote of all members of the Commission in attendance hereat, this ordinance shall become immediately operative.

Read for the first time this 18th day of October, 1961.

Read for the second time this 1st day of November, 1961.

Placed upon its passage this 1st day of November, 1961.

YEAS: NAYS:

Submitted to and approved by the Mayor this 1st day of November, 1961.

E. L. Nelson
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-576

AN ORDINANCE REGARDING THE ZONE CLASSIFICATION OF A NEWLY ANNEXED AREA AND DETERMING THAT THE SUBJECT AREA SHALL RECEIVE OFFICIAL DISTRICT CLASSIFICATION OF R-2 ONE FAMILY DWELLING DISTRICT AND AMENDING THE OFFICIAL ZONING DISTRICT MAP ACCORDINGLY.

WHEREAS the following described real property was duly and regularly annexed to the City of Bend on the 7th day of July, 1961, to-wit:

Beginning at a point which is N. 0°11'25" W. a distance of 549.98' from the S.W. corner of the NE¼SW¼, Section 31, Township 17 South, Range 12, E.W.M., said point being at the intersection of the west boundary of said NE¼SW¼ of Section 31, Township 17, South, Range 12, E.W.M. with the center line of Galveston Avenue thence N. 0°11'25" W. for 768.13' to the N.W. corner of said NE¼SW¼, thence N. 0°15'43" W. for 761.86' to an intersection of the west boundary of the SE¼NW¼ Section 31', Township 17 South, Range 12 with the center line of Lexington Avenue; thence due east along the center line of Lexington Avenue for 601.20'; thence due N. 265.0' to the center line of Milwaukee Avenue, thence due east for 160.0'; thence due north 132.50' to the center line of the alley in Block 2, Bonne Homes; thence due east for 242.84' to the center line of Knoxville Blvd.; thence S. 30° W. along the center line of Knoxville Avenue for 210.73'; thence southwesterly along a curve to the right whose central angle is 60° and whose radius is 840.0' for a distance of 80.16'; thence S. 54°32' E. for 180.0' thence northeasterly on a curve to the left whose radius is 1,020.0' and whose central angle is 60°00' for a distance of 9.32'; thence S. 60° E. for 145.30' to the center line of Stannium Road; thence S. 30° W. for 16.60'; thence southwesterly on a curve to the right whose central angle is 25°00' and whose radius is 630.00' for 179.05'; thence S. 43°43' E. for 30.0'; thence S. 35°00' E. for 199.30'; thence S. 58° E. for 40.0' to the center line of Kingston Avenue; thence S. 32°00' W. for 120.24'; thence on a curve to the right whose central angle is 23°00' and whose radius is 560.0' for 224.79'; thence S. 55°00' W. for 494.15'; thence due east along the center line of Ithaca Avenue for 647.42'; thence 147.50' due south to the center line of the alley in Block 20; thence due east 99.58' to the easterly boundary of the NE¼SW¼ Section 31, Township 17 South, Range 12, E.W.M.; thence due south for 147.50' to the center line of Hartford Avenue; thence due west 499.58'; thence due south for 147.50' to the center line of the alley in Block 21, Bonne Home Addition; thence due west for 410.00'; thence due south for 157.50' to the center line of Galveston Avenue; thence due west for 395.17' to the point of beginning, and

WHEREAS the provisions of Ordinance No. NS-546, the Zoning Ordinance of the City of Bend, provide that newly annexed areas become R-1 One Family Dwelling District until a thorough study is made of the subject area by the Planning Commission, and

WHEREAS such a study has been made and the said City Planning Commission on the 25th day of September, 1961, did finalize its study with the recommendation to the City Commission that the subject area have a final district classification of R-2 One Family Dwelling District, Now Therefore,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That the above described real property area shall receive a final district classification of R-2 One Family Dwelling District as set forth in Ordinance No. NS-546 and shall be subject to the rules and regulations therein set forth and that the official "Zoning District Map" shall be amended to effect this change.

Read for the first time October 4, 1961
Read for the second time October 18, 1961
Placed upon its passage October 18, 1961

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 18th day of October, 1961.

E. L. Nelson
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

Ordinance No. NS-577

AN ORDINANCE AMENDING ORDINANCE NO. NS-546 TO CREATE AN ADDITIONAL VARIANCE POSSIBILITY WHICH WILL PERTAIN TO HARDSHIP TRAILER CASES TO ALLOW A 6-MONTH VARIANCE, AND TO REDUCE THE TIME BETWEEN PUBLICATION AND VARIANCE HEARING TO 10 DAYS AND TO EXPAND THE TIME FOR REMOVAL OF HOUSE TRAILERS TO COURTS AND AUTHORIZED LOCATIONS TO 20 DAYS.

Ordinance No. NS-546, the Zoning Ordinance of the City of Bend, is hereby and herewith amended as follows:

Section 1. Add to Section 21.3 a new sub-section to be identified as sub-section 6 as follows to-wit:

6. To authorize upon appeal a variance and variation of the terms of this ordinance as they pertain to the location of house trailers based upon a particular hardship in a specific case. Said variance may continue only for the duration of the hardship and the Board is empowered to apply restrictions and conditions of any nature in such a grant and is further authorized to determine and consider the feelings and sentiments of the residents of the reasonably close surrounding area and the effect on that area before such a grant of variance is made.

Section 2. Section 21.2 of Ordinance No. NS-546 is hereby and herewith amended by deleting the third paragraph thereof and placing in lieu thereof the following third paragraph of said Section 21.2, to-wit: "The Board shall fix a reasonable time for the hearing of the appeal and shall give not less than ten (10) days public notice thereof in a newspaper of general circulation and also serve copies of such notice upon the Building Inspector, the appellant, other parties in interest and upon such parties having requested such notice within the designated time. Upon the hearing any party may appear in person or by agent or by attorney.

Section 3. Section 18.1 Sub-Section 1 of Ordinance NS-546 is hereby and herewith amended by deleting the first paragraph thereof and replacing in lieu thereof the following first paragraph of said Section 18.1 Sub-Section 1, to-wit:
"1. NEWLY ARRIVED HOUSE TRAILERS. Newly arrived house trailers within the City of Bend shall move into an established trailer court or park or other authorized location within twenty (20) days after the time of arrival. Existing house trailers used as residences and located in other than trailer courts or parks or other authorized locations may remain in their present locations. Removing the same from such location, or replacing the same, will result in a loss of the status of existing house trailers and the loss of the exemption herein provided for. House trailers may not move from a trailer court or park or other authorized location to an unauthorized location.

Section 4. The Recorder of the City of Bend is authorized to fly-leaf these changes into all available copies of the said Ordinance No. NS-546.

Section 5. EMERGENCY CLAUSE: Inasmuch as it is necessary for the public health safety and welfare for this ordinance to become immediately operative upon the passage hereof in that certain situations do exist which might or could qualify as hardships and that these should be taken care of as soon as possible,

NOW, THEREFORE, AN EMERGENCY is hereby declared to exist and this ordinance shall become immediately operative upon the passage hereof.

Read for the first time 1-3-62.

Read for the second time 1-17-62.

Placed upon its passage 1-17-62.

YEAS 6 NAYS: 0

Submitted to and approved by the Mayor this 17th day of January, 1962.

Jack C Dempsey
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-578

WHEREAS, because of the existing possibility of an attack upon the United States of unprecedented size and destructiveness, including the inevitable hazard of radioactive contamination and in order, in the event of such an attack, to assure the continuation of effective, legally constituted leadership, authority and responsibility in the offices of the government of the City of Bend it is determined and declared by the City Commission of the City of Bend, County of Deschutes, State of Oregon, to be necessary and advisable to provide for emergency interim officers who can exercise the powers and discharge the duties of the officers, elective and appointed, as set forth in the City of Bend Charter of 1960, which are the key executive, administrative and judicial officers of this City in the event that the incumbents thereof are killed, missing, disabled or for some other cause unable to perform the duties and functions of their offices during and immediately after an attack as contemplated in this within declaration of purpose,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. This Ordinance shall be known and may be cited as the Continuity of Government Ordinance of the City of Bend, Oregon.

DEFINITIONS: As used in this Ordinance, unless the context otherwise clearly indicates:

a. "Attack" shall mean any attack or series of attacks by an enemy of the United States causing, or which may cause substantial damage or injury to civilian property or persons in the United States in any manner, by sabotage or by the use of bombs, missiles, shellfire or atomic, radiological, chemical,bacteriological or biological means or other weapons or processes.

b. "Unavailable" shall mean either that a vacancy in the office exists or that the holder thereof is absent or unable for physical, mental or legal reasons to exercise the powers and discharge the duties of office.

c. "Emergency Interim Successor" shall mean a person designated pursuant to this Ordinance for possible temporary succession to the powers and duties, but not the office of a City officer enumerated herein in the event such officer is unavailable to exercise the powers and discharge the duties of the office.

Section 2. Each person holding an elective office under the terms of the City of Bend Charter of 1960 shall, within thirty days following the effective date of this Ordinance and thereafter, within thirty days after first entering upon the duties of his office, designate such number of emergency interim successors to his office and specify their rank in order of succession so that there will be not less than three duly authorized emergency interim successors for the office. The City Manager and each Department Head as set forth in the said City Charter, within thirty days following the effective date of this Ordinance, and thereafter within thirty days after first entering upon the duties of his office, shall nominate to the City Commission of the City of Bend such number of interim successors to himself

Repealed by NO. NS-1399

and shall specify their rank in order of succession so that there will be not less than three duly authorized emergency interim successors for each of said officers or department heads. The City Commission of the City of Bend, shall upon such nomination by entry in its minutes such nomination shall be deemed to be approved and those persons shall be deemed to be the emergency interim successors of the respective officers and department heads.

Section 3. The lists of emergency interim successors shall be revised and kept up to date so that at all times after the passage of this ordinance the said lists of emergency interim successors shall be operative. No person shall be designated or serve as an emergency interim successor unless he may, under the constitution and statutes of this State and the Charter and Ordinances of this City, hold the office of the person to whose powers and duties he is designated to succeed, but no provision of any ordinance prohibiting an officer or employee of this City from holding another office shall be applicable to an emergency interim successor. A person designated as an emergency interim successor holds that designation at the pleasure of the designator, provided that he must be replaced if removed. He retains this designation as emergency interim successor until replaced by another appointed by the authorized designator.

Section 4. If in the event of an attack any officer identified in Section 2 of this Ordinance is unavailable, his emergency interim successor highest in rank in order of succession who is ~~not~~ available shall, except for the power and duty to appoint emergency interim successors, exercise the powers and discharge the duties of such officer. An emergency interim successor shall exercise these powers and discharge these duties only until such time as the lawful incumbent officer or any emergency interim successor higher in rank in order of succession exercises or resumes the exercise of the powers and discharge of the duties of the office, or until, where an actual vacancy exists, a successor is appointed to fill such vacancy or is elected and qualified as provided by law.

Section 5. The name, address, and rank in order of succession of each duly authorized emergency interim successor shall be filed with the City Recorder of the City of Bend and each designation, replacement or change in order of succession of an emergency interim successor shall become effective when the designator files with the said City Recorder the successor's name, address and rank in order of succession. The City Recorder shall keep on file all such data regarding duly authorized emergency interim successors and said file shall be open to public inspection.

Section 6. At the time of their designation emergency interim successors shall take such oath and do such other things, if any, as may be required to qualify them to exercise the powers and discharge the duties of the office to which they may succeed.

Section 7. In the event of an attack quorum requirements of the City Commission shall be suspended and, where the affirmative vote of a specified proportion of members for approval of an ordinance, resolution or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient.

Section 8. If any section, sub-section, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

EMERGENCY CLAUSE: INASMUCH AS IT IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PEACE, HEALTH SAFETY AND GENERAL WELFARE of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof in that these are perilous times and that an attack as contemplated herein could come at any time and that continuity of government is essential,

NOW, THEREFORE AN EMERGENCY IS HEREBY DECLARED TO EXIST and upon the passage hereof by the affirmative vote of all members of the Commission then in attendance this ordinance shall become immediately operative.

Read for the first time October 18, 1961

Read for the second time November 1, 1961

Placed upon its passage November 1, 1961

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 1st day of November, 1961.

E. L. Nelson
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

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1976

ORDINANCE NO. NS-579

AN ORDINANCE VACATING A PORTION OF THURSTON AVENUE BOUNDED ON THE EAST BY THE WESTERLY BOUNDARY OF EAST SECOND STREET AND ON THE WEST BY THE EASTERLY RIGHT-OF-WAY OF THE OREGON TRUNK RAILROAD.

WHEREAS the City Commission of the City of Bend heretofore on the 1st day of November, 1961, duly and regularly initiated the necessary proceedings to vacate the street as above described, and

WHEREAS the City Commissioners having considered the said vacation proceedings to vacate the street area above described and found it to be in order and to meet the requirements of the law regulating the vacation of streets and alleys, and

WHEREAS after due notice as required by law, a public hearing was held in the City Commission Room in the City Hall, in the City of Bend, at 8:00 p.m. on the 6th day of December, 1961, at which hearing no objections or remonstrances to such proposed vacation were presented, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That a part of Thurston Avenue bounded on the south by Block 4, Lytle Addition; on the west by the easterly right-of-way of the Oregon Trunk Railroad; on the north by Block 15, Riverside Addition; on the east by the westerly boundary of East Second Street as shown on the official plat thereof on file in the office of the Clerk of Deschutes County, Oregon,

be and the same is hereby vacated, provided that nothing herein contained shall cause or require the removal of or abandonment of any sewer, water main, gas main, conduit of any kind, wire, pole or thing used or intended to be used for any public service; and the right hereby is reserved for the owner of any such utility or thing to maintain, continue, repair, reconstruct, renew, replace, rebuild and/or enlarge any and all such things.

Read for the first time the 6th day of December, 1961.

Read for the second time the 20th day of December, 1961.

Placed upon its passage the 20th day of December, 1961.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 20th day of December, 1961.

E. L. Nelson
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

1976

No. _____

{STATE OF OREGON}
{County of Deschutes}

I hereby certify that the within instrument of writing was received for Record the 23rd day of January A. D. 1962 at 9:34 o'clock A M and recorded in book 130 on pages 12 Record of Deeds

Helen M Dacey County Clerk

By Opal Sprague Deputy

Fee $3.00

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