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VACATION ORDINANCE

ORDINANCE NO. NS-580

WHEREAS the City Commission of the City of Bend heretofore on the 15th day of November, 1961, duly and regularly initiated the vacation proceedings to vacate the plat filed on or about the sixth day of July, 1911, pertaining to the following described real property located within the City of Bend, County of Deschutes, State of Oregon, more particularly described as follows:

> The Northeast Quarter of the Northeast Quarter (NE¼NE¼) of Section Four (4), Township Eighteen (18), South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, being also those portions of Bend Park, an addition to the City of Bend described as follows: All of Blocks 36, 48, 88, 89, 90, 91, 92, 93, all of Block 94, and including all of Blocks 95, 96, 97; and those portions of Blocks 19, 35, 37 and 47, situate within the boundaries of said Northeast Quarter of the Northeast Quarter of Section 4.

WHEREAS, the City Commission of the City of Bend, having considered said vacation proceedings and found them 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 at the Commission Chambers at the City Hall in the City of Bend at 7:45 p.m., on the 20th 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 the plat heretofore filed on or about the sixth day of July, 1911, pertaining to the following described real property located in the City of Bend, County of Deschutes, State of Oregon, more particularly described as follows, to-wit:

> The Northeast Quarter of the Northeast Quarter of Section 4, Township 18, South, Range 12, E.W.M., Deschutes County, Oregon, being also those portions of Bend Park, an addition to the City of Bend described as follows: All of Blocks 36, 48, 88, 89, 90, 91, 92, 93; all of Block 94 and including all of Blocks 95, 96, 97; and those portions of Blocks 19, 35, 37, and 47 situate within the boundaries of said Northeast Quarter of the Northeast Quarter of Section 4

BE AND THE SAME IS HEREBY VACATED.

It is the intent of this vacation ordinance to vacate only the plat heretofore filed pertaining to the above described real property. Title to the aforedescribed real property shall remain in the City of Bend until such time as title thereto is duly and regularly transferred by proper instruments of title transfer.

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 lands encompassed within the abovedescribed property are contemplated to be used for the construction of a public school, and

WHEREAS it is further contemplated to transfer the above-described real property or the title to the abovedescribed real property to the School District No. 1, Deschutes County, Oregon, for such purposes, and

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WHEREAS the construction or plans for construction and construction should start for the general welfare at the earliest possible 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 in attendance this ordinance shall become immediately operative.

Read for the first time this 20th day of December, 1961.

Read for the second time this 3rd day of January, 1962.

Placed upon its passage this 3rd day of January, 1962.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 3rd day of January, 1962.

SEAL OF THE CITY OF BEND, DESCHUTES COUNTY, OREGON 1905

/s/ Jack C. Dempsey
Mayor

ATTEST:

/s/ Julia S. Johnson
Recorder of the City of Bend

No. 1783

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 11th day of January A. D. 19 62 at 11:18 o'clock A M and recorded in book 129 on pages 641 Record Deeds

Helen M Dagg County Clerk
By Opal Sprague Deputy

Indexed

ORDINANCE NO. NS-581

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

Parcel #1: All that part of the NW¼SE¼ of Section 28, Township 17, South, Range 12, E.W.M., lying within the right-of-way boundaries of the George A. Jones Road.

Parcel #2: All that part of the SW¼NE¼ of Section 28, Township 17, South, Range 12, E.W.M., lying within the right-of-way boundaries of the George A. Jones Road.

Parcel #3: All of the NE¼SE¼ of Section 28, Township 17, South, Range 12, E.W.M.

Parcel #4: All of the SE¼NE¼ of Section 28, Township 17, South, Range 12, E.W.M.

Except the following described property: Beginning at an iron pipe which is located S. 89° 19' 12" E. a distance of 30.0 feet from the NW corner of the SE¼NE¼ of said section; thence S. 89° 19' 12" E. a distance of 502.96 feet to an iron pipe; thence S. 1° 15' 48" W. a distance of 442.09 feet to an iron stake; thence N. 89° 19' 12" W. a distance of 495.00 feet to an iron stake; thence N. 0° 07' 52" E. a distance of 441.70 feet to the point of beginning.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City Legislative Body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 21st day of March, 1962, at the hour of 8:00 o'clock P.M., in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

Section 4. 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 one of the annexors has a desire to start immediate construction of dwellings in the area which will affect the welfare of this community and it is deemed necessary and advisable for this annexation to proceed as speedily as possible,

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

Read for the first time this 17th day of February, 1962.

Read for the second time this 7th day of March, 1962.

Placed upon its passage this 7th day of March, 1962.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 7th day of March, 1962.

Jack C Dempsey
Mayor

ATTEST:

Julia S Johnson
Recorder of the City of Bend

3983

ORDINANCE NO. NS-582

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-581 the City Commission of the City of Bend, the City Legislative Body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 21st day of March, 1962, at the hour of 8:00 o'clock p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

Parcel #1: All that part of the NW¼SE¼ of Section 28, Township 17, South, Range 12, E.W.M., lying within the right-of-way boundaries of the George A. Jones Road.

Parcel #2: All that part of the SW¼NE¼ of Section 28, Township 17, South, Range 12, E.W.M., lying within the right-of-way boundaries of the George A. Jones Road.

Parcel #3: All of the NE¼SE¼ of Section 28, Township 17, South, Range 12, E.W.M.

Parcel #4: All of the SE¼NE¼ of Section 28, Township 17, South, Range 12, E.W.M.

Except the following described property: Beginning at an iron pipe which is located S. 89° 19' 12" E. a distance of 30.0 feet from the NW corner of the SE¼NE¼ of said section; thence S. 89° 19' 12" E. a distance of 502.96 feet to an iron pipe; thence S. 1° 15' 48" W. a distance of 442.09 feet to an iron stake; thence N. 89° 19' 12" W. a distance of 495.00 feet to an iron stake; thence N. 0° 07' 52" E. a distance of 441.70 feet to the point of beginning.

Section 3. That prior to the time of the aforesaid public hearing the owners of all of the property in the contiguous territory proposed to be annexed as aforesaid did consent in writing to the annexation and did file their consent with the legislative body of the City of Bend on or before the said hearing.

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

Read for the first time March 21, 1962

Read for the second time April 4, 1962

Placed upon its passage April 4, 1962

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 4th day of April, 1962.

Jack C Dempsey
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

SEAL OF THE CITY OF BEND DESCHUTES COUNTY OREGON

No. 3983
{STATE OF OREGON}
County of Deschutes
I hereby certify that the within instrument of writing was received for Record the 17th day of April A. D. 1962 at 10:12 o'clock A M and recorded in book 130 on pages 545 Record Deeds
Helen M. Deeds County Clerk
By Rosemary Williams Deputy

Indexed

3-302-h-

ORDINANCE NO. NS-583

An ordinance amending Ordinance No. NS-429 by deleting the word "bicycle" from Section 13 thereof and by amending Ordinance No. NS-469 to conform applicable zones to the zoning ordinance so that bicycles can legally be operated on sidewalks except in the C-4 Central Commercial District and also providing a new section to Ordinance No. NS-469 requiring lights on bicycles operated on public ways during hours of darkness.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 13 of Ordinance No. NS-429 (3-207d) shall be and hereby is amended by deleting from said Section 13 the word "bicycle" as the same appears on the second line of the said Section 13.

Section 2. Section 68 of Ordinance No. NS-469 (3-302a) is hereby and herewith amended by striking out therefrom the following words "known as C-III Central Commercial District or a C-IIIa Commercial District" and inserting in lieu thereof "C-4 Central Commercial District, or upon any footbridge within the City of Bend".

Section 3. A new section identified as being Section 69a of Ordinance No. NS-469 (3-302a) shall be added to the said Ordinance No. NS-469 as follows: Section 69a: Every bicycle operated on a street, highway, alley, sidewalk or other public way within the City of Bend at any time from the half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles are not clearly discernable on such ways at a distance of 500' ahead shall be equipped with a lit lamp on the front exhibiting a white light visible from a distance of at least 500' to the front of such bicycle and a red reflector on the rear, of such size or characterists and so mounted as to be visible at night from all distances within 300' to 50' from the rear of such bicycle. A red light visible from a distance of 500' to the rear may be used in addition to the rear reflector.

Read for the first time February 21, 1962.

Read for the second time March 7, 1962.

Read and placed upon its passage March 7, 1962.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 7th day of March, 1962.

Jack C. Dempsey
Mayor

ATTEST:

Julia B. Johnson
Recorder of the City of Bend

3-314a

ORDINANCE NO. NS-584

An ordinance amending Ordinance No. NS-455, pertaining to jay-walking to make the zones therein conform to the zoning ordinance and prohibiting jay-walking in the C-4 Central Commercial District only.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That Section 1 of Ordinance No. NS-455 (3-314) shall be and hereby is amended by deleting therefrom the following: "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," and placing in lieu thereof the following: "C-4 Central Commercial District of the City of Bend as defined in Ordinance No. NS-546 and amendments thereto,"

Read for the first time February 21, 1962.

Read for the second time March 7, 1962.

Read and placed upon its passage March 7, 1962.

YEAS: 7 NAYS: 0

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

Jack C Dempsey
Mayor

ATTEST:

Julia S Johnson
Recorder of the City of Bend

ORDINANCE NO. NS- 585

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

> All of Lots Three (3) and Four (4), Block Three (3), together with Lot Two (2), Block Five (5), all in Ellis Subdivision, and also together with the Butler Market Road from the north boundary of Wiestoria Addition to the north boundary of Lot Four (4), Block Three (3) of Ellis Subdivision, and also all of East Sixth Street from the north boundary of Wiestoria Addition to the north boundary of Lot Two (2), Block Five (5) of Ellis Subdivision.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the second day of May, 1962, at the hour of 8:00 o'clock, p.m., in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

Section 4. 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 one of the annexors has a desire to start immediate construction of dwellings in the area which will affect the welfare of this community and it is deemed necessary and advisable for this annexation to proceed as speedily as possible,

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

Read for the first time this 21st day of March, 1962

Read for the second time this 4th day of April, 1962

Placed upon its passage this 4th day of April, 1962

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 4th day of April, 1962.

Jack C. Dempsey
Mayor

ATTEST:

Julia S. Johnson
Recorder.

ORDINANCE NO. NS-586

AN ORDINANCE VACATING ALLEY LOCATIONS IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

> The Alley in Block Forty-five (45) and Block Fifty-two (52), Wiestoria 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 7th day of February, 1962, duly and regularly initiated the necessary proceedings to vacate the alley areas as above described on its own motion, and

WHEREAS the City Commissioners having considered the said vacation proceedings to vacate the alley areas above described and found it 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 in the City Commission Room in the City Hall, in the City of Bend, at 7:45 P.M., on March 21, 1962, 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 areas located within the City of Bend, County of Deschutes, State of Oregon, more particularly described as:

> the Alley in Block Forty-five (45) and Block Fifty-two (52), Wiestoria 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 21st day of March, 1962.
Read for the second time this 4th day of April, 1962.
Placed upon its passage this 4th day of April, 1962.

YEAS: NAYS:

Submitted to and approved by the Mayor this 4th day of April, 1962.

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

Jack C Dempsey
Mayor

No. 3982

STATE OF OREGON
County of Deschutes.

I hereby certify that the within instrument of writing was received for

Record on the 17th

day of April, A. D., 1962.

at 10:12 o'clock A M., and Recorded in Book 120 Records

on Pages 544 Record of

Deeds - Helen M. Dorsey
County Clerk.

By Roxanne Patterson Deputy

3981

ORDINANCE NO. NS-587

AN ORDINANCE VACATING A PORTION OF SOUTH FOURTH STREET LOCATED IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

> The east 30.00 feet of South Fourth Street from the south line of Wilson Avenue to the south line of the vacated alley in Block 147, Second Addition to Bend Park to the City of Bend, Oregon, 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 7th day of February, 1962, 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 7:55 P.M., on March 21, 1962, 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:

> the east 30.00 feet of South Fourth Street from the south line of Wilson Avenue to the south line of the vacated alley in Block 147, Second Addition to Bend Park to the City of Bend, Oregon, 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 21st day of March, 1962.

Read for the second time this 4th day of April, 1962.

Placed upon its passage this 4th day of April, 1962.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 4th day of April, 1962.

Jack C Dempsey
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

No. 3981

STATE OF OREGON
County of Deschutes.

I hereby certify that the within instrument of writing was received for

Record on the 17th

day of April, A. D., 1962,

at 10:11 o'clock A M., and Recorded in Book 130 Indexed

on Pages 543 Record of

Deeds - Helen M. Deeney

County Clerk.

By Roseanne Patterson, Deputy

I

ORDINANCE NO. NS-588

AN ORDINANCE providing for the issuance of City of Bend Improvement Bonds in the sum of $52,000.00; 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 $52,000.00, 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 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 installments as provided by law, the City Recorder did enter in a docket kept for that purpose, under separate heads for each street by name or number, a description of each lot, parcel of land, or

other property, against which such assessment is made, or which bears or is chargeable for the cost of such improvement, with the name of the owner and the amount of such unpaid assessment; and

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the City of Bend shall issue bonds in the name of and under the corporate seal of said City in the amount of Fifty-two Thousand and no/100 ($52,000.00) Dollars, in the denomination of One Thousand ($1,000.00) Dollars each, numbered consecutively from 1 to 52, both numbers inclusive, said bonds to bear date of May 1, 1962, 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 Six Thousand ($6,000.00) Dollars on the first day of May in each of the years 1963 to 1964, inclusive, and Five Thousand ($5,000.00) Dollars on the first day of May in each of the years 1965 to 1972, inclusive. All of said bonds which mature after May 1, 1964, shall be subject to call and redemption on May 1, 1964, 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 11.

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TYPE-O-PAGE

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 11

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 improvements and for the payment of the cost of such improvements, and is an obligation of the City of Bend aforesaid, and it is further certified that all of the requirements of law have been fully complied with by the proper officers in the 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, 1962.

_____
Mayor

Countersigned:

_____
Recorder.

On the face of all bonds maturing after May 1, 1964, add a paragraph reading:

This bond is subject to call and redemption on May 1, 1964, 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 11.

Countersigned: _____ Mayor

_____ Recorder

On all coupons maturing after May 1, 1964, 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 18th day of April, 1962, 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 this 7th day of March, 1962.
Read for the second time this 21st day of March, 1962.
Placed upon its passage this 21st day of March, 1962.
YEAS: 7 NAYS: 0
Submitted to and approved by the Mayor this 21st day of March, 1962.

ATTEST: Jack C Dempsey Mayor

Julia S Johnson
Recorder of the City of Bend

NS-588 (4)

ORDINANCE NO. NS-589

AN ORDINANCE AMENDING ORDINANCE NO. NS-530 BY CHANGING THE REFERENCES THEREIN FOR I INDUSTRIAL DISTRICT AND C-III CENTRAL COMMERCIAL DISTRICT OF ORDINANCE NO. NS-342 TO M-2 HEAVY INDUSTRIAL DISTRICT AND C-4 CENTRAL COMMERCIAL DISTRICT OF ORDINANCE NO. NS-546 AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That Ordinance No. NS-530 (1-104c) shall be and hereby is amended by deleting therefrom the following, to-wit:

In Section 1 thereof the words "I Industrial District or C-III Central Commercial District" zone as set forth in Ordinance No. NS-342 of the City of Bend" as the same appear in the last 3 lines of the said Section 1 and substituting in lieu thereof the following:

"M-2 Heavy Industrial District or C-4 Central Commercial District as set forth in Ordinance No. NS-546 of the City of Bend.

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 it has been noted that since an Ordinance No. NS-546 did repeal the Ordinance No. NS-342 referred to herein and it being determined desirable to continue the subject exceptions in force and active,

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 April 18, 1962.

Read for the second time May 2, 1962.

Read and placed upon its passage May 2, 1962

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 2nd day of May, 1962.

Jack C Dempsey
Mayor

ATTEST:

Julia S Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-590

AN ORDINANCE AMENDING ORDINANCE NO. NS-546 BY ADDING A NEW SUB-SECTION THERETO GENERALIZING USES NOT SPECIFICALLY ENUMERATED SO LONG AS THE SAME ARE CONSISTENT WITH THE TERMS OF THE SAID ORDINANCE, AND SETTING FORTH AN EMERGENCY CLAUSE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 18.2 of Ordinance No. NS-546 is hereby and herewith amended by adding thereto the following Section 12 (a) to-wit:

> 12 (a). Such other uses not specifically enumerated in this Chapter 18 as shall be compatible with the purposes set forth in the preamble of the various commercial districts set forth herein and generally consistent with the specific uses set forth therein and further, consistent with the intents and purposes of this ordinance.

Section 2. 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 there are various business enterprises contemplated which are awaiting the location of a site, that some of these do not come within the present purview of this ordinance and should and because of that fact this ordinance should become immediately operative,

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 4th day of April, 1962.

Read for the second time this 18th day of April, 1962.

Placed upon its passage this 18th day of April, 1962.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 18th day of April, 1962.

Jack C Dempsey
Mayor

ATTEST:

Julia L Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-591

Repealed 12-16-81 NS-1349

Amended by: NS-1014 NS-1213

AN ORDINANCE ESTABLISHING REGULATIONS AND STANDARDS FOR THE SUBDIVISION OF LAND, AND FOR THE PREPARATION OF SUBDIVISION PLANS AND PLATS AND FOR DEDICATIONS TO BE FILED, AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. PURPOSE.

Pursuant to Oregon Revised Statutes 227.010 to 227.150, inclusive, entitled "CITY PLANNING COMMISSION" and 92.010 to 92.990, inclusive, entitled "PLATS AND SUBDIVISIONS", any person desiring to make a subdivision of land in or within six miles of the City limits of The City of Bend, Oregon, as the city nearest said land area having a City Planning Commission, shall first submit plans for such subdivision to the City Planning Commission of The City of Bend, Oregon, for study and approval. Such study and approval of subdivisions is necessary in order that this City secure and provide for the proper width and arrangement of streets, ways and thoroughfares and their relation to existing or planned streets, ways and thoroughfares; to provide for conformity to the Comprehensive Plan for the physical development and improvement of the City; to provide for public utilities and the open space necessary for recreation, safety and health; also to provide for the prevention of congestion of population.

SECTION 2. DEFINITIONS.

For the purpose of these regulations, certain words used herein are defined as follows:

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

b. Subdivide land means to partition a parcel of land into four or more parcels of less than five acres each for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the partitioning.

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

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

d. Major Street or Major Thoroughfare or Major Highway. A highway of considerable continuity which is primarily a traffic artery for intercommunication among large areas.

e. Secondary Street or Secondary Thoroughfare or Secondary Highway. A street supplementary to the major highway system and primarily a means of intercommunication between this system and smaller areas (or among smaller areas).

f. Minor Street or Local Street or Minor Highway. A street primarily for access of abutting properties.

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

h. Dead-end Street or Cul-de-sac. A minor street with only one outlet.

i. Street Width. The shortest distance between the lines which delineate the right-of-way of a street.

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

k. Curb Line. The line dividing the roadway from the planting strip or footway.

l. Building Line. A line on a plat indicating the limit beyond which buildings or structures may not be erected.

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

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

SECTION 3. PROCEDURE.

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

b. After the preliminary discussion and after securing a copy of these regulations there must be prepared a PRELIMINARY PLAN of the subdivision in accordance with Sections 4 and 5 of these regulations. The PRELIMINARY PLAN is submitted to the City Planning Commission with a written application for the tentative approval of that body. This plan will be given study by the City Planning Commission, the City Engineer and the City Water and Sewer Departments and changes may be necessary before it can be tentatively approved. If the Preliminary Plan is rejected the City Planning Commission will give its reasons for the rejection. Approval of the preliminary plan is

tentative approval and does not constitute a final acceptance of the plat. Tentative approval of the preliminary plan will be given by a letter from the City Planning Commission and not by notation on the preliminary plan. Such tentative approval will be given by the City Planning Commission within sixty (60) days after submission of the preliminary plan and this tentative approval shall become null and void if a FINAL PLAN in accordance with the regulations set forth in Sections 4 and 6 is not submitted within six (6) months after the date of the tentative approval of the preliminary plan.

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

SECTION 4. GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN AND DEVELOPMENT.

The following are the minimum requirements and standards to which a subdivision plat must conform before approval:

(a) Conformity To the Master Plan and Official Plan or Map.
The subdivision shall conform to and be in harmony with the Comprehensive City Plan, the Official Plan or Map and especially to the Major Thoroughfare Plan.

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

(b) Relation To Adjoining Street System.

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

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

Where a tract is subdivided into lots of an acre or more, the Commission may require an arrangement of lots and streets such as to permit a later resubdivision in conformity to the street requirements and other requirements contained in these regulations.

Unless otherwise provided in this Ordinance street improvement requirements shall be in accordance with the standards as established by the Federal Housing Administration and published in Land Planning Bulletin No. 3-38, Federal Housing Administration, Portland, Oregon, October 1961, as indicated in Data Sheet 61 and 61-38-1.

Proposed street developement for R-3 zone shall be in accordance with Standard 1-B, and for R-4 zone shall be in accordance with Standard 1-A, Data Sheet 61-38-1.

The requirement of subdivider's consultation with FHA shall be waived when in the opinion of the Planning Commission this requirement is unnecessary. (Data Sheet 61-38-1, Para. 3.)

(c) Access.

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

(d) Street Widths.

(1) The widths of major streets shall conform to the widths designated on the Major Street Plan.

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

(e) Roadways.

(1) Roadway for major streets shall conform to the adopted roadways and cross sections for such thoroughfares, as indicated on the Major Street Plan.

(2) Roadways for minor streets shall be not less than thirty (30) feet, except in cases where the topography or other physical conditions have brought about a street of less than sixty (60) feet in overall width.

(f) Street Grades and Condition.

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

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

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

(4) All streets shall be improved with a pavement wearing surface in accordance with established standards of FHA Data Sheet 61-38-1.

(g) Dead End Streets.

In general dead end (Cul-de-Sac) streets are not desirable but if provided shall not exceed five hundred (500) feet in length and shall terminate in a turn-around with a minimum property line radius of fifty (50) feet.

(h) Street Curves.

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

(2) Major thoroughfare intersections shall have a curb radius of not less than thirty-five (35) feet; all other street intersections shall have a curb radius of not less than fifteen (15) feet.

(i) Streets Adjacent to Railroads, Freeways and Parkways.

When the area to be subdivided adjoins or contains a railroad, freeway or parkway, a street shall be provided on each side and parallel to such railroad, freeway or parkway within or adjacent to the subdivision. In the case of a railroad, there shall be a land strip of not less than twenty-five (25) feet in width adjacent and along the railroad right-of-way for screen planting between the railroad right-of-way and residential property. If the intervening property between such parallel streets and a freeway or a parkway is less than eighty (80) feet in width such intervening property shall be dedicated to park or thoroughfare use. The intersections of such parallel streets where they intersect with streets that cross a railroad, shall be at such a distance from the railroad as to provide approaches to any probable grade crossings.

(j) Alleys.

The minimum width of an alley in a residential block, when platted, shall be twenty (20) feet. Alleys must be provided in commercial and industrial districts and shall be not less than twenty (20) feet in width. The corners of all alley intersections with other alleys or streets shall be curved with a radius of not less than ten (10) feet.

(k) Half Streets.

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

streets, blocks, lots and building lines when such neighborhood or community plan provides adequate access to major thoroughfares and provides adequate light and air, circulation, recreational areas, open space and lot-area-per-family equivalent to the requirements of these regulations and the city zoning ordinance, and which provides for such legal restrictions or other status as will assure the carrying out of the plan in its entirety.

(q) Duplication of Names.

The name of a proposed subdivision shall not duplicate the name of any other area within the City.

A street name shall not duplicate the name of any other street or way within the City.

(r) Tree Planting.

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

(s) Public Open Space.

Due consideration shall be given by the subdivider to the allocation of suitable areas for schools, parks and playgrounds to be dedicated for public use or reserved for the common use of all property owners within the subdivision by covenants in the deeds. Parks and recreation areas including schools, playgrounds and playfields shall conform as nearly as possible to locations designated by the Comprehensive City Plan. Park and recreation areas should exist within the City at a ratio of not less than one acre of recreation area to every one hundred people of the ultimate City population. This ratio would place playground and park areas within walking distance of every home.

(t) FHA Data Sheets.

References to FHA Data Sheets and the data sheets themselves shall be made a part hereof by reference and a copy of the said data sheets shall be kept on file for public review by the City Recorder of the City of Bend.

SECTION 5. PRELIMINARY PLAN.

In seeking to subdivide land, the land owner shall submit to the City Planning Commission an application, in writing, asking for the tentative approval of the Preliminary Plan together with four (4) prints of this Preliminary Plan.

(a) If the Preliminary Plan does not show the following information, a Vicinity Map or Key Map should accompany or be drawn on the Preliminary Plan at a small scale (400 feet equals one inch) showing - all existing subdivisions, streets, tract lines of acreage parcels, together with the names of the record owner of parcels of land immediately adjoining the proposed subdivision and between it and the nearest existing or proposed major thoroughfares. It shall show how streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in neighboring subdivisions or undeveloped property, to produce the most advantageous development of the entire neighborhood area.

(l) Easements.

Where alleys are not provided, easements of not less than six (6) feet in width shall be provided on each side of the rear lot line or side lot line, for necessary utility lines including poles, wires, conduits, storm and sanitary sewers, gas, water and heat lines. Easements of the same or greater width may be required along lot lines or across lots or land parcels where necessary for the extension of utility lines, water ways, for service vehicular access and walkways.

(m) Blocks.

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

The width of blocks shall be such as to allow two tiers of lots, unless exceptional conditions are, in the opinion of the Commission, such as to render this requirement undesirable.

(n) Lots.

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

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

(3) Lots with double frontage shall not be permitted except where, in the opinion of the City Planning Commission, an odd shaped land tract or existing topography make such a lot unavoidable.

(4) The minimum dimensions of residential lots on any plat shall be in conformity with the provisions of Ordinance No. NS-546, the Zoning Ordinance of the City of Bend as the same applies to the zoning district classification of the said plat.

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

(6) Lot and Block grading shall conform to FHA Data Sheet 72 and Data Sheet 73, Land Planning Bulletin No. 3-38, Portland, Oregon, October, 1961, when in the opinion of the Planning Commission unusual drainage conditions exist.

(o) Building Lines.

Building lines shall be shown on all lots planned for residential use and on all commercial or industrial lots immediately adjoining a residential area. Such building lines shall not be less than those required by the zoning ordinance. Where the subdivided area is not under a zoning ordinance the City Planning Commission may encourage the establishment of building lines in keeping with the proper development of property.

(p) Neighborhood or Community Plan.

In the case of a plat for a new neighborhood or community these regulations may, if necessary, be modified as they apply to minor

(b) Conformity to Section 4.

The Preliminary Plan shall conform to Section "4", "General Requirements and Minimum Standards of Design and Development".

(c) Preliminary Plan.

The plat of a subdivision shall be of such scale that all survey and mathematical information, and all other details may be clearly and legibly shown thereon. Each lot shall be numbered and each block shall be lettered or numbered. The lengths of all boundaries of each lot shall be shown. Each street shall be named and shall also show:

(1) The proposed name of the subdivision.

(2) Northpoint, scale and date of application.

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

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

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

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

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

(7) The names of adjacent subdivisions or the names of record owners of adjoining parcels of unsubdivided land.

(8) The location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way and other important features such as section lines, political subdivision or corporation lines and school district boundaries.

(9) Existing sewers, water mains, culverts or other underground structures within the tract or immediately adjacent thereto together with pipe sizes, grades and locations indicated.

(10) All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservation, if any.

(11) The layout, names and widths or proposed streets, alleys and easements. Proposed streets shall be adjusted to the contour of land so as to produce usable lots and streets of reasonable gradients.

(12) When required by the City Planning Commission the Preliminary Plan shall be accompanied by -

(a) The profile of each street with tentative grades, including extensions of such profile for a reasonable distance beyond the limits of the subdivision.

(b) The cross section of proposed streets showing the width of roadways, location and width of sidewalks. All elevations shall be based upon mean sea level datum.

(13) The layout, numbers and approximate dimensions of proposed lots. Where lots are to be used for other purposes than residential it shall be indicated in such lots.

(14) Parks, playgrounds, recreation areas, boulevards, parkways and open spaces for public use.

(15) Zoning Districts as set forth in the City Zoning Ordinance.

(16) Locations of any proposed plantings.

(d) Tentative Approval of the Preliminary Plan.

The City Planning Commission shall by letter express its tentative approval or disapproval of the Preliminary Plan within sixty (60) days of the date it was submitted and no indication of approval shall be put on such plan. When the City Planning Commission rejects the Preliminary Plan it shall state its reasons for such rejection. Tentative approval of the Preliminary Plan is null and void if the FINAL PLAN is not submitted to the City Planning Commission within six (6) months after tentative approval of the Preliminary Plan.

SECTION 6. FINAL PLAN.

The Final Plan shall be submitted to the City Planning Commission in the form of an original tracing in ink on tracing cloth or on a good quality of white cold-pressed, double mounted drawing paper, 18 inches by 24 inches as required by Oregon Law, O.R.S. 92.080, together with five (5) prints.

The Final Plan shall conform to Section 4. "General Requirements And Minimum Standards of Design And Development".

The Final Plan shall be drawn to a scale of not more than one inch equals one hundred (100) feet and shall show -

(a) Name of the subdivision.

(b) Name and address of the subdivider.

(c) Northpoint, scale and date submitted.

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

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

(f) An accurate location of the subdivision in reference to the real estate records of Deschutes County including names of adjacent record owners of property.

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

(h) The length of all arcs, radii, internal angles, points of curvature, length and bearings of tangents.

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

(j) All block indications, lot numbers and lot lines with accurate dimensions in feet and hundredths and bearings and angles to street and alley lines.

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

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

(m) The zoning districts as set forth in the City Zoning Ordinances.

(n) Boundaries of areas of private restrictions within the subdivision and designation of the kind of such restrictions.

(o) Certification by a registered professional Civil Engineer or licensed land surveyor to the effect that the plan represents a survey made by him and all the monuments shown thereon actually exist and that their location, size and material are correctly shown.

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

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

Submitted With The Final Plan

The following shall accompany the final plan -

(a) Certificate of Title showing the ownership of the land and also written proof that all taxes on the tract are paid to date.

(b) If any or all of the following improvements are to be performed by the subdivider the following shall accompany the Final Plan -

(1) Cross sections of the proposed streets showing widths of roadways, types of surfacing, curb locations and width and location of sidewalks.

(2) Plan and profiles of proposed sanitary, storm-water or combined sewers, with grades, pipe sizes and the location of manholes indicated.

(3) Plan and profiles of the proposed water distribution system showing pipe sizes and the location of valves and fire hydrants.

(4) Specifications for the construction of all proposed roadways, curbs, sidewalks, sewers and waterlines.

(5) A profile of each street with grades shown thereon.

Approval Of The Final Plan

Prior to the approval of the Final Plan on any subdivision as defined herein, the City Planning Commission will ascertain and satisfy itself that within said contemplated subdivision there is adequate provision for sewage disposal and sanitary domestic water supply. Grading, paving, curbing, gutters, sidewalks and street tree plantings may also be required prior to final approval of the proposed subdivision plat, where in the opinion of the said Planning Commission the same is necessary under the police power of the City of Bend for the protection of the health, welfare, general well-being and aesthetic values of the neighborhood and the said City of Bend.

At the option of the City Planning Commission and in conjunction and co-operation with the developer of the subdivision, the plat as originally proposed may be broken down into segments and each segment treated as an entirety to which the regulations in this section shall apply.

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

Any improvements required by the City Planning Commission as a condition of approval of the final plat shall follow the construction drawings and specifications listed above and meet with the approval of the City Engineer. All sanitary facilities shall meet with the approval of the City Health Officer or Sanitarian.

Approval of the Final Plan shall be indicated by the signatures of the City Engineer, the President of the City Planning Commission, the City Recorder and the Mayor of the City on the plat of record of the Final Plan.

The approval of the Final Plan shall be deemed to constitute or effect an acceptance by the public of the dedication of any street or other proposed public way or space shown on the plat immediately upon the final recording of the said plat.

Approval of the Final Plan by the City Planning Commission shall be null and void if the plat is not recorded within sixty (60) days after the date of approval, unless application for an extension of time is made in writing by the subdivider during said sixty (60) day period to the City Planning Commission and granted.

SECTION 7. Applicable portions of Chapter 92, Oregon Revised Statutes, Plats and subdivisions, are made a part hereof by reference; where the provisions and requirements hereof are more strict and stringent, then insofar as such are concerned the terms of this ordinance shall prevail and where the provisions of the State Statutes are more strict and stringent then such shall prevail.

SECTION 8. VARIANCES.

(a). Hardship.

On application to the Planning Commission, a developer who is able to affirmatively show an extraordinary hardship arising from the location, topography, or other physical characteristic, which would make it difficult or impossible to conform strictly to these regulations, and further the affirmative finding by the Planning Commission that such conditions do exist and a further affirmative finding that the public interest shall be secured and that such a project will be beneficial to the community and not nullify the intent and purposes of the Comprehensive Zoning Plan of the City of Bend or these regulations, then the said Planning Commission may vary the regulations so that substantial justice may be done.

(b) Large Scale Development.

The standards and requirements of these regulations may be modified by the Planning Commission in the case of a plan and program for a new town, a complete community, or a neighborhood unit, which in the judgement of the Planning Commission provide adequate public spaces and improvements for the circulation, recreation, light, air, and service needs of the tract, including streets and utilities, when fully developed and populated, and which also provide such covenants or other legal provisions as will assure conformity to and achievement of the Comprehensive Zoning Plan.

(c) Conditions.

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

SECTION 9. SAVING CLAUSE.

Should any part or portion of this ordinance be declared invalid or unlawful by a court of competent jurisdiction then such a declaration or determination shall have no bearing or effect upon the other parts or portions of this ordinance.

SECTION 10. PENALTIES.

All persons, corporations, partnerships or other entities coming within the terms of this ordinance shall comply herewith. Failure to comply with or violation of any provision of this ordinance is punishable, upon conviction, by a fine of not less than $50.00 nor more than $500.00 or imprisonment in the municipal jail for not less than 25 days nor more than 50 days, or both.

Should equitable remedies be legally provided to enforce the terms and provisions of this ordinance then such remedies are adopted by reference and shall be applicable to enforce the terms and provisions of this ordinance.

SECTION 11. Ordinance No. NS-546 is amended by deleting therefrom the last paragraph of Section 5.5 thereof.

SECTION 11. 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 much subdivision activity on lands subject to the provisions hereof is being accomplished and there are no effective regulations regarding the same presently in force and there should be,

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 4th day of April, 1962.

Read for the second time this 2nd day of May, 1962.

Placed upon its passage this 2nd day of May, 1962.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 2nd day of May, 1962.

Jack C Dempsey
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS- 592

AN ORDINANCE AMENDING ORDINANCE NO. NS-546 BY CHANGING THE ZONE CLASSIFICATION OF ALL OF BLOCKS FORTY-FIVE (45) AND FIFTY-TWO (52), WIESTORIA ADDITION FROM R-1 ONE-FAMILY DWELLING DISTRICT TO R-2 ONE-FAMILY DWELLING DISTRICT AND SETTING FORTH AN EMERGENCY CLAUSE.

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 Block Forty-five (45) and Fifty-two (52), Wiestoria Addition to the City of Bend

by changing the district zone classification of the above mentioned area from R-1 One-Family Dwelling District to R-2 One-Family Dwelling 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 it is contemplated that new dwellings are to be constructed in the subject area and that such building will have favorable tax consequences to the City of Bend and the inhabitants thereof and it is therefore deemed advisable and necessary for this within ordinance to become immediately effective.

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 2nd day of May, 1962.

Read for the second time this 16th day of May, 1962.

Placed upon its passage this 16th day of May, 1962.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 16th day of May, 1962.

Jack C Dempsey
Mayor

ATTEST:

Julia S Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-593

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

Beginning at a point on the North Right-of-way line of the Neff Road which point is N. 0° 11' 41" East 120.80 feet from the SW corner of SE¼SE¼, Section 28, Township 17 South, Range 12, E.W.M., thence N. 0° 11' 41" E. a distance of 1,212.64 feet; thence S. 89° 39' 31" E. a distance of 36.65 feet; thence S. a distance of 371.54feet; thence E. a distance of 280.00 feet; thence S. a distance of 270.00 feet; thence E. a distance of 110.00 feet; thence S. a distance of 660.00 feet; thence N. 82° 44' 50" W. a distance of 110.40 feet; thence N. 77° 39' 12" W. a distance of 61.46 feet; thence N. 76° 46' 12" W. a distance of 226.00 feet; thence N. 73° 15' W. a distance of 42.50 feet to the point of beginning.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City Legislative Body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 5th day of July, 1962, at the hour of 8:00 o'clock P.M., in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

Section 4. 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 one of the annexors has a desire to start immediate construction of dwellings in the area which will affect the welfare of this community and it is deemed necessary and advisable for this annexation to proceed as speedily as possible,

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

Read for the first time this 16th day of May, 1962.

Read for the second time this 6th day of June, 1962.

Placed upon its passage this 6th day of June, 1962.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 6th day of June, 1962.

ATTEST:

Jack C Dempsey
Mayor

Julia S Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-594

AN ORDINANCE PROVIDING FOR A LICENSE FOR PERSONS ENGAGED IN THE BUSINESS OF WORKING ON TREES, PROVIDING FOR APPLICATIONS WITH AFFIRMATIVE SHOWINGS OF ABILITY AND FINANCIAL RESPONSIBILITY, SETTING FORTH THE LICENSE FEES, PENALTIES, AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Any person, firm, corporation, partnership or other business entity before engaging in the business of tree husbandry, surgery, topping or removal shall first apply for and receive a license so to do from the Recorder of the City of Bend.

Section 2. The application for license shall affirmatively show the experience and/or training of the applicant to the end that the applicant has ability to engage in such business without detrimental effect to the City of Bend and the inhabitants thereof and proof of financial responsibility in the form of liability insurance coverage with limits of $50,000 minimum for each occurrence shall be provided by copy of such insurance policy being filed with the City Recorder.

Section 3. The license as aforesaid shall be an annual license with the period of such license commencing on the 1st day of July of each calendar year and ending on the 30th day of June of the succeeding calendar year. There shall be no pro-rate of license fee for portions of a year. The license fee is hereby and herewith set at $25.00 per year or portion thereof.

Section 4. It shall be unlawful for any business entity as described in Section 2 hereinabove to engage in the business contemplated herein without first having obtained a license so to do and upon conviction thereof in the Municipal Court of the City of Bend shall be fined not less than $25.00 nor more than $250.00, or by imprisonment in the City jail for not less than five days or more than 50 days or by both such fine and imprisonment.

Section 5. EMERGENCY CLAUSE: That inasmuch as it is necessary for the immediate preservation of the peace, health, safety and general welfare of the City of Bend and the inhabitants thereof for this ordinance to become immediately operative upon the passage hereof in that the City of Bend presently has no control over the activities contemplated herein and certain abuses are prevalent and the tree working season being close or at hand,

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

Read for the first time this 16th day of May, 1962.

Read for the second time this 6th day of June, 1962.

Placed upon its passage this 6th day of June, 1962.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 6th day of June, 1962.

ATTEST:

Jack C Dempsey
Mayor

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-595

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 ELECTRIC LIGHTING SERVICE UPON THE STREETS, HIGHWAYS AND PUBLIC PLACES 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; AND DECLARING AN EMERGENCY.

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 the streets, highways and public places 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 OVERHEAD CIRCUIT STREET LIGHTING SERVICE

THIS CONTRACT made and entered into this 28th day of June, 1962, by and between the CITY OF BEND, a municipal corporation of the State of Oregon, hereinafter designated as "City", and Pacific Power & Light Company, a corporation, hereinafter designated as "Company", WITNESSETH:

WHEREAS Company is presently furnishing street lighting service to City under the terms of two contracts presently in force; and

WHEREAS City requires additional street lighting service not provided for by said contracts presently in force; and

WHEREAS both City and Company consider it to be mutually advantageous to include all street lighting service to be furnished by Company to City under the provisions of one contract; and

WHEREAS the execution of this contract by the City of Bend has been duly authorized by Ordinance No. 595 of the City of Bend, signed by the Mayor on June 12, , 1962, and Company has accepted the undertakings, terms, and conditions hereinafter in this contract set forth;

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

1. Company shall furnish and sell to City and City shall take and pay for, in accordance with the terms and provisions hereof, all outdoor lighting used by City for purposes of illuminating the street, alleys, and public places of the City and any extension thereof.

2. The service to be provided hereunder and taken and paid for by City shall initially consist of the operation and maintenance by Company of the presently installed street lighting fixtures. Said operation and maintenance shall be performed in the manner provided for herein.

3. Beginning as soon as practicable after the date hereof, Company will make alterations and additions to the street lighting system presently serving City in accordance with City's letters of request dated January 25, 1962; January 26, 1962; February 2, 1962; and April 16, 1962. When said alterations and additions shall have been completed the street lighting system serving City shall consist of street lights, at the locations shown on Exhibit A, attached hereto and made a part hereof, of the following numbers and descriptions:

   (a) 61 - 2,500 lumen incandescent street lights on wood distribution poles.

   (b) 273 - 4,000 lumen incandescent street lights on wood distribution poles.

   (c) 34 - 6,000 lumen incandescent street lights on wood distribution poles.

   (d) 9 - 7,000 lumen mercury vapor street lights on wood distribution poles.

   (e) 68 - 21,000 lumen mercury vapor street lights on steel street light poles, installed prior to March 1, 1954.

   (f) 21 - 21,000 lumen mercury vapor street lights on steel street light poles installed between March 1, 1954, and January 1, 1956.

   (g) 6 - 21,000 lumen mercury vapor street lights on extended steel traffic signal poles installed prior to January 1, 1957.

   (h) 4 - 21,000 lumen mercury vapor street light on extended steel traffic signal poles installed between January 1, 1957, and January 1, 1962.

   (i) 4 - 21,000 lumen mercury vapor street lights on wood distribution poles installed prior to January 1, 1957.

   (j) 12 - 21,000 lumen mercury vapor street lights on wood distribution poles installed after January 1, 1957.

4. Title to, and ownership of, all facilities for furnishing street lighting service as provided for herein is and shall at all times remain vested in Company.

5. Company at all times hereunder, except when prevented by accident or other causes beyond its control, will supply the necessary electric energy, and the necessary equipment, facilities and service for switching on and off such energy, for continuous dusk to daylight operation of all lights or lamps of the street lighting system provided for hereunder. However, Company does not assume responsibility for and shall not be liable for any damage, direct or consequential, caused by interruptions or failures of service due to acts of God, the elements, accidents,

strikes or any other cause beyond its control.

6. Company will, upon being aware of any lamp failure, promptly replace any of said lamps which shall have burned out or ceased to function. City, through it Police Force, shall assist Company in finding lamp failures by patrolling and reporting lamp failures to Company.

7. Should new lamps of the type and rating required for the replacement of lamps in service hereunder at any time become commercially unavailable, Company will install and thereafter operate at the locations of the lamps so superseded a like number of lamps of approximately similar standard lumen rating then commercially available. City will thereafter pay for the operation and maintenance of such substitute lamps at rates which are appropriate thereto.

8. For the street lighting service to be furnished by Company, as hereinbefore provided, City will, except as modified herein, pay Company in accordance with the following schedule of rates:

Overhead Circuit Street Lighting Service

Description of Light	Rate per Month per Light
2,500 lumen incandescent on wood distribution pole	$ 1.55
4,000 lumen incandescent on wood distribution pole	1.85
6,000 lumen incandescent on wood distribution pole	2.25
7,000 lumen mercury vapor on wood distribution pole	4.00
21,000 lumen mercury vapor on steel street light pole installed prior to March 1, 1954	7.65
21,000 lumen mercury vapor on steel street light pole installed between March 1, 1954, and January 1, 1956	8.15
21,000 lumen mercury vapor on extended steel traffic signal pole installed prior to January 1, 1957	5.75
21,000 lumen mercury vapor on extended steel traffic signal pole installed between January 1, 1957, and January 1, 1962	8.00
21,000 lumen mercury vapor street light on wood distribution pole installed prior to January 1, 1957	6.25
21,000 lumen mercury vapor street light on wood distribution pole installed after January 1, 1957	7.00

The above rates for incandescent and 21,000 lumen mercury vapor street lights are based on the use for street lighting purposes of wood poles bearing other distribution circuits of Company. Therefore, in addition to the rate specified above, a charge will be made by Company for each wood pole owned and maintained by Company, or upon which Company rents space, for the purpose of supporting incandescent or 21,000 lumen mercury vapor street lighting circuits or fixtures and which are not needed to support other distribution circuits. Said charge is presently one dollar ($1.00) per month. Twelve poles subject to said charge are required by the street lighting system as represented by said Exhibit A.

The rates charged hereunder are subject to Company's applicable schedule as now filed, or as may hereafter be legally filed, with the Public Utility Commissioner of the State of Oregon. Company's practices, procedures and charges for street lighting service also are, and at all times shall be, subject to the lawful orders and regulations of any governmental authority having jurisdiction thereof.

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

10. Company shall upon receipt of written order from City, subject to the availability of manpower, materials and equipment, install on distribution wood poles and serve by overhead circuits, at mutually acceptable locations specified in said order, street lights of any of the standard lumen ratings. Such lights will be installed, owned, operated and maintained by Company at such rates as are proper, based upon the cost of labor and materials at the time such lights are installed.

11. Company upon receipt of written order from City will discontinue the operation of any light specified in such order, and no further payment shall be required of City for the operation of any such light after Company's receipt of said order; provided, however, that payment for street lights presently installed or to be installed hereunder, of the types specified in (a) and (b) below, shall have been made for minimum periods of service at one location as follows:

    (a) Five (5) years for any mercury vapor street light installed on a wood distribution pole and having a nominal rating of over 7,000 lumens.

    (b) Ten (10) years for any street light installed on a metal pole.

12. Each order for a change in the lighting service to be furnished by Company hereunder, as provided in the foregoing Sections 10 and 11 hereof, shall be executed in duplicate, substantially in the form indicated on the attached Exhibit B hereof, and shall be signed by the Mayor or City Manager. Company, upon receipt of the duplicate of any such order, shall endorse thereon the date of its receipt over the signature of Company's authorized representative, and shall return to City one counterpart of such order so endorsed. When and as any change specified in such order shall have been completed, Company shall report the fact to City in writing, identifying the work with the particular order of City directing such change and showing the date of such completion.

13. All previous contracts, either written or oral, between the parties hereto having reference to the furnishing of street lighting service by Company are hereby terminated as of the date hereof.

14. The term of this contract shall be ten (10) years from the date hereof and shall be continued from year to year thereafter unless and until this contract shall be terminated by either party at the end of said term or of any succeeding contract year by written notice thereof given by either party to the other at least thirty (30) days prior to the end of said term or of such year.

15. 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.

(End of Form of Contract except testimonium clause, signatures and seals)

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.

Section 4. It is hereby adjudged and declared that existing conditions are such that this act is necessary for the immediate preservation of the public peace, health and safety; and an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect from and after its passage.

Read for the first time this 16th day of May, 1962.

Read for the second time this 12th day of June, 1962.

Placed upon its passage this 12th day of June, 1962.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 12th day of June, 1962.

Jack C Dempsey
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-596

AN ORDINANCE CONCERNING CITY PARKING LOTS NO. 3 AND 4, PROVIDING FOR RENTAL OF SPACES IN BOTH LOTS ON A QUARTERLY BASIS, PROVIDING FOR REMOVAL OF METERS ON LOT NO. 3, PROVIDING FOR CARDS TO IDENTIFY VALID RENTERS OF SPACES AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. WHEREAS the City of Bend by and through its City Commission has had one parking lot behind the City Hall, hereinafter referred to as Lot No. 3, on which there have been placed parking meters but which is not used to a satisfactory extent, and

WHEREAS, the City has also recently purchased real property identified as the Mutzig Lot, hereinafter referred to as Lot No. 4, for use as an automobile parking area, and

WHEREAS it is deemed advisable to change the mode of operation of the two aforesaid parking lots so that their use will be more beneficial to the City and the inhabitants thereof, from and after the effective date of this ordinance the operation of the two aforesaid parking lots shall be as contained herein.

Section 2. Parking spaces will be rented on each of these lots on a quarter of a year basis with the rent fee for each parking space set at $9.00 per quarter or fraction thereof. However, at the outset of the rental period the quarter will be pro-rated to the nearest month. Said rental shall be on a first-come first-served basis until the total number of available spaces shall have been rented as aforesaid. As evidence of such rental a suitable card for identification shall be issued to the rentee and such card shall be transferable at the option of the holder thereof.

Section 3. On Lot No. 3 above identified, as a space is rented a parking meter shall be removed. All automobiles parking in Lot No. 3 shall have displayed thereon in plain sight in the left rear side window the card aforementioned or else shall be parked in a space with a parking meter which does not show the time allowed thereon to have expired. Otherwise, said vehicle shall be deemed to be parked illegally as a violation of the parking regulations of the City of Bend and a citation may be issued as a violation of said parking regulations and said vehicle may also be removed from the said space in accordance with the parking regulations of the City of Bend.

Section 4. On all cars parked in Lot No.4 there must of necessity be displayed in plain sight in the left rear side window the said card aforementioned or else the said vehicle shall be deemed to be in violation of this ordinance and the parking regulations of the City of Bend, and a citation may issue or the vehicle may be removed from the said space in accordance with the parking regulations of the City of Bend.

Section 5. As each quarterly rental payment is made a validating stamp of suitable nature shall be issued to the holder of the original card aforementioned and in order for the card to be usable it must be valid as aforesaid.

Section 6. All ordinances or portions thereof which are in conflict with the terms of this ordinance are repealed.

Section 7. 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 usable parking spaces are a necessity and revenues thereupon are needed and that this ordinance will provide for a practical usable method of providing same,

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

Read for the first time this 6th day of June, 1962.

Read for the second time this 20th day of June, 1962.

Placed upon its passage this 20th day of June, 1962.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 20th day of June, 1962.

Jack C Dempsey
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-597-b

AN ORDINANCE VACATING A PORTION OF THE ALLEY IN BLOCK 3, OF STATE HIGHWAY ADDITION, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

> The west 100 feet of the Alley in Block 3, State Highway Addition to the City of Bend, Oregon, 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 20th day of June, 1962, duly and regularly initiated the necessary proceedings to vacate the alley area 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 August 15, 1962, 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 west 100 feet of the Alley in Block 3, State Highway Addition to the City of Bend, Oregon, 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.

SEAL OF THE CITY OF BEND 1905 DESCHUTES COUNTY OREGON

Read for the first time this 15th day of August, 1962.

Read for the second time this 5th day of September, 1962.

Placed upon its passage this 5th day of September, 1962.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 5th day of September, 1962.

ATTEST:

Recorder of the City of Bend

Jack C Dempsey
Mayor

No. 7521

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 17th day of September A. D. 1962 at 8:31 o'clock A M and recorded in book 132 on pages 389 Record

Helen M. Bacon County Clerk
By Opal Sprague Deputy

Indexed

ORDINANCE NO. NS-597

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-593 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 5th day of July, 1962, at the hour of 8:00 o'clock P.M., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid:

Beginning at a point on the North right-of-way line of the Neff Road which point is N. 0° 11'41" E. 120.80 feet from the SW corner of SE¼SE¼, Section 28, Township 17 South, Range 12, E.W.M., thence N. 0°11'41" E. a distance of 1,212.64'; thence S. 89°39'31" E. a distance of 36.65'; thence S. a distance of 371.54'; thence E. a distance of 280.00'; thence S. a distance of 270.00'; thence E. a distance of 110.00'; thence S. a distance of 660.00'; thence N. 82°44'50" W. a distance of 110.40'; thence N. 77°39'12" W. a distance of 61.46'; thence N. 76°46'12" W. a distance of 226.00'; thence N. 73°15' W. a distance of 42.50' to the point of beginning, all being within the County of Deschutes, State of Oregon.

Section 2. That prior to the time of the aforesaid public hearing the owners of all the property in the contiguous territory proposed to be annexed as aforesaid did consent in writing to the annexation and did file their consent with the legislative body of the City of Bend on or before the said hearing.

Section 3. In view of the foregoing procedures having been had and held and it being affirmatively determined that the annexation as proposed should proceed the City Commission of the City of Bend by this ordinance does hereby and herewith declare that the territory above described is hereby and herewith annexed to the City of Bend and from and after the effective date of this ordinance shall be a legally constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time July 5, 1962.
Read for the second time July 18, 1962
Placed upon its passage July 18, 1962

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 18th day of July, 1962

Jack C Dempsey
Mayor

ATTEST:

Recorder of the City of Bend.

6708

No. _____

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 10th day of August A. D. 1962 at 9:45 o'clock A M and recorded in book 122 on pages 456 Record of Deeds of said County.

_____ County Clerk

By _____ Deputy

Indexed

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9451

ORDINANCE NO. NS- 598

AN ORDINANCE VACATING THAT PART OF THE ALLEY IN BLOCK 26, RIVERSIDE ADDITION IN BEND, OREGON, NOT INCLUDED WITHIN THE RIGHT-OF-WAY OF E. THIRD STREET AS RELOCATED BY THE OREGON STATE HIGHWAY COMMISSION, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

> That part of the Alley in Block 26, Riverside Addition in Bend, Oregon, not included within the right-of-way of E. Third Street as relocated by the Oregon State Highway Commission and further described as follows: beginning at the northeast corner of Lot 6, Block 26, thence due south 85.0 feet to a point on the east line of Lot 4, Block 26, Riverside Addition; thence S. 28°36'36" east for 41.77 feet to the easterly line of said alley; thence due north for 171.67 feet to the south line of Addison Avenue; thence due west for 20.00 feet to the point of beginning, 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 3rd day of October, 1962, duly and regularly initiated the vacation proceedings to vacate that part of the alley as above described, at the request of Lee Anderson, 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 alleys, 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, Oregon at 8:00 o'clock P.M., on the 7th day of November, 1962, 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 the City of Bend, Deschutes County, State of Oregon, more particularly described as:

> That part of the Alley in Block 26, Riverside Addition in Bend, Oregon, not included within the right-of-way of E. Third Street as relocated by the Oregon State Highway Commission and further described as follows: beginning at the northeast corner of Lot 6, Block 26, thence due south 85.0 feet to a point on the east line of Lot 4, Block 26, Riverside Addition; thence S. 28°36'36" east for 41.77 feet to the easterly line of said alley; thence due north for 171.67 feet to the south line of Addison Avenue; thence due west for 20.00 feet to the point of beginning, as shown on the official map thereof on file in the office of the Clerk of Deschutes County, Oregon,

be and the same hereby is vacated.

Read for the first time this 7th day of November, 1962.

Read for the second time this 21st day of November 1962.

Placed upon its passage this 21st day of November 1962.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 21 day of November 1962.

Jack C Dempsey
Mayor

ATTEST:

Lucia S. Johnson
Recorder of the City of Bend

598

No. 9451

STATE OF OREGON
County of Deschutes.

I hereby certify that the within instrument of writing was received for Record on the 12 th day of December, A. D., 1962 at 10:47 o'clock A M., and Recorded in Book 133 on Pages 346 Record of Deeds - Helen M. Dodd
County Clerk.

By Rosemary Stevenson, Deputy

Indexed

ORDINANCE NO. NS- 599

AN ORDINANCE VACATING THE ALLEY IN BLOCK 13, LYTLE ADDITION TO THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

WHEREAS the City Commission of the City of Bend heretofore on the 3rd Day of October, 1962, duly and regularly initiated the vacation proceedings to vacate the street area described as the Alley in Block 13, Lytle Addition to Bend at the request of Harvey Drake the petitioner, 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 alleys,, 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 November, 1962, 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 location in the City of Bend, Deschutes County, State of Oregon, more particularly described as:

> The Alley in Block Thirteen (13), Lytle Addition to the City of Bend as shown on theofficial 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 shall cause or require the removal 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 is hereby 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 is there likewise retained as easement to the City of Bend, and the people thereof for utilities serving the said City or the people therein of a six-foot utility easement, three feet on each side of the center line of the above vacated area.

Read for the first time November 7, 1962

Read for the second time November 21, 1962

Placed upon its passage November 21, 1962

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 21st day of November, 1962.

ATTEST:

Julia S. Johnson
Recorder of the City of Bend.

Jack C Dempsey
Mayor

No. 9452
{STATE OF OREGON
{ County of Deschutes
I hereby certify that the within instrument of writing was received for Record the 12th day of December A. D. 1962 at 10:45 o'clock A M and recorded in book 133 on page 347 Record Indexed
Deady
Helen M. Deady County Clerk
By Rosemary Stevens Deputy

ORDINANCE NO. NS-600

AN ORDINANCE AMENDING ORDINANCE NO. NS-546 BY CHANGING THE ZONE CLASSIFICATION OF ALL OF BLOCKS 43 and 44, WIESTORIA ADDITION FROM R-4 MULTIPLE FAMILY DWELLING DISTRICT TO C-3 COMMERCIAL DISTRICT AND SETTING FORTH AN EMERGENCY CLAUSE.

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 Block Forty-three (43) and Forty-four (44), Wiestoria Addition to the City of Bend

by changing the district zone classification of the above mentioned area from R-4 Multiple Family Dwelling District to C-3 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 it is contemplated that with this zone change construction will be allowed to begin of a motel construction project which will be advantageous tax-wise and to the economy of the City of Bend and the inhabitants thereof and will not be detrimental to the area and failing to become immediately operative will jeopardize this project.

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 this ordinance shall become immediately operative.

Read for the first time this 7th day of November, 1962

Read for the second time this 21st day of November, 1962

Placed upon its passage this 21st day of November, 1962

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 21st day of November, 1962.

Jack C Dempsey
Mayor

ATTEST:

Julie S. Johnson
Recorder

ORDINANCE NO. NS-601

AN ORDINANCE AMENDING ORDINANCE NO. NS-546 BY CHANGING THE ZONE CLASSIFICATION OF LOTS ONE (1) TO SIX (6), INCLUSIVE, BLOCK FIVE (5), BEND, FROM R-4 MULTIPLE FAMILY DWELLING DISTRICT TO C-4 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 One (1) to Six (6), Inclusive, Block Five (5)
Bend Addition to the City of Bend.

by changing the district zone classification of the above mentioned area from R-4 Multiple Family Dwelling District to C-4 Commercial District.

Read for the first time November 7, 1962

Read for the second time November 21, 1962

Placed upon its passage November 21, 1962

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 21st day of November, 1962

Jack C Dempsey
Mayor

ATTEST:

Julia S. Johnson
Recorder

9453

ORDINANCE NO. NS-602

AN ORDINANCE VACATING A PORTION OF EAST THIRD STREET LOCATED IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON: AND CONTAINING AN EMERGENCY CLAUSE.

WHEREAS the City Commission of the City of Bend heretofore on the third day of October, 1962, duly and regularly initiated the vacation proceedings to vacate that portion of East Third Street lying between the south line of Addison Avenue and the north line of Zenith Avenue, at the request of Lee Anderson, 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 in the Commission Chambers of the City Hall in the City of Bend, Oregon at 8:00 o'clock p.m., on the 7th day of November, 1962, 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:

> That portion of East Third Street lying between the south line of Addison Avenue and the north line of Zenith Avenue 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, 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.

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 lands involved are to be used for light industrial commercial purposes and that such use will be advantageous to the people and economy of the area and also that the construction start awaits the vacation herein.

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 7, 1962
Read for the second time November 21, 1962
Placed upon its passage November 21, 1962
YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 21st day of November, 1962.

ATTEST:

Jessie S Johnson Recorder

Jack C Dempsey Mayor

No. 9453

STATE OF OREGON
County of Deschutes.

I hereby certify that the within instrument of writing was received for

Record on the 12th

day of December, A. D., 19~~6~~7

at 10:46 o'clock A M., and Recorded in Book 133

on Pages 348 Record of

Deeds-Helen M. Dacres

County Clerk.

By Rosemary Allen, Deputy

Indexed

ORDINANCE NO. NS-603

AN ORDINANCE VACATING STREET LOCATIONS IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

All of the Ovid W. B. Riley County Road as originally established by Resolution of the Crook County Court and its relocation of 1914, lying southerly from a point in the Center Line of East First Street, Bend, Oregon, said point being approximately 250.0 feet south from the northerly boundary of the said City of Bend, except whatever portions thereof which are now being used for a public purpose of whatsoever nature, including utilities,

and

Beginning at a spike set on the center line of Hill Street whence the northeast corner of the NWNE of Section 32 - T. 17, S. R. 12, E.W.M. bears N. 0°14'22" W. 110.27 feet; thence S. 43°18'17" W. 48.47 feet to the west side line of the R/W as described in said Bend Company deed; thence following a curve left with a radius of 70 feet and a L.C. of 32.50 ft. as described in the May 24, 1913 description of Bend Company to the City of Bend to the P.T. of said curve; thence following said west R/W N. 45° W. 167.39 feet to the intersection with the south line of said NWNE of said Section 32; thence S.89°55'14" E. 84.98 feet; thence S. 25°35'46" E. 112.52 feet; thence east 35.00 feet; thence S. 0°14'22" E. 8.84 feet to the P.O.B.

WHEREAS the City Commission of the City of Bend heretofore on the 1st day of August, 1962, duly and regularly initiated the necessary proceedings to vacate the street locations as above described on its own motion, and

WHEREAS the City Commissioners having considered the said vacation proceedings to vacate the street areas above described 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 in the City Commission Room in the City Hall, in the City of Bend, at 7:45 p.m., on October 17, 1962, at which time arguments for and against this vacation were duly heard, NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

All of the Ovid W. B. Riley County Road as originally established by Resolution of the Crook County Court and its relocation of 1914, lying southerly from a point in the Center Line of East First Street, Bend, Oregon, said point being approximately 250.0 feet south from the northerly boundary of the said City of Bend, except whatever portions thereof which are now being used for a public purpose of whatsoever nature, including utilities,

and

Beginning at a spike set on the center line of Hill Street whence the northeast corner of the NWNE of Section 32, T. 17, S. R. 12, E.W.M. bears N. 0°14'22" W. 110.27 feet; thence S. 43°18'17" W. 48.47 feet to the west side line of the R/W as described in said Bend Company deed; thence following a curve left with a radius of 70 feet and a L.C. of 32.50 feet as described in the May 24, 1913 description of Bend Company to the City of Bend to the P.T. of said curve; thence following said west R/W N. 45° W. 167.39 feet to the intersection with the south line of said NWNE of said Section 32; thence S. 89°55'14" E. 84.98 feet; thence S. 25°35'46" E. 112.52 feet; thence east 35.00 feet; thence S. 0°14'22" E. 8.84 feet to the P.O.B.

be and the same is hereby vacated, conditioned upon and made subject to the compliance by Deschutes Corporation of all of the terms, conditions, covenants, acts and things to do as are set forth in that certain agreement executed on the 24th day of August, 1962, wherein Deschutes Corporation, a California Corporation, agrees with the City of Bend, to do certain acts and things relating to the subject vacation. This agreement above identified is a part of the official files and records of the City of Bend and is made a part of these vacation proceedings the same as if it were set forth herein "en haec verba". Failure of compliance therewith shall result in these vacation proceedings becoming null and void.

Also, the City of Bend does retain unto itself an easement providing for access and egress to, in and through the above described areas for the maintenance, continuation, repair, reconstruction, renewal, replacement, rebuilding and/or enlarging 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.

Read for the first time November 21, 1962.

Read for the second time December 5, 1962

Placed upon its passage December 5, 1962

YEAS: 6 NAYS: 1

Submitted to and approved by the Mayor this 5th day of December, 1962.

Jack C Dempsey
Mayor

ATTEST:

Julia S Johnson
Recorder of the City of Bend.

No. 9610

STATE OF OREGON }
County of Deschutes } ss.

I hereby certify that the within instrument of writing was received for Record on the 20th day of December A. D. 1962 at 10:00 o'clock A. M. and recorded in book M-33 on page 9610

Record

Melvin W. Doods County Clerk

By Opal Kincaid Deputy

Indexed

ORDINANCE NO. NS-604

AN ORDINANCE REPEALING ORDINANCE NO. NS-594 AND SUBSTITUTING A NEW ORDINANCE IN ITS PLACE TO PROVIDE FOR A LICENSE FOR THE BUSINESS OF TREE TOPPING AND REMOVAL, PROVIDING FOR APPLICATIONS WITH AFFIRMATIVE SHOWINGS OF ABILITY AND FINANCIAL RESPONSIBILITY, SETTING FOR THE FEES, PENALTIES AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-594 (8-113) is hereby and herewith repealed in its entirety and the within ordinance is substituted in lieu thereof.

Section 2. Any person, firm, corporation, partnership or other business entity before engaging in the business of topping or removal of trees shall first apply for and receive a license so to do from the Recorder of the City of Bend.

Section 3. The application for license shall affirmatively show the experience and/or training of the applicant to the end that the applicant has ability to engage in such business without detrimental effect to the City of Bend and the inhabitants thereof and proof of financial responsibility, in the form of liability insurance coverage with limits of $50,000 minimum for each occurrence, shall be provided by copy of such insurance policy being filed with the City Recorder.

Section 4. The license as aforesaid shall be an annual license with the period of such license commencing on the 1st day of July of each calendar year and ending on the 30th day of June of the succeeding calendar year. There shall be no pro-rate of license fee for portions of a year. The license fee is hereby and herewith set at $25.00 per year or portion thereof.

Section 5. It shall be unlawful for any business entity as described in Section 2 hereinabove to engage in the business contemplated herein without first having obtained a license so to do and upon conviction thereof in the Municipal Court of the City of Bend shall be fined not less than $25.00 nor more than $250.00, or by imprisonment in the City Jail for not less than five days or more than 50 days or by both such fine and imprisonment.

Section 6. 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 the present ordinance as repealed hereinabove is being possibly interpreted so as to refer also to gardners and this was not its intent, and to clarify its application the within ordinance has been passed and it is deemed in the best interest of the City of Bend and the inhabitants thereof to pass this clarification as soon as possible.

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

Read for the first time this 21st day of November, 1962.
Read for the second time this 5th day of December, 1962.
Placed upon its passage this 5th day of December, 1962.
YEAS: 7 NAYS: 0

Submitted to an approved by the Mayor this 5th day of December, 1962.

ATTEST:

Julia S. Johnson Recorder

Jack C. Dempsey Mayor

ORDINANCE NO. NS-605

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF CITY OF BEND BRIDGE BONDS IN THE SUM OF NINETY THOUSAND AND NO/100 ($90,000) DOLLARS FOR THE PURPOSE OF PROVIDING FUNDS FOR THE REMOVAL OF THE PORTLAND AVENUE BRIDGE ACROSS THE DESCHUTES RIVER WITHIN THE CORPORATE LIMITS OF THE CITY OF BEND, AND TO REPLACE IT WITH A NEW BRIDGE, AND TO PROVIDE SUCH APPROACHES AND OTHER APPURTENANCES AND FACILITIES AS ARE NECESSARY AND CONVENIENT IN CONNECTION THEREWITH AND TO FURTHER ACQUIRE ANY NECESSARY REAL PROPERTY, EASEMENTS AND RIGHTS-OF-WAY FOR THE SAID PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS at an election duly called and held in the City of Bend, Oregon, on the 14th day of December, 1962, the Commission of said City was duly authorized and empowered to issue and sell bonds in the sum of Ninety Thousand and no/100 ($90,000) Dollars to procure funds for the removal of the Portland Avenue Bridge across the Deschutes River within the corporate limits of the City of Bend, and to replace it with a new bridge, and to provide such approaches and other appurtenances and facilities as are necessary and convenient in connection therewith and to further acquire any necessary real property, easements and rights-of-way for the said project; 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 NINETY THOUSAND DOLLARS ($90,000) par value in amount, said bonds to be in denominations of One Thousand Dollars ($1,000) each, numbered from 1 to 90, inclusive, to be dated February 15, 1963, and to mature serially in numerical order as follows:

$5,000 on February 15, 1964
5,000 on February 15, 1965
5,000 on February 15, 1966
5,000 on February 15, 1967
5,000 on February 15, 1968
6,000 on February 15, 1969
6,000 on February 15, 1970
6,000 on February 15, 1971
6,000 on February 15, 1972
6,000 on February 15, 1973
7,000 on February 15, 1974
7,000 on February 15, 1975
7,000 on February 15, 1976
7,000 on February 15, 1977
7,000 on February 15, 1978

provided that all bonds which mature thereafter, shall be subject to call and redemption on February 15, 1973, 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 15th 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 Bridge Bonds, Series 1963".

SECTION 2. That the said City of Bend Bridge Bonds, Series 1963 and the coupons attached thereto shall be in substantially the following form:

No.____ $1,000

UNITED STATES OF AMERICA
STATE OF OREGON
DESCHUTES COUNTY
CITY OF BEND BRIDGE BONDS SERIES 1963

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

ONE THOUSAND DOLLARS

on the 15th day of February, 19__, with interest thereon at the rate of ___% (__) per annum, payable semiannually on the fifteenth day 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 Ninety Thousand Dollars ($90,000) par value in amount, authorized by an amendment to the Charter of said City, duly submitted to and approved by the legal voters of said City at an election held for said purpose on the 14th day of December, 1962, 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 remove the Portland Avenue Bridge across the Deschutes River within the corporate limits of the City of Bend, and to replace it with a new bridge, and to provide such approaches and other appurtenances and facilities as are necessary and convenient in connection therewith and to further acquire any necessary real property, easements and rights-of-way for the said project. 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 15th day of February, 1963.

_____
Mayor

Countersigned:

_____
Recorder

On the face of all bonds which mature after 1973, thereshall be added a paragraph to read as follows:

"This bond is subject to call and redemption on February 15, 1973, and on any interest-paying date thereafter."

C O U P O N

No.___ $___

On the 15th 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 Bridge Bond Series 1963, dated February 15, 1963, No.___.

Countersigned: _____
Mayor

_____
Recorder

At the end of all coupons coming due after February 15, 1973, 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 shall each year make a tax levy in an amount sufficient to pay the principal of and interest on said bonds as they become due.

SECTION 4. The Recorder is hereby instructed to advertise the aforesaid bonds for sale at the Commission meeting to be held on the 23rd day of January, 1963, 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 5. WHEREAS the aforesaid bonds have been heretofore authorized at an election and it is necessary that the inhabitants of the City have a safe and secure bridge across the Deschutes River at the Portland Avenue site, at the earliest possible time, NOW, THEREFORE,

AN EMERGENCY IS HEREBY DECLARED TO EXIST and this ordinance shall take effect immediately upon its enactment and approval.

Read for the first time December 19, 1962

Read for the second time January 2, 1963

Placed upon its passage January 2, 1963.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 2nd day of January, 1963.

E L. Nelson
_____
Mayor

ATTEST:

Irene S Johnson
_____Recorder.

ORDINANCE NO. NS-606

AN ORDINANCE RECITING THE TERMS OF RESOLUTION NO. 750 MAKING CHAPTER 51 OF THE 1958 EDITION, UNIFORM BUILDING CODE, APPENDIX AN OFFICIAL RECORD OF THE CITY OF BEND INCORPORATING THE SAME BY REFERENCE AS PART OF THIS ORDINANCE AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That the City of Bend has as of the 19th day of December 1962, by resolution duly passed considered, read and approved the provisions of Chapter 51 of the 1958 Edition, Uniform Building Code, Appendix 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 2. That said Chapter 51 of the 1958 Edition Uniform Building Code Appendix 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 and appurtenances thereto coming within the provisions of the said Chapter 51 shall be compiled with by the various officials and employees of the City of Bend.

Section 3. 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 installation and construction of appurtenances covered in the said Chapter 51 and further that the City Commission of the City of Bend feels that regulations should be immediately applied,

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 5th day of December, 1962

Read for the second time the 19th day of December, 1962

Placed upon its passage the 19th day of December, 1962.

YEAS: NAYS:

Submitted to and approved by the Mayor this 19th day of December, 1962.

Jack C Dempsey
Mayor

ATTEST:

Julia S Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-607

Amended by NS-1327

AN ORDINANCE REGULATING PUBLIC DANCES WITHIN THE CITY OF BEND AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The within ordinance is designed to be a comprehensive ordinance relating to and regulating the conduct of dances held within the City of Bend and the regulations herein contained are based upon the general police powers of the legislative body of the City of Bend and the City of Bend itself as a Municipal Corporation. The purpose of this within ordinance is to provide permits and regulations where the same are deemed advisable and necessary for the public peace, health, safety, and welfare and the provisions hereof have been arrived at after due and considerable consideration by the City Commission of the City of Bend in sessions duly assembled.

Section 2. For the purposes of this ordinance dances as hereinafter defined shall be divided into categories as in this section provided.

Category A. School dances and dances sponsored by the City of Bend Recreation Department.

Category B. Dances held in the pursuit of a regular course of instruction duly advertised as such whether or not the same be a commercial type enterprise or not, at which adult instructors are in attendance at all times.

Category C. Dances held and supervised by fraternal, charitable, religious, social, or benevolent organizations duly recognized as such whether or not an admission charge is made.

Category D. Dances of a commercial nature or character to which admission is charged or some other form of monetary remuneration or award is the price of admission.

Section 3.

a. There shall be no license fee or other regulation applied or made applicable to dances held in the aforementioned Category A unless the sponsors thereof request assistance in the regulation of such dance and then and in that event the regulatory portions of this within ordinance shall become immediately effective as to that dance or dances.

b. There shall be no license fee or other regulation applied or made applicable to dances held in the aforementioned Category B unless the sponsors thereof request assistance in the regulation of such dance and then and in that event the regulatory portions of this within ordinance shall become immediately effective as to that dance or dances.

c. Category C dances are required to have a license. An annual license therefor may be issued by the City Recorder of the City of Bend upon application therefor by the sponsoring organization without charge.

d. For dances falling within Category D hereinabove described there shall be required for the holding thereof a permit so to hold, and application for such permit shall be made at least 48 hours prior to the time of the commencement of the aforesaid dance in Category D. At the time of the application for a permit there shall be paid in the manner of a license fee a sum of money equal to $2.00 per hour of operation which shall be the license fee for the permit to hold the dance as aforesaid in the aforedescribed Category D.

Section 4. The City Recorder of the City of Bend is hereby and herewith directed to provide a form for the application for the permits as in this ordinance provided, and contained in such permits shall be the Categories D or C as applicable, and shall also have provision thereon for an approval by the Chief of Police of the City of Bend or his agent, and the City Manager.

Section 5. The Chief of Police of the City of Bend, or his agent, and the City Manager shall approve all applications for dances in Categories C and D and shall have the power to disapprove such application for good cause. Upon disapproval no permit shall issue therefor, but, however, there is provided a right of appeal by the sponsoring party or parties to the City Commission of the City of Bend, which appeal shall be made in writing, stating the reasons therefor, whereupon when and if such an appeal is filed, the matter shall be placed upon the agenda of the next regular City Commission meeting of the City of Bend and the same shall be acted upon at that meeting either to approve or reject the application.

Section 6. The Recorder notifies the Chief of the Fire Department of the location of any proposed dance under Categories A, B, C, or D and shall cause the said premises upon which the various dances are to be held to be examined for a fire hazard prior to the scheduled event and in the event a fire hazard is found then his decision shall be final and no dance shall be held thereat until such time as the fire hazard shall have been obviated.

Section 7. In all categories of dances as hereinabove defined the Police Chief or his agent, shall have the right of inspection of the subject premises at any time, either before or during the dance, to determine whether or not the provisions of this ordinance are being complied with at all times and in the event that a failure of compliance is found the said Police Chief or his agent, shall immediately notify the sponsor or sponsors of the said dance and the violations found shall be immediately corrected and upon failure so to do the dance shall be immediately closed down and no permit for any further dances shall be issued until guarantees are provided that the violation will not continue in the future. In this connection any annual license or any annual permit that has been granted shall be automatically revoked on failure of compliance with the Police Chief's order and said revocation shall not result in a refund of any unused license fee, but the same shall be forfeited to the City of Bend in the nature of a penalty therefor in addition to any other penalties that may be by this ordinance provided.

Section 8. Dances held in any of the Categories A, B, C, or D as hereinabove defined shall be deemed to be held in a public place for the purposes of this ordinance and any disorderly conduct therein shall be punished, if a direct violation of the terms of this ordinance, as a breach of this ordinance, and likewise the terms of the disorderly conduct ordinance of the City of Bend shall apply to such place as a public place and therefore disorderly conduct therein may be punished upon conviction thereof in accordance with the terms and provisions and penalties of the said disorderly conduct ordinance of the City of Bend.

Section 9. It is felt that dances in Category A and Category B will be, by their very nature, discontinued at a reasonable hour, but however, for purposes of uniformity, dances in Category A and Category B hereinabove defined shall be discontinued no later than 12 o'clock midnight of the day upon which the dance, as such, was commenced. It is likewise felt that dances held under Category C as hereinabove defined will be self-regulated by the sponsoring organization, with the exception and provision that all

persons between the ages of 18 years plus 1 day to 21 years of age shall not be within the premises where the dance is being held after the hour of 12:00 o'clock midnight of the day upon which the said and subject dance was commenced. All persons under the age of 18 years shall leave the said premises wherein a dance under Category C is being held at the same time and under the same conditions as shall be hereinafter set forth as to dances held under Category D hereinabove defined.

Section 10. Dances held under Category D as hereinabove defined where persons under the age of 21 are congregated whether the same be indoors or outdoors shall be closed by 11:30 o'clock p.m. on the same day on which the said dance commenced on each and every Friday and Saturday night and school holiday eves, and said dances on each and every other night shall be over and the dance hall closed by the hour of 9:30 o'clock p.m. on the same day upon which the dance was commenced. At dances held under Category D where persons under the age of 21 are congregated there shall be provided a female chaperone of good moral character approved as such by the Police Chief of the City of Bend together with a male person who shall be a member of the regular police force of the City of Bend who shall be charged with the duty of seeing that the provisions of this ordinance are complied with at all times during the pendency of the said dance. Male police personnel shall be paid at the going rate of special policemen by the sponsor or sponsors of the said dance in this category and shall be paid from the proceeds of the license fee above mentioned. The female chaperone may or may not be paid in accordance with arrangements made between the sponsor or sponsors of the dance and the said female chaperone. In the event, however, that the Police Chief in his unbridled discretion would rather have a Police Matron in attendance at the said dance, then and in that event there shall be a Police Matron in attendance at the said dance and the said Police Matron shall be paid at the then going rate for such services by the sponsor or sponsors of the said dance. It is the intent of the City Commission of the City of Bend, as the City legislative and governing body, to prevent as much as is possible and practical the matter of mingling Junior High School age children with Senior High School age children and likewise High School age persons with persons of college age.

Section 11. At none of the dances in categories A, B, C, & D, as hereinabove defined shall there be permitted a crowd of persons to congregate outside of the dance hall, shall the same be within an enclosed building, or outside of the general confines of the dancing area in the event that the dance is being held out-of-doors. The purpose of this provision is to prevent the congregation of persons outside of said premises or location to the end that pedestrian traffic on abutting sidewalks shall not be interfered with in any way and also the interference with vehicular traffic on streets in the vicinity thereto. Smoking is prohibited in Category D dances where persons under the age of 21 are congregated. Adequate lighting shall be provided in all Category D dances so that all persons are clearly visible in the hall or dance area.

ENFORCEMENT: Holding dances wherein licenses are required under this ordinance without a license shall be deemed a misdemeanor and upon conviction thereof in the Municipal Court of the City of Bend, the said violation shall be punished by a fine of not to exceed $250.00 or by imprisonment in the City Jail for not more than 60 days or by both such fine and imprisonment. Further, violations of the terms and provisions intents of this ordinance may result in revocation of licenses granted without recourse or refund, or may result in refusal to issue licenses. The Police Chief shall have such power of revocation. Aggrieved parties may appeal such decision to the City Commission of the City of Bend.

Read for the first time this 5th day of December, 1962.

Read for the second time this 19th day of December, 1962.

Placed upon its passage this 19th day of December, 1962.

Yeas: 5 Nays: 0

Submitted to and approved by the Mayor this 19th day of December, 1962.

E L Nelson
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-608

AN ORDINANCE REGULATING THE PLANTING OF TREES IN THE C-4 ZONE OF THE CITY OF BEND, PROVIDING FOR PERMIT SO TO PLANT SUCH TREES: SETTING FORTH REGULATIONS OF SUCH PLANTING; INCLUDING A GUIDE FOR TREES ALLOWABLE; PROVIDING FOR INSURANCE PROTECTION; PROVIDING FOR PENALTY AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. From and after the effective date of this ordinance it shall be unlawful to plant or otherwise display trees or shrubs in the C-4 commercial area as the same is defined in Ordinance No. NS-546 known as the Zoning Ordinance of the City of Bend, except and unless the same shall be planted or displayed in accordance with the terms and provisions of this ordinance.

Section 2. The City of Bend Park Superintendent is hereby charged with the additional duties of enforcing the terms and provisions of this ordinance.

Section 3. All persons desiring to plant or display trees or shrubs on publicly owned or used lands in the above mentioned C-4 Commercial District, which shall also include streets, alleys, and sidewalks, shall, before doing so, obtain a permit allowing such planting or displaying from the Park Superintendent of the City of Bend. Applications for the said permit shall include a plan, sketch, or drawing showing the proposed location of the planting or displaying; the type of tree or shrub contemplated to be used; the location of parking meters, utility poles, driveways, doorways, curb lines, and any other pertinent information so as to provide a complete plan as to the entire proposal. Trees or shrubs may be planted into depressions smoothly cut into the sidewalks or in tubs to be placed on the sidewalk.

Section 4. The following requirements must be met before the permit mentioned above may be issued:

1. In depressed sidewalk plantings the hole must be at least 2 feet square or 2 ft. in diameter and three feet deep with adequate drainage for water provided at the base of the hole. Where natural drainage appears to be inadequate, an additional foot of depth shall be provided with gravel placed therein.

2. Excavation of the said hole shall be made and a good planting mix shall be placed therein, such as a three way mix containing one part decomposed manure, one part peat, and one part loam. Other mixes of comparable quality may be used subject to the approval of the Park Superintendent.

3. The depression shall be filled in to sidewalk level with the upper course being of some solid type material, however being porous such as smoothly laid river rock, gravel of adequate size, or bricks laid on a sand base with sand brushed into the crevices between the bricks.

4. In tub plantings the same provisions as to the planting mix shall be adhered to as in depressed plantings with the further provision that adequate drainage must be provided at the base of the tub.

5. No street plantings or display shall be placed so as to interfere with parking meters, utilities, doorways, or ingress and egress to automobiles.

6. Trees and shrubs are to be selected and consideration given to their virtues insofar as their hardiness is concerned, cleanliness, and growth habits, to the end that after a few years of growth the trees or shrubs will not become so big that they will have to be mutilated to provide clearance for overhead wires; their root structure will not heave sidewalks or roadways or be of such a nature as to clog sewer and drainage lines; their droppings will not create an unsightly or dangerous situation on the streets and sidewalks and that they will be graceful and lend themselves to beautification of the City of Bend.

Section 6. As a guide to the permitee and the Park Superintendent, trees and shrubs used in accordance with the terms of this ordinance should possess the following characteristics:

(a) They should have full foliage and produce abundant shade;
(b) They should be easy to transplant;
(c) They should be hardy in city conditions considering gases, shade from buildings, and other elements unusual to the natural habitat of the proposed plantings;
(d) They should have symmetry and good form;
(e) They should be relatively free of insects and disease;
(f) They should be clean as to bark, foliage, flowers, and fruiting characteristics;
(g) They should be long lived and they should be resistant to damage by wind, ice, and snow;
(h) Minimum spacing shall be 30 ft. with spacing up to 50 ft. being indicated as more desirable. Trees shall not be planted closer than 5 feet to alley margins, or closer than 3½ ft. to private driveways and shall not be set closer than 30 ft. to the intersection of the extended curb line at street intersections;
(i) As mature a tree as possible should be used and in the event that guying is necessary until the roots become established then that said guying shall be provided;
(j) Trees to be planted should be at least 8 to 10 ft. high with a minimum of 6 ft. from the ground to the first limb.

Section 7. Before any permit as herein contemplated shall be issued, the City of Bend must be provided with evidence of liability insurance coverage in an adequate amount with proper endorsement to save and protect the City harmless from any and all liabilities that may arise in any way or matter as result of the street plantings herein contemplated.

Section 8. Permits granted under the terms of this ordinance are revocable and such revocation may be made by the Park Superintendent in the event the terms and conditions of this ordinance are not complied with by the permit holder. However, in the event the permit holder desires to appeal the revocation order of the Park Superintendent, then he may do so in writing and/or by appearance before the City Commission of the City of Bend within 30 days after the date of the revocation order. Failing so to do, the said revocation order shall stand and the street planting shall be immediately removed by the permit holder and the hole therefor, in the event of depressed planting, shall be restored to its original condition by the permit holder without cost to the City.

Section 9. It shall be a violation of this ordinance to abuse, destroy, or mutilate any tree, shrub, or plant planted in accordance with this ordinance, or to attach or place any rope or wire other than a guy wire used to support a young or broken tree, wire, sign, poster, handbill, or other thing to or on any of the trees or shrubs contemplated within this ordinance, or to otherwise maliciously kill, damage, or mutilate any such plants.

Section 10. Any person violating any of the provisions of this ordinance, or failing to comply with them, shall upon conviction thereof in the Municipal Court of the City of Bend, be punished by a fine of not to exceed $50.00, or by imprisonment in the City jail for not to exceed 20 days, or by both such fines and imprisonment.

Section 11. Emergency Clause. Inasmuch as it is necessary for the public health, convenience, and welfare for this ordinance to become immediately operative in that the season for transplanting trees and shrubs as contemplated herein is rapidly approaching and some persons are waiting approval to plant and being deemed such plantings are desirable to the City of Bend and the inhabitants thereof,

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

Read for the first time this 5th day of December, 1962.

Read for the second time this 19th day of December, 1962.

Placed upon its passage this 19th day of December, 1962.

YEAS: 4 NAYS: 2

Submitted to and approved by the Mayor this 19th day of December, 1962.

E. K. Nelson
Mayor

ATTEST:

Irene S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-609

AN ORDINANCE AMENDING SECTION 4.1 OF ORDINANCE NO. NS-546 BY CHANGING THE DESIGNATED ZONE FOR CERTAIN AREAS IN THE CITY OF BEND.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

The City Planning Commission, at its regular meeting held December 17, 1962, having officially proposed that the rezoning of Lots 4, 5, 6, 7 and 8 of Block 4, Wiestoria Addition, from R-3 to C-3, and Blocks 2 and 3, and Lots 1, 2, 3, 9, 10 and 11 of Block 4 all in Wiestoria Addition, from R-4 to C~~0~~3, be considered, and the next regular Planning Commission meeting having been set for a public hearing on said rezoning; and public notice of said hearing having been published in the Bend Bulletin, a newspaper of general circulation in the City of Bend, at least fifteen (15) days prior to said time set for said hearing; and said hearing having been held at the regular meeting of the City Planning Commission on January 28, 1963, with no protests received to the proposed rezoning; and the City Planning Commission having recommended said proposed rezoning to the City Commission,

NOW, THEREFORE, IT IS HEREBY ORDAINED that Lots 4, 5, 6, 7 and 8, in Block 4, Wiestoria Addition, be rezoned from R-3 Two-Family Dwelling District to C-3 Commercial District; and Blocks 2 and 3, and Lots 1, 2, 3, 9, 10 and 11, of Block 4, Wiestoria Addition, be rezoned from R-4 Multiple Family Dwelling District to C-3, Commercial District. Section 4.1 of Ordinance No. NS-546 and the ZONING DISTRICT MAP are hereby amended accordingly.

Read for the first time this 20th day of February, 1963.

Read for the second time this 6th day of March, 1963.

Placed upon its passage this 6th day of March, 1963.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 6th day of March, 1963.

E L Nielsen
Mayor

ATTEST:

Julia S Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-610

AN ORDINANCE VACATING PART OF THE ALLEY IN BLOCK 2, AWBREY HEIGHTS ADDITION AND PART OF THE ALLEY IN BLOCK 3, AWBREY HEIGHTS ADDITION, IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

THE CITY COMMISSION FOR THE CITY OF BEND on December 5, 1962, on its own motion, initiated proceedings for the vacation of the following described real property:

> That part of the Alley in Block 2, Awbrey Heights Addition from the north line of Lots 10 and 21 to the center line of vacated Utica Avenue,
>
> and
>
> That part of the Alley in Block 3, Awbrey Heights Addition from the north line of Lots 7 and 16 to the center line of vacated Utica Avenue, as shown on the official map thereof on file in the office of the Clerk of Deschutes County, Oregon,

and the Recorder for the City of Bend having heretofore caused the following notice:

"NOTICE IS HEREBY GIVEN that a street vaction proceeding has been instituted by the City Commission of the City of Bend on its own motion on the following described street location at a regular City Commission meeting held on the 5th day of December, 1962:

> That part of the Alley in Block 2, Awbrey Heights Addition from the north line of Lots 10 and 21 to the center line of vacated Utica Avenue
>
> and
>
> That part of the Alley in Block 3, Awbrey Heights Addition from the north line of Lots 7 and 16 to the center line of vacated Utica Avenue, as shown on the official map thereof on file in the office of the Clerk of Deschutes County, Oregon.

The City of Bend Commission has fixed the 6th day of March, 1963 at the hour of 7:45 P.M., in the Commission Chambers in the City Hall in the City of Bend, Oregon, as the time and place for hearing upon the said vacation proceedings, at which time the City Commission will receive and hear any and all objections to the said proceedings.

JULIA S. JOHNSON,
Recorder of the City of Bend"

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

NOW, THEREFORE, IT IS HEREBY ORDERED that the following described real property, to-wit:

That part of the Alley in Block 2, Awbrey Heights Addition from the north line of Lots 10 and 21 to the center line of vacated Utica Avenue

and

That part of the Alley in Block 3, Awbrey Heights Addition from the north line of Lots 7 and 16 to the center line of vacated Utica Avenue, as shown on the official map thereof on file in the office of the Clerk of Deschutes County, Oregon,

now within the corporate limits of the City of Bend, County of Deschutes, State of Oregon, be, and the same hereby is vacated, and said vacation is hereby made a matter of record.

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

Read for the first time this 6th day of March, 1963.

Read for the second time this 20th day of March, 1963.

Placed upon its passage this 20th day of March, 1963.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 20th day of March, 1963.

E L Nelson
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

No. 2096

STATE OF OREGON }
County of Deschutes }

I hereby certify that the within instrument of writing was received for Record the 10th day of April A. D. 19 63 at 10:45 o'clock A M and recorded in book 134 on pages 465 Record of Deeds

Helen M. Dacy County Clerk
By Opal Sprague Deputy

Indexed

NS-610

ORDINANCE NO. NS-611

AN ORDINANCE VACATING THAT PORTION OF EAST THIRD STREET AS PLATTED PRIOR TO THE RELOCATION OF EAST THIRD STREET, LYING BETWEEN THE NORTH BOUNDARY OF VALE AVENUE AND THE SOUTH BOUNDARY OF XERXES, IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

THE CITY COMMISSION FOR THE CITY OF BEND on December 5, 1962, on its own motion, initiated proceedings for the vacation of the following described real property:

> That portion of East Third Street as platted prior to the relocation of East Third Street, lying between the north boundary of Vale Avenue and the South boundary of Xerxes, and now abandoned as the result of the relocation of the East Third Street right-of-way, as shown on the official map thereof on file in the office of the Clerk of Deschutes County, Oregon,

and the Recorder for the City of Bend having heretofore caused the following notice:

"NOTICE IS HEREBY GIVEN that a street vacation proceeding has been instituted by the City Commission of the City of Bend on its own motion on the following described street location at a regular City Commission meeting held on the 5th day of December, 1962:

> That portion of East Third Street as platted prior to the relocation of East Third Street, lying between the north boundary of Vale Avenue and the South boundary of Xerxes, and now abandoned as the result of the relocation of the East Third Street right-of-way, as shown on the official map thereof on file in the office of the Clerk of Deschutes County, Oregon.

The City of Bend Commission has fixed the 6th day of March, 1963, at the hour of 8:00 P.M., in the Commission Chambers in the City Hall in the City of Bend, Oregon, as the time and place for hearing upon the said vacation proceedings, at which time the City Commission will receive and hear any and all objections to the said proceedings.

JULIA S. JOHNSON,
Recorder of the City of Bend"

to be published once each week for four consecutive weeks in the Bend Bulletin, a newspaper of general circulation within the corporate limits of the City of Bend; and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation in at least two conspicuous places; and the publication and posting of said notice having occurred not less than twenty-eight days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice a hearing having been had; and no objections or remonstrances having been made or filed; and the consent of the abutting landowners to the proposed vacation having been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation, and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED that the following described real property, to-wit:

That portion of East Third Street as platted prior to the relocation of East Third Street, lying between the north boundary of Vale Avenue and the south boundary of Xerxes, and now abandoned as the result of the relocation of the East Third Street right-of-way, as shown on the official map thereof on file in the office of the Clerk of Deschutes County, Oregon,

now within the corporate limits of the City of Bend, County of Deschutes, State of Oregon, be, and the same hereby is vacated, and said vacation is hereby made a matter of record.

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

Read for the first time this 6th day of March, 1963.

Read for the second time this 20th day of March, 1963.

Placed upon its passage this 20th day of Marøh, 1963.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 20th day of March, 1963.

E. L. Nalan
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

No. 2097

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 10th day of April A. D. 19 63 at 10:41 o'clock A M and recorded in book 134 on pages 467 Record of Deeds

Helen M. Dace County Clerk
By Opal Sprague Deputy

Indexed

NS-611

ORDINANCE NO. NS-612

AN ORDINANCE VACATING A PORTION OF ALLEN ROAD, IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

THE CITY COMMISSION FOR THE CITY OF BEND on February 6, 1963, on its own motion, having adopted a resolution initiating proceedings for the vacation of the following described real property:

> All of that portion of Allen Road bordering Block Eleven (11), Highland Addition on the north and east sides from the east line of Columbia Street to the south line of Lots Four (4), Block Eleven (11), Highland Addition; also to vacate that portion of Allen Road remaining in the external area of the curve on the westerly line of Lots Twenty-nine (29) and Thirty (30), Block Eight (8), Highland Addition,

and the Recorder for the City of Bend having heretofore caused the following notice:

NOTICE OF STREET VACATION

> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on its own motion at a Regular Commission meeting on February 6, 1963, for the following described street location:
>
> > All of that portion of Allen Road bordering Block Eleven (11), Highland Addition on the north and east sides from the east line of Columbia Street to the south line of Lot Four (4), Block Eleven (11), Highland Addition; also to vacate that portion of Allen Road remaining in the external area of the curve on the westerly line of Lots Twenty-nine (29) and Thirty (30), Block Eight (8), Highland Addition.
>
> The City of Bend Commission has fixed the 20th day of March, 1963, at the hour of 7:50 P.M., in the Commission Chambers in the City Hall in the City of Bend, Oregon, as the time and place for hearing upon the said vacation proceedings at which time the City Commission will receive and hear any and all objections to the said proceedings.
>
> JULIA S. JOHNSON,
> Recorder of the City of Bend

to be published once each week for four consecutive weeks in The Bend Bulletin, a newspaper of general circulation within the corporate limits of the City of Bend; and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation in at least two conspicuous places; and the publication and posting of said notice having occurred not less than twenty-eight days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice a hearing having been had and no objections or remonstrances having been made or filed; and the consent of the abutting landowners to the proposed vacation having been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation, and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED that the following described real property, to-wit:

All of that portion of Allen Road bordering Block Eleven (11), Highland Addition on the north and east sides from the east line of Columbia Street to the south line of Lot Four (4), Block Eleven (11), Highland Addition; also to vacate that portion of Allen Road remaining in the external area of the curve on the westerly line of Lots Twenty-nine (29) and Thirty (30), Block Eight (8), Highland Addition,

now within the corporate limits of the City of Bend, County of Deschutes, State of Oregon, be, and the same hereby is vacated, and said vacation is hereby made a matter of record.

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

Read for the first time this 20th day of March, 1963.

Read for the second time this 3rd day of April, 1963.

Placed upon its passage this 3rd day of April, 1963.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 3rd day of April, 1963.

E. L. Nelson
Mayor

ATTEST:

Lucia S. Johnson
Recorder of the City of Bend

No. 2098

STATE OF OREGON }
County of Deschutes }

I hereby certify that the within instrument of writing was received for Record the 10th day of April A. D. 1963 at 10:42 o'clock A M and recorded in book 134 on pages 469 Record

Helen M. Dacey County Clerk
By Opal Sprague Deputy

Indexed

ORDINANCE NO. NS- 613

AN ORDINANCE VACATING THE PLAT AND STREETS IN JUNIPER PARK IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

THE CITY COMMISSION FOR THE CITY OF BEND on February 6, 1963, on its own motion, having adopted a resolution initiating proceedings for the vacation of the following described real property:

The Alleys in Blocks Thirty-eight (38), Forty-three (43), Fifty-four (54) and Fifty-five (55), all in Center Addition.

East Greeley Avenue from East Fifth Street to East Eighth Street.

East Hawthorne Avenue from East Fifth Street to East Eighth Street.

East Sixth Street from the north line of the alleys in Blocks Thirty-nine (39) and Forty-two (42) in Center Addition, to the south line of the alleys in Blocks Thirty-seven (37) and Forty-four (44) in Center Addition.

East Seventh Street from the north line of the alleys in Blocks Forty-two (42) and Fifty-five (55) in Center Addition to the south line of the alleys in Blocks Forty-four (44) and Fifty-three (53) in Center Addition.

Block Thirty-eight (38), Block Forty-three (43), Block Fifty-four (54), Block Fifty-five (55) and Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), and Eight (8) in Blocks Thirty-nine (39) and Forty-two (42) and Lots Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15) and Sixteen (16), in Blocks Thirty-seven (37) and Fourty-four (44), and Lots Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14), in Block Fifty-three (53), all in Center Addition,

and the Recorder of the City of Bend having heretofore caused the following Notice:

NOTICE OF PLAT AND STREET VACATION

NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on its own motion at a regular Commission meeting on February 6, 1963, for the following described real property:

The Alleys in Blocks Thirty-eight (38), Forty-three (43), Fifty-four (54), and Fifty-five (55), all in Center Addition;

East Greeley Avenue from East Fifth Street to East Eighth Street;

East Hawthorne Avenue from East Fifth Street to East Eighth Street;

East Sixth Street from the north line of the alleys in Blocks Thirty-nine (39) and Forty-two (42) in Center Addition, to the south line of the alleys in Blocks Thirty-seven (37) and Forty-four (44) in Center Addition;

East Seventh Street from the north line of the alleys in Blocks Forty-two (42) and Fifty-five (55) in Center Addition to the south line of the alleys in Blocks Forty-four (44) and Fifty-three (53) in Center Addition;

Block Thirty-eight (38), Block Forty-three (43), Block Fifty-four (54), Block Fifty-five (55) and Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7) and Eight (8), in Blocks Thirty-nine (39) and Forty-two (42) and Lots Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15) and Sixteen (16), in Blocks Thirty-seven (37) and Forty-four (44), and Lots Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13),and Fourteen (14) in Block Fifty-three (53), all in Center Addition.

The City of Bend Commission has fixed the 20th day of March, 1963, at the hour of 7:45 P.M., in the Commission Chambers in the City Hall in the City of Bend, Oregon, as the time and place for hearing upon the said vacation proceedings at which time the City Commission will receive and hear any and all objections to the said proceedings.

JULIA S. JOHNSON,
Recorder of the City of Bend

to be published once each week for four consecutive weeks in the Bend Bulletin, a newspaper of general circulation within the corporate limits of the City of Bend; and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation in at least two conspicuous places; and the publication and posting of said notice having occurred not less than twenty-eight days before the hearing specified for said proposed vacation; and upon the appointed timespecified in said notice a hearing having been had and no objections or remonstrances having been made or filed; and the consent of the abutting landowners to the proposed vacation having been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation, and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED that the following described real property, to-wit:

The Alleys in Blocks Thirty-eight (38), Forty-three (43), Fifty-four (54) and Fifty-five (55), all in Center Addition;

East Greeley Avenue from East Fifth Street to East Eighth Street;

East Hawthorne Avenue from East Fifth Street to East Eighth Street;

East Sixth Street from the north line of the alleys in Blocks Thirty-nine (39) and Forty-two (42) in Center Addition, to the south line of the alleys in Blocks Thirty-seven (37) and Forty-four (44) in Center Addition;

East Seventh Street from the north line of the alleys in Blocks Forty-two (42) and Fifty-five (55) in Center Addition to the south line of the alleys in Blocks Forty-four (44) and Fifty-three (53) in Center Addition;

Block Thirty-eight (38), Block Forty-three (43), Block Fifty-four (54), Block Fifty-five (55) and Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), and Eight (8) in Blocks Thirty-nine (39) and Forty-two (42) and Lots Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15) and Sixteen (16) in Block Thirty-seven (37) and Forty-four (44), and Lots Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14) in Block Fifty-three (53), all in Center Addition,

now within the corporate limits of the City of Bend, County of Deschutes, State of Oregon, be, and the same hereby is vacated, and said vacation is hereby made a matter of record.

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

Read for the first time this 20th day of March, 1963.

Read for the second time this 3rd day of April, 1963,

Placed upon its passage this 3rd day of April, 1963.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 3rd day of April, 1963.

E. L. Malsai
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

No. 2099
STATE OF OREGON
County of Deschutes
I hereby certify that the within instrument of writing was received for Record the 10th day of April A. D. 1963 at 10:43 o'clock A M and recorded in book 134 on pages 471 Record of Deeds
Helen M. Gracy County Clerk
By Opal Sprague Deputy

Indexed

2100

ORDINANCE NO. NS- 614

AN ORDINANCE NAMING THAT CERTAIN PUBLIC WAY RUNNING THROUGH BLOCK 28 OF WIESTORIA ADDITION TO THE CITY OF BEND "THURSTON COURT".

WHEREAS, a building permit has been or will be issued for construction of a dwelling on Lot One, Block 28 of Wiestoria Addition to the City of Bend; and said dwelling will front on a public way as yet unnamed; and it is necessary that such public way be named in order that public services to this dwelling be facilitated; and the recommendation of the City Planning Commission having been received;

NOW, THEREFORE, THE CITY OF BEND DOES ORDAIN that said public way running through Block 28, Wiestoria Addition to the City of Bend be and hereby is named "Thurston Court".

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed for record with the County Clerk for Deschutes County, and shall also cause a like copy to be filed with the County Assessor and County Surveyor.

Read for the first time this 20th day of March, 1963.

Read for the second time this 3rd day of April, 1963.

Placed upon its passage this 3rd day of April, 1963.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 3rd day of April, 1963.

Ed. Nadon
Mayor

ATTEST:

Julia L. Johnson
Recorder of the City of Bend

No. 2190

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 10th day of April A. D. 1963 at 10:44 o'clock A M and recorded in book 137 on pages 474 Records Record

Helen M. Isaacs County Clerk

By Opal Sprague Deputy

Indexed

ORDINANCE NO. NS-615

AN ORDINANCE AMENDING ORDINANCE NO. NS-608 WITH RESPECT TO SPACING OF TREES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Section 6 (h), of Ordinance No. NS-608 be amended by adding the following words to the first sentence of said paragraph:

> "except that where there are parking meters, spacing may correspond to the interval between the parking meters."

Read for the first time this 3rd day of April, 1963.

Read for the second time this 17th day of April, 1963.

Placed upon its passage this 17th day of April, 1963.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 3rd day of April, 1963.

E. L. Nelson
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

VOL 135 PAGE 394

ORDINANCE NO. NS - 616

AN ORDINANCE VACATING THE E. 7½' OF LOTS THREE AND FOURTEEN IN BLOCK THREE OF KEYSTONE TERRACE ADDITION ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY CLERK OF DESCHUTES COUNTY OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

The City Commission for the City of Bend on April 17, 1963 on its own motion, initiated proceedings of the vacation of the following described real property:

> The E. 7½' of Lot Three (3) and Fourteen (14) Block Three (3) of Keystone Terrace Addition according to the official plat thereof on file and of record in the office of the County Clerk of Deschuted County,

and the Recorder for the City of Bend having heretofore caused the following notice:

NOTICE OF STREET VACATION

> NOTICE IS HEREBY GIVEN that a street vacation proceeding has been instituted by the City Commission of the City of Bend on its own motion on the following described street street location at a regular City Commission meeting held on the 17th day of April 1963:
>
> > The E. 7½' of Lots Three (3) and Fourteen (14) in Block Three (3) of Keystone Terrace Addition according to the official plat thereof on file of record in the office of the County Clerk of Deschutes County, Oregon.
>
> The City Commission has affixed the 5th day of June 1963 at the hour of 7:45 p.m. in the Commission Chambers in the City Hall in the City of Bend, Oregon as the time and place for hearing upon the said vacation proceedings at which time the City Commission will receive and hear any and all objections to the said proceedings.
>
> JULIA S. JOHNSON,
> Recorder of the City of Bend

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

NOW, THEREFORE, IT IS HEREBY ORDERED THAT THE FOLLOWING DESCRIBED REAL PROPERTY TO-WIT:

The E. 7½' of Lot Three (3) and Fourteen (14) Block Three (3) of Keystone Terrace Addition according to the official plat thereof on file and of record in the office of the County Clerk of Deschutes County, Oregon,

now within the corporate limits of the City of Bend, County of Deschutes, State of Oregon, be, and the same hereby is vacated, and said vacation is hereby made a matter of record.

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

Read for the first time this 5th day of June 1963.

Read for the second time this 19th day of June 1963.

Placed upon its passage this 19th day of June 1963.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 19th day of June 1963.

E. L. Nelsen
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

CITY OF BEND, DESCHUTES COUNTY, OREGON SEAL 1905

No. 3951
STATE OF OREGON
County of Deschutes
I hereby certify that the within instrument of writing was received for Record the 25th day of June A. D. 1963 at 10:10 o'clock A M and recorded in book 135 on pages 394 Record of Deeds.
Helen M. Foster, County Clerk
By Rosemary Bellows, Deputy
Indexed

NS 616

ORDINANCE NO-617

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.

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 Twelve (12) to Sixteen (16), inclusive, Block Thirty-one (31);
Lots Seven (7) to Sixteen (16), inclusive, Block Thirty-two (32);
Lots Seven (7), to Sixteen (16), inclusive, Block Thirty-three (33);
All of Blocks Thirty-four (34), Thirty-five (35) and Thirty-six (36) and
Lots Seven (7) to Eleven (11), Block Thirty-seven (37), all in Riverside Addition.

from R-2 One-Family Dwelling District to C-2 Commercial District, and

Lots Thirteen (13) to Sixteen (16), inclusive, Block Thirty-Seven (37), Riverside Addition.

from R-3 Two-Family Dwelling District to C-2 Commercial District.

Read for the first time this 3rd day of July, 1963.

Read for the second time this 17th day of July, 1963.

Placed upon its passage this 17th day of July, 1963.

YEAS: NAYS:

Submitted to and approved by the Mayor this 17th day of July, 1963.

E L Nelson
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-617

ORDINANCE NO. NS-618

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.

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:

Block 12 of Keystone Terrace Addition

from R-3 Two-Family Dwelling District to R-4 Multiple-Family Dwelling District.

Read for the first time this 7th day of August, 1963.

Read for the second time this 21st day of August, 1963.

Placed upon its passage this 21st day of August, 1963.

YEAS: NAYS:

Submitted to and approved by the Mayor this 21st day of August, 1963.

E L Nelson
Mayor

ATTEST:

Julia S Johnson
Recorder of the City of Bend

NS-618

VOL 136 PAGE 289

ORDINAN CE NO. NS-619

AN ORDINANCE VACATING A PUBLIC ROAD AREA LYING IN THE SE¼SE¼ OF SECTION 32 TOWNSHIP 17, SOUTH, RANGE 12, E.W.M., ALL WITHIN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

THE CITY COMMISSION FOR THE CITY OF BEND on July 3, 1963, on its own motion, having adopted Resolution No. 760, initiating proceedings for the vacation of the following described real property:

> 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 21.54 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 south 27°34' West for 98.16 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 35.0 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 40.0 feet to the point of beginning.

and the Recorder for the City of Bend having heretofore caused the following notice:

NOTICE OF STREET VACATION

> NOTICE IS HEREBY GIVEN THAT vacation proceedings have been initiated by the City Commission of the City of Bend on its own motion at the regular commission meeting on July 3, 1963 for the following described street location:
>
> 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 21.54 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 98.16 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 south 55°48' west for 35.0 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.

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The City of Bend Commission has fixed the 7th day of August, 1963, at the hour of 7:30 p.m., in the Commission Chambers in the City Hall in the City of Bend, Oregon, as the time and place for hearing upon the said vacation proceedings at which time the City Commission will receive and hear any and all objections to the said proceedings.

JULIA S. JOHNSON
RECORDER OF THE CITY OF BEND

to be published once each week for four consecutive weeks in the Bend Bulletin, a newspaper of general circulation within the corporate limits of the City of Bend; and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation in at least two conspicuous places; and the publication and posting of said notice having occurred not less than twenty-eight days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice a hearing having been had and no objections or remonstrances having been made or filed; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation, and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED that the above described real property now within the corporate limits of the City of Bend, County of Deschutes, State of Oregon, be, and the same hereby is vacated, reserving, however, to the City of Bend an easement for the presently existing water main located within the above described property, and said vacation is hereby made a matter of record.

It is further ordered that the vacation ordained by this Ordinance is conditioned upon the owner of the property abutting the vacated street conveying to the City of Bend an easement for street purposes across the abutting property equally suitable for use as a street and satisfactory to the City of Bend.

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

Read for the first time this 7th day of August, 1963.

Read for the second time this 21st day of August, 1963.

Placed upon its passage this 21st day of August, 1963.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 21st day of August, 1963.

E. L. Nelson
Mayor

SEAL OF THE CITY OF BEND, DESCHUTES CO. ORE. 1905

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

No. 5613

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 3rd day of September A. D. 1963 at 8:31 o'clock A M and recorded in book 136 on pages 289 Record of Deeds

Helen M. Dacy County Clerk
By Opal Sprague Deputy

Indexed

NS-619

ORDINANCE NO. NS-620

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.

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:

> The west 40.0 feet of Lot 11, together with all of Lots 9 and 10 in Block 11, Northwest Townsite Co's 1st Addition; together with all of Block 10, Northwest Townsite Co's 1st Addition; also together with Lot 2, Block 11, Keystone Terrace Addition all in the City of Bend.

from R-3 Two-Family Dwelling District to R-4 Multiple-Family Dwelling District.

Read for the first time this 4th day of September, 1963.

Read for the second time this 18th day of September, 1963.

Placed upon its passage this 18th day of September, 1963.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 18th day of September, 1963.

E L Malone
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-621

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE OF THE CITY OF BEND, OREGON, BY AMENDING CHAPTER 11, SECTION 11.2 TO INCLUDE THE USE OF DRIVE-IN RESTAURANTS IN THE C-II COMMERCIAL ZONE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Chapter 11, Section 11.2 USE be amended by adding the following use:

18. Drive-In Restaurants

Read for the first time the 4th day of September, 1963.

Read for the second time the 18th day of September, 1963.

Placed upon its passage the 18th day of September, 1963.

Submitted to and approved by the Mayor this 18th day of September, 1963.

YEAS: 6 NAYS: 0

E. L. Malan
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-621

ORDINANCE NO. NS-622

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE OF THE CITY OF BEND, BY ADDING TO SECTION 18.2 THEREOF A NEW SUBSECTION CONTAINING THE WORDS "MULTIPLE FAMILY DWELLINGS."

THE CITY OF BEND DOES ORDIAN AS FOLLOWS:

SECTION 1. Ordinance No. NS-546 is hereby and herewith amended by adding to Section 18.2 thereof a new subsection as follows, to wit:

16. Multiple Family Dwellings

Read for the first time the 2nd day of October, 1963.

Read for the second time the 16th day of October, 1963.

Placed upon its passage the 16th day of October, 1963.

Submitted to and approved by the Mayor this 16th day of October, 1963.

YEAS: 4 NAYS: 3

E. L. Nelson
Mayor

ATTEST:

Recorder of the City of Bend

NS-622

ORDINANCE NO. NS-623

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE OF THE CITY OF BEND, BY AMENDING CHAPTER 12 TO INCLUDE THE USE OF BUSINESSES OF PRINTING, LITHOGRAPHING OR PUBLISHING IN THE C-III COMMERCIAL DISTRICT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That Chapter 12, Section 12.2 USE, be amended by adding the following use:

21. Printing, Lithographing or Publishing

Read for the first time the 2nd day of October, 1963.

Read for the second time the 16th day of October, 1963.

YEAS: 7 NAYS: 0

Placed upon its passage this 16th day of October, 1963.

Submitted to and approved by the Mayor this 16th day of October, 1963.

E. L. Nelson
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-623

ORDINANCE NO. NS-624

AN ORDINANCE AMENDING CHAPTER 6, SECTION 6.2 OF ORDINANCE NO. NS-546 PROVIDING FOR THE REGULATION OF HORSES AND COWS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Chapter 6, Section 6.2 5(a) is amended to read as follows:

5.(a)(1). One horse may be kept in a corral or pasture having at least 7,500 square feet of usable area, two horses may be kept in a corral or pasture having at least 10,000 square feet of usable area, and an additional horse may be kept in a pasture or corral for each additional 5,000 square feet of usable area. No enclosure for horses, cows, sheep or swine shall be nearer than 25 feet to a dwelling. Fences shall be of lumber or other solid material in good repair and a minimum of four feet in height, barbed wire prohibited. Fences must meet corner setback requirements of the zone in which located. A jog may be permitted in a corral or pasture fence to permit utilization of maximum area provided no point is nearer than 25 feet to a dwelling.

(2). Horses shall not be kept in the City of Bend without permits. Permits will be issued to any existing corral or pasture which meets the requirements of this ordinance other than area requirements. Future corrals or pastures must receive a permit which shall be first approved by the City Commission. In the event that a 4-H member has an existing corral or pasture which cannot meet the above requirements, a temporary permit may be issued for the duration of his or her 4-H membership, with the permit to expire at termination of 4-H membership.

Chapter 6, Section 6.2 5(b)

(b) Cows, goats, sheep, swine, rabbits, mink or other fur bearing animals, and fowl shall not be raised or kept on any lot or land parcel having an area of less than 5 acres.

Read for the first time the 16th day of October, 1963.

Read for the second time the 6th day of November, 1963.

YEAS: 6 NAYS: 0

Placed upon its passage the sixth day of November, 1963.

Submitted to and approved by the Mayor this 16th day of November, 1963.

E L Mulkey
Mayor

ATTEST:

Julia S Johnson
Recorder of the City of Bend

NS-624

ORDINANCE NO. NS-625

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE CHANGING THE ZONING DISTRICT FOR CERTAIN AREAS BY AMENDING THE ZONING DISTRICT MAP.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 4.1 of Ordinance NS-546 is amended by changing the Zoning District Map as follows:

All of Block 8 of Kenwood Addition
Lots 11 through 20 of Block 9, Kenwood Addition
Lots 11 through 20 of Block 10, Kenwood Addition
Lots 11 through 20 of Block 11, Kenwood Addition
Lots 11 through 20 of Block 12, Kenwood Addition
Lots 11 through 20 of Block 13, Kenwood Addition
Blocks 16 through 23 of Kenwood Addition
Blocks 25 through 31 of First Addition to Kenwood Addition

are changed from "R-2" One-family Dwelling District to "R-4" Multiple-family Dwelling District.

Blocks 1 through 6 of Kenwood Addition
Lots 1 through 10 of Block 9, Kenwood Addition
Lots 1 through 10 of Block 10, Kenwood Addition
Lots 1 through 10 of Block 11, Kenwood Addition
Lots 1 through 10 of Block 12, Kenwood Addition
Lots 1 through 10 of Block 13, Kenwood Addition
Blocks 14, 15, and 24 of Kenwood Addition

are changed from "R-3" Two-family Dwelling District to "R-4" Multiple-family Dwelling District.

Lots 4 through 13 of Block 24, Center Addition
Blocks 25 and 40 of Center Addition
Lots 6 through 13 of Block 2, Keystone Terrace Addition
Blocks 3, 4, 5, and 6, Keystone Terrace Addition
Lots 6 through 15, Block 7, Keystone Terrace Addition
The east 275.0' of Block 8, Keystone Terrace Addition
Blocks 9 and 10, Keystone Terrace Addition
Blocks 3, 4, and 9, Northwest Townsite Co's First Addition to Bend

are changed from "R-3" Two-family Dwelling District to "R-4" Multiple-family Dwelling District.

Read for the first time November 6, 1963.

Read for the second time November 20, 1963

Placed upon its passage November 20, 1963

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor November 20, 1963.

E L Nelson
Mayor

ATTEST:

Julia S Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-626

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE, BY CHANGING THE SIDE YARD AND LOT AREA REQUIREMENTS FOR MULTIPLE-FAMILY DWELLINGS IN THE "C-4" CENTRAL COMMERCIAL DISTRICT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 13.4.2 is amended by adding to the second paragraph thereof, so that said paragraph shall read:

> Side yards for dwellings shall be the same as required in the "R-4" Multiple-family Dwelling District, except that for multiple-family dwellings the minimum side yard shall be ten feet on each side of each structure.

Section 13.4.4 is amended to read as follows:

> 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, except that the minimum lot area for Multiple-family Dwellings shall be as follows:
>
> 1250 sq. ft. for each dwelling unit is a one-story structure
> 1000 sq. ft. for each dwelling unit in a two-story structure
> 750 sq. ft. for each dwelling unit in a three-story sturcture.

Read for the first time the sixth day of November, 1963.

Read for the second time the 20th day of November, 1963.

Placed upon its passage the 20th day of November, 1963.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 20th day of November, 1963.

E L Nelson
Mayor

ATTEST:

Irma S Johnson
Recorder of the City of Bend

NS-626

ORDINANCE NO. NS-627

AN ORDINANCE FOR TRAFFIC CONTROL AMENDING PROVISIONS OF ORDINANCE NO. NS-469, ENACTING PROVISIONS OF THE STATE OF OREGON MOTOR VEHICLE LAWS AND PROVIDING PENALTIES AND INCLUDING AN EMERGENCY CLAUSE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1 of Ordinance No. NS-469 is hereby amended by substituting the following in lieu thereof:

Section 1 - The following enumerated Sections of the State of Oregon Motor Vehicle Laws, as amended by Oregon Laws 1963, are hereby adopted by reference the same as if fully set out herein:

ORS 481.015
ORS 481.020
ORS 481.030
ORS 481.040
ORS 481.050
ORS 481.055
ORS 481.060
ORS 481.070
ORS 481.075
ORS 481.080
ORS 481.155
ORS 481.230(5)
ORS 481.255
ORS 481.260
ORS 481.370
ORS 482.010 to 482.060
ORS 482.300(2)
ORS 482.610 to 482.650
ORS 483.002 to 483.034
ORS 483.038
ORS 483.046
ORS 483.048
ORS 483.050
ORS 483.102
ORS 483.104
ORS 483.112 to 483.122
ORS 483.126 to 483.140
ORS 202.to 483.218.
ORS 483.222 to 483.230
ORS 483.302 to 483.336
ORS 483.402 to 483.436
ORS 483.444 to 483.446
ORS 483.448
ORS 483.450
ORS 483.452
ORS 483.458
ORS 483.460
ORS 483.470
ORS 483.472
ORS 483.474
ORS 483.502 to 483.518
ORS 483.522
ORS 483.530
ORS 483.532
ORS 483.544
ORS 483.602
ORS 483.604
ORS 483.606
ORS 483.608
ORS 483.610
ORS 483.612
ORS 483.614
ORS 483.620
ORS 483.628
ORS 483.630
ORS 485.010 to 485.030

The word "to" as used in this section means "to and including" when used in a reference to a series of statute sections, subsections or paragraphs. Except where the context clearly indicates a different meaning, the definitions in ORS Chapter 483 shall apply to all other sections of this ordinance..

The following Sections shall be added to Ordinance No. NS-469 as amended:

Section 53a (1) Any person, while driving a vehicle on any highway in this city, who knowingly flees or attempts to elude any traffic or police officer after having received any signal from a traffic or police officer to bring the vehicle to a stop, shall be punished, upon conviction, by imprisonment in the City jail for not more than 60 days, or by a fine of not more than $250.00 or both.

NS-627

For purposes of this section, a "police officer" means a member of the Oregon State Police, a sheriff or deputy sheriff, or a city policeman, in appropriate police uniform or who is operating a police vehicle appropriately marked with the customary insignia identifying it as a police vehicle.

Section 53a (2) After a traffic or police officer has given any signal to any person driving a vehicle on any highway in this City to bring the vehicle to a stop, the following shall be prima facie evidence of violation of subsection (1) of this section:

(a) Interfering with or endangering the operation of any police vehicle;

(b) Increasing speed; or

(c) Extinguishing the vehicle's lights.

Section 53b With the exception of an authorized officer, marshal, constable or policeman, any person who, without the consent of the owner of person lawfully in charge of a motor vehicle, as defined in ORS 483.014, as referred to in Section 1 herein, climbs upon or into such motor vehicle, whether it is at rest or in motion; or, while it is at rest or unattended, attempt to manipulate any of the levers, the starting crank or other device, brakes or mechanism, or sets the vehicle in motion, shall be punished upon conviction.

Section 53c Any person who, individually or in association with one or more others and against the will or without the consent of the owner of any motor vehicle, as defined in ORS 483.013, as referred to in Section 1 herein, willfully breaks, injures, tampers with or removes any part of such vehicle for the purpose of injuring, defacing or destroying it, or temporarily or permanently preventing its useful operating for any purpose, or in any manner willfully or maliciously interferes with or prevents the running or operation of such motor vehicle, shall be punished upon conviction.

Inasmuch as it is necessary for the peace, health, safety and welfare of the City of Bend that this ordinance go into effect immediately in order that its provisions for traffic regulation be immediately available, an emergency is hereby declared to exist and this ordinance shall be in full force and effect after its passage by the City Commission.

Read for the first time this 20th day of November, 1963.

Read for the second time the 4th day of December, 1963.

Placed upon its passage the 4th day of December, 1963.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 4th day of December, 1963.

E. L. Mahaffa
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-627

NS-627

ORDINANCE NO. NS-628

AN ORDINANCE AMENDING ORDINANCE NO. NS-333 BY INCREASING THE OCCUPATIONAL TAX ON PERSONS ENGAGED IN THE ELECTRIC LIGHT AND POWER BUSINESS FROM 2% TO 3%.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

The second paragraph of Section 3 of Ordinance No. NS-333 is amended to read as follows:

"Such tax shall be levied and payable for calendar monthly periods, the tax for each such monthly period to be equal to one-twelfth of the basic amount found by multiplying the gross operation revenue of said business during the calendar year next preceding, less the deductions from gross operating revenue specified in Section 11 of this ordinance, by the rate of three (3) percent.

Read for the first time this 20th day of November, 1963.

Read for the second time this 4th day of December, 1963.

Placed upon its passage this 4th day of December, 1963.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 4th day of December, 1963.

E L Nelson
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

Repealed by NS-1442

ORDINANCE NO. NS-629

AN ORDINANCE AMENDING ORDINANCE NO. NS-413 BY CHANGING THE CURFEW HOURS TO 10 P.M. AND 4 A.M. ON SCHOOL DAYS; AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2 of Ordinance No. NS-413 is hereby amended to read as follows:

> "Section 2. No minor under the age of 18 years shall be in or upon any street, highway, park, alley, or other public place between the hours of 10 p.m. and 4 a.m. of the following morning if the following morning is that of a school day in the Bend public school system, and the hours of 12 p.m. and 4 a.m. on other days, unlesssuch minor is accompanied by a parent, guardian, or other person 21 years of age or over and authorized by the parent or by law to have care and custody of the minor, or unless such minor is then engaged in a lawful pursuit or activity which requires his presence in such public places during the hours specified in this section."

Section 2. Section 3 of said Ordinance is hereby amended by substituting "Section 2" for "Section 1" as it appears in said section.

Section 3. Section 4 of said Ordinance is hereby amended by substituting "Section 2" of "Section 1" as it appears in said section.

Section 4. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance shall take effect upon its passage and approval.

Read for the first time the 2nd day of January, 1964.

Read for the second time the 15th day of January, 1964.

Placed upon its passage the 15th day of January, 1964.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 15th day of January, 1964.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. 630

AN ORDINANCE TO REPEAL CITY OF BEND GENERAL ORDINANCES:

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-92, ratified September 21, 1932, relating to security on city bonds, is repealed.

Section 2. Ordinance No. NS-104, ratified September 21, 1932, relating to dangerous buildings, is repealed.

Section 3. Ordinance No. NS-105, ratified September 21, 1932, relating to public building exits, is repealed.

Section 4. Ordinance No. NS-110, ratified September 21, 1932, relating to non-flushing toilets, is repealed.

Section 5. Ordinance No. NS-115, ratified September 21, 1932, relating to motion picture projection rooms, is repealed.

Section 6. Ordinance No. NS-137, ratified September 21, 1932, relating to public dances, is repealed.

Section 7. Ordinance No. NS-144, ratified September 21, 1932, relating to costs in assessment foreclosures, is repealed.

Section 8. Ordinance No. NS-191, enacted September 6, 1933, relating to bonds as payment, is repealed.

Section 9. Ordinance No. NS-227, enacted August 19, 1936, relating to blind pedestrians, is repealed.

Section 10. Ordinance No. NS-230, enacted November 18, 1936, relating to deposit of city funds, is repealed.

Section 11. Ordinance No. NS-238, enacted December 15, 1937, relating to adult curfew, is repealed.

Section 12. Ordinance No. NS-254, enacted April 5, 1939, relating to history questions games, is repealed.

Section 13. Ordinance No. NS-265, enacted November 6, 1940, relating to fire fighting equipment sinking fund, is repealed.

Section 14. Ordinance No. NS-267, enacted December 4, 1940, relating to ethyl alcohol control, is repealed.

Section 15. Ordinance No. NS-268, enacted December 4, 1940, relating to newspaper boy curfew, is repealed.

Section 16. Ordinance No. NS-271, enacted December 4, 1940, relating to Dalles-California Highway designation, is repealed.

Section 17. Ordinance No. NS-285, enacted December 4, 1940, relating to quarantine regulations, is repealed.

Section 18. Ordinance No. NS-286, enacted December 4, 1940, relating to city health officer, is repealed.

NS-630

Section 19. Ordinance No. NS-294, enacted February 19, 1941, relating to Greenwood Avenue through street, is repealed.

Section 20. Ordinance No. NS-301, enacted January 2, 1942, relating to blackouts, is repealed.

Section 21. Ordinance No. NS-315, enacted September 15, 1943, relating to rent control, is repealed.

Section 22. Ordinance No. NS-330, enacted January 10, 1946, relating to rent control, is repealed.

Section 23. Ordinance No. NS-361, enacted April 20, 1949, relating to public dances, is repealed.

Section 24. Ordinance No. NS-392, enacted November 21, 1951, relating to flaming mufflers, is repealed.

Section 25. Ordinance No. NS-405, enacted January 21, 1953, relating to traffic signals, is repealed.

Section 26. Ordinance No. NS-419, enacted December 28, 1953, relating to public dances, is repealed.

Section 27. Ordinance No. NS-466, enacted July 5, 1956, relating to truck route, is repealed.

Read for the first time the 5th day of February, 1964.

Read for the second time the 19th day of February, 1964.

Placed upon its passage the 19th day of February, 1964.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 19th day of February, 1964.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-630

ORDINANCE NO. NS- 631

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.

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 Four (4), Five (5), and Six (6), Block Five (5), Wiestoria Addition to the City of Bend

from R-III Two Family Dwelling District to C-III Commercial District; and

Lots One (1), Two (2), Three (3), Fourteen (14), Fifteen (15), and Sixteen (16), Block Eighteen (18); Lots One (1), Two (2) and Three (3), Block Nineteen(19), All in Center Addition; and Lots One (1), Two (2), and Three (3), Block Five (5); Lots One (1) to Six (6), inclusive, Block Six (6); Lots Four (4), Five (5), and Six (6), Block Seven (7); Lots One (1) to Six (6), inclusive, Block Forty-one (41); and Lots One (1), Two (2), and Three (3), Block Forty-two (42), all in Wiestoria Addition to the City of Bend

from R-4 Multiple Family Dwelling District to C-III Commercial District.

Read for the first time this 4th day of March, 1964

Read for the second time this 18th day of March, 1964

Placed upon its passage this 18th day of March, 1964

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 18th day of March, 1964.

Paul Reynolds
Mayor

ATTEST:

Julia S Johnson
Recorder of the City of Bend.

ORDINANCE NO. NS-632

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.

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 Blocks Twenty-two (22) and Twenty-three (23), Center Addition to the City of Bend

from R-2 One Family Dwelling District to C-III Commercial District; and

All of Blocks Five (5), Six (6), and the North Half of Block Seven (7) lying easterly from the Pilot Butte Canal; Lots One (1), Two (2), Three (3) and Four (4), Block Ten (10); Lots one (1), Two (2), Three (3), Four (4), Nine (9), Ten (10), Eleven (11) and Twelve (12), Block Eleven (11); All of Block Twelve (12); and Lots One (1), Two (2), Three (3), Fourteen (14), Fifteen (15), and Sixteen (16), Block 21, all in Center Addition to the City of Bend

from R-4 Multiple Family Dwelling District to C-III Commercial District.

Read for the first time this 4th day of March, 1964

Read for the second time this 18th day of March, 1964

Placed upon its passage this 18th day of March, 1964.

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 18th day of March, 1964.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-633

AN ORDINANCE VACATING THE PLAT, STREET AREA AND ALLEYS IN BLOCKS 22 AND 23, CENTER ADDITION TO BEND, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

THE CITY COMMISSION FOR THE CITY OF BEND on February 19, 1963, on its own motion, having adopted a resolution initiating proceedings for the vacation of the following described real property:

The Alleys in Blocks 22 and 23, Center Addition
Greeley Avenue from E. 3rd Street to East 4th Street
Lots 1 through 16 in Block 22 and Lots 1 through 16
in Block 23, Center Addition.

and the Recorder of the City of Bend having heretofore caused the following Notice:

NOTICE OF PLAT AND STREET VACATION

Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on its own motion at a Regular Commission meeting on February 19, 1964, for the following described real property:

The Alleys in Blocks 22 and 23, Center Addition to Bend, Greeley Avenue from East Third Street to East Fourth Street
Lots 1 through 16 in Block 22; and Lots 1 through 16 in Block 23, all in Center Addition to Bend.

The City of Bend Commission has fixed the 1st day of April, 1964, at the hour of 7:45 p.m., in the Commission Chambers in the City Hall in the City of Bend, Oregon, as the time and place for hearing upon the said vacation proceedings at which time the City Commission will receive and hear any and all objections to the said proceedings.

JULIA S. JOHNSON
Recorder of the City of Bend

to be published once each week for four consecutive weeks in the Bend Bulletin, a newpaper of general circulation within the corporate limits of the City of Bend; and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation in at least two conspicuous places; and the publication and posting of said notice having occurred not less than twenty-eight days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice a hearing having been had and no objections or remonstrances having been made or filed; and the consent of the abutting landowners to the proposed vacation having been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation, and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED that the following described real property, to wit:

The alleys in Blocks 22 and 23, Center Addition

Greeley Avenue from E. 3rd Street to E. 4th Street

Lots 1 through 16 in Block 22 and Lots 1 through 1t in Block 23, Center Addition

now within the corporate limits of the City of Bend, County of Deschutes, State of Oregon, be, and the same hereby is vacated, and said vacation is hereby made a matter of record.

INASMUCH AS IT IS NECESSARY FOR THE PEACH, HEALTH, SAFETY, AND WELFARE OF THE CITIZENS OF THE CITY OF BEND FOR THIS ORDINANCE TO BECOME IMMEDIATELY OPERATIVE, AN EMERGENCY IS HEREBY DECLARED TO EXIST AND THIS ORDINANCE SHALL BECOME IMMEDIATELY OPERATIVE UPON ITS PASSAGE BY AN UNANIMOUS VOTE OF THE COMMISSION.

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

Read for the first time the 1st day of April, 1964.

Read for the second time the 15th day of April, 1964.

Placed upon its passage the 15th day of April, 1964.

YEAS: NAYS:

Submitted to and approved by the Mayor this 1st day of April, 1964.

Paul O Reynolds
Mayor

ATTEST:

Julia S Johnson
Recorder of the City of Bend

No. 1349

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 24th day of April A. D. 1964 at 12:04 o'clock P M and recorded in book 139 on pages 31 Record

Indexed

Hedges M. Doggett County Clerk
By R. Gallemore Deputy

NS-633

ORDINANCE NO. NS-634

Repealed by NS-1272

AN ORDINANCE REGULATING GARBAGE AND RUBBISH DISPOSAL AND COLLECTION; ENABLING THE GRANTING OF FRANCHISES; PROVIDING PENALTIES; REPEALING CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

Amended by NS-1327

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

A. "Refuse" means wastes, including garbage and rubbish.

B. "Garbage" means all putrescible waste, except sewage and body wastes, including waste accumulated animal, food or vegetable matter; waste that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit and vegetables; all cans, boxes, cartons, papers or other objects which have food or other organic materials of any nature in or adhering thereto; and wastes or accumulations of vegetable or animal matter of residences, restaurants, hotels and places where food is prepared for human consumption. The term "garbage" does not include recognized industrial by-products.

C. "Rubbish" means refuse other than garbage, including but not limited to tin cans, bottles, ashes, paper, pasteboard, cardboard or wooden boxes, brush, leaves, weeds and cuttings from trees, lawns, shrubs and gardens, and other waste materials resulting from the normal course of every day living.

D. "Poisonous materials" means poison grain, insecticides or insecticide containers or other similar materials.

E. "Owner", "occupant" or "tenant" may be used interchangeably, and mean every person in possession, charge or in control of any dwelling, flat, rooming house, or any eating place, shop, place of business, manufacturing or business establishment, or any other place, where refuse is created or accumulated.

F. "Refuse Collector" means the person holding a franchise granted by the City of Bend to collect, handle, transport, and dispose of refuse.

G. "Person" means a corporation, association or partnership, as well as an individual.

Section 2. REFUSE CONTAINERS.

A. Every owner, occupant or tenant shall contain his garbage in a water-tight, rodent and fly proof container until its removal from his premises. Whenever garbage is placed in or taken from such a container, the lid shall be replaced.

B. Every owner, occupant or tenant shall contain his rubbish in substantial containers sufficient to confine such rubbish and prevent if from scattering or blowing from his premises.

C. Refuse collectors shall not be required to remove refuse not contained in containers as above described and in an easily accessible place, provided, however, that tree limbs, brush, building materials and other items too bulky for a container shall be cut into lengths not to exceed 8 feet and placed adjacent to the owner's container.

Section 3. BURNING OF GARBAGE. No person shall burn garbage within the City of Bend. Burning of rubbish shall be permitted only in city-approved incinerators, or by a permit issued by the Fire Department of the City of Bend.

NS-634

Section 4. REMOVAL OF REFUSE. Every owner, occupant or tenant within the City of Bend having or accumulating refuse which may create a nuisance shall remove said refuse himself, provided, however, that garbage shall not be kept longer than two weeks without removal; or shall have the same removed by a franchised refuse collector of the City of Bend.

Section 5. TRANSPORTING REFUSE. Any person who shall carry any refuse through the streets of the City of Bend or to a refuse dump shall protect such refuse from wind or rain, and load it in such a manner so that none of it shall drop or spill and shall provide his vehicle carrying such refuse with a suitable cover securely fastened, or the load sufficiently bound so as to prevent the scattering or dropping of the refuse from the vehicle.

Section 6. COLLECTING REFUSE. No person shall engage in the business of collecting or hauling refuse within the City of Bend for a fee or other consideration except those persons who have been granted refuse collection franchises. Refuse collectors shall provide refuse collection service to any resident of the City of Bend who requests and pays for said service.

Section 7. GRANTING OF FRANCHISES. The City of Bend shall be divided into two sections, based upon either area or type of collection, and an exclusive franchise for the collection of refuse shall be granted for each section. Each franchise shall be for a term not to exceed five years. Franchises shall be granted by the City Commission to the applicant or applicants whom it determines, in its sole discretion, will best serve the City of Bend. The City Commission may call for bids for said franchises but any or all bids may be rejected or disregarded in favor of the City Commission's determination of the best bid or offer. Franchise holders who have performed their franchise according to its terms and according to the terms of this ordinance shall have the right, upon expiration of their franchise and upon meeting the bid or offer by a new applicant which the City Commission determines to be the best bid or offer to renew their franchise. Franchises may not be sold, assigned or otherwise transferred without the express consent and approval of the City Commission.

Section 8. RATES. Refuse collectors may charge reasonable rates for their services according to the terms of their franchises, which rates shall be subject to annual review and may be changed upon agreement of the City of Bend and the franchised collector.

Section 9. OBLIGATIONS OF REFUSE COLLECTION.

A. Refuse collectors shall establish, maintain and operate at their sole expense a dump or dumps for deposit of refuse collected by them and for the City of Bend and its citizens. Refuse dumps shall not be established at any site without prior approval of the City of Bend. Refuse dumps shall be operated and maintained in strict accordance with applicable laws, rules and regulations of the United States of America, the State of Oregon, their agencies and political subdivisions, including ordinances of the City of Bend. Refuse dumps shall be open to citizens of the City of Bend on Saturday and Sunday and at least three other days every week between the hours of 10:00 a.m. to 7:00 p.m.. Refuse dumps shall be supervised by the refuse collectors or their agents during these hours. All salvage from the refuse dump shall be the property of the Refuse Collectors.

B. Refuse collectors shall collect refuse at reasonable times and as often as necessary to maintain adequate standard of sanitation in the City of Bend.

C. Refuse collectors shall save and hold the City of Bend harmless from any liability arising from operation of their collection service and refuse dumps. Each refuse collector shall furnish the City of Bend with a certificate of insurance certifying the refuse collector as the named insured under a comprehensive public liability policy of insurance with a reputable insurer, containing an endorsement for completed operations, with minimum policy limits of $100,000/$200,000 bodily injury and $50,000 property damage. Each refuse collector shall also furnish to the City of Bend a performance bond in penalty amount of $5,000, either in cash or executed with sufficient corporate surety, undertaking to indemnify the City of Bend for any loss occasioned by the failure of the refuse collector to perform his obligations under this ordinance or his franchise.

D. Refuse collectors shall keep usual books of account and the City of Bend may examine said books of account and any income statements and balance sheets ay any reasonable time.

E. Refuse collectors shall at all times maintain and operate equipment adequate to provide efficient refuse collection services for the citizens of the City of Bend. Refuse collectors shall be kept in good and safe operating condition, and shall be kept clean and neatly painted at all times. When a vehicle used by a refuse collector becomes unsuitable for service by reason of its unsafe, dilapidated, unsightly or obsolete condition, the City Commission may order replacement of the vehicle within sixty days. Replacement vehicles must be approved by the City Commission as to type, regardless of the type of vehicle being replaced.

Section 11. TERMINATION OF FRANCHISE.

If a refuse collector at any times fails, refuses or neglects to comply with the terms and conditions of this ordinance or with the terms and conditions of his franchise after fifteen days notice in writing by the City Commission reciting the non-compliance, then the City Commission may terminate the refuse collector's franchise and all rights and privileges accruing to the refuse collector by the franchise.

Section 12. PENALTIES. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of this ordinance is committed, continued or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than $300.00 or by imprisonment of not more than 30 days, or by both such fine and imprisonment.

Section 13. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

Section 14. REPEAL OF CONFLICTING ORDINANCES. Ordinances No. NS-516 and NS-558 are hereby repealed and all other ordinances or parts thereof in conflict with this ordinance are hereby repealed.

Section 15. EMERGENCY CLAUSE. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall take effect upon its passage and approval.

Read for the first time the 1st day of April, 1964.

Read for the second time the 15th day of April, 1964.

Placed upon its passage the 15th day of April, 1964.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 15th day of April, 1964.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-634

NS-634

ORDINANCE NO. NS-635

AN ORDINANCE GRANTING A REFUSE COLLECTION FRANCHISE TO BLEVENS SANITARY SERVICE AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend hereby grants to BLEVENS SANITARY SERVICE the exclusive right, privilege and franchise to collect, handle, transport and dispose of refuse, as that term is defined in Ordinance No. NS-634, for a fee, within the following described area of the City of Bend:

> All that part of the City of Bend south and east of a line beginning at the intersection of the west boundary of the City of Bend and Newport Avenue, thence east on Newport Avenue to its intersection with Nashville Avenue, thence southeast on Nashville Avenue, as extended, to Riverside Avenue, thence northeast along Riverside Avenue to its intersection with Franklin Avenue, thence east on Franklin Avenue to its intersection with the Oregon Trunk Railway tracks, thence northerly to the intersection of the Oregon Trunk Railway tracks and Greenwood Avenue, thence easterly along Greenwood Avenue to the intersection of Greenwood Avenue and the east boundary of the City of Bend.

Section 2. The rights, privileges and franchises hereby granted shall be subject to the terms and conditions of Ordinance No. NS-634 and said terms and conditions are hereby incorporated in this franchise the same as if set out herein. The grantee of this franchise shall not commence collecting, handling, transporting or disposing of refuse for a fee until it has accepted said terms and conditions in writing and has complied with all of said terms and conditions of said ordinance. The term of this franchise shall be for five years from the effective date of this Ordinance, unless terminated sooner according to the terms and conditions of Ordinance No. NS-634.

Section 3. The maximum rates that may be charged by the grantee of this franchise are:

For Residential Collections:

1 pickup per week of one container not exceeding 32 gallons
$1.50 a month

1 pickup per week of additional containers not exceeding 32 gallons each
$ .25 a month

For Commercial and Industrial Collections:

1 pickup per week of one container not exceeding 32 gallons
$1.50 a month

1 pickup per week of additional containers not exceeding 32 gallons each
$ .50 per month
for each additional
container.

Additional pickups shall be charged by multiplying the above rates by the number of additional pickups.

Bulk Refuse:

$2.00 per yard per pickup, or $7.00 per hour per truckload requiring one man, or $11.00 per hour per truckload requiring two men. One yard is equivalent to seven 32-gallon containers or four 50-gallon containers.

An additional charge of $2.00 per yard or proportionate part thereof may be made for pickups of refuse from a story above or below ground level, or from a location more than 300 feet from the curb.

For Refuse Dump:

There shall be no charge for the use of grantee's refuse dump by the citizens of the City of Bend, except that a charge of $2.00 may be imposed for each deposit of animal carcasses, poisonous materials and offal. This charge shall not apply to the City of Bend.

Grantee shall at all times maintain with the City Recorder of the City of Bend a current schedule of its rates, which schedule shall be available for public inspection.

Section 4. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, AN EMERGENCY IS DECLARED TO EXIST, and this ordinance shall take effect upon its passage and approval.

Read for the first time the 15th day of April, 1964.

Read for the second time the 6th day of May, 1964.

Placed upon its passage the 6th day of May, 1964.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 6th day of May, 1964.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

RAGBRAID BOND
SOUTHWORTH CO. U.S.A.
25% COTTON FIBER

ORDINANCE NO. NS-636

AN ORDINANCE GRANTING A REFUSE COLLECTION FRANCHISE TO BEND GARBAGE COMPANY AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend hereby grants to BEND GARBAGE COMPANY, the exclusive right, privilege and franchise to collect, handle, transport and dispose of refuse, as that term is defined in Ordinance No. NS-634, for a fee, within the following described area of the City of Bend:

> All that part of the City of Bend north and west of a line beginning at the intersection of the west boundary of the City of Bend and Newport Avenue, thence east on Newport Avenue to its intersection with Nashville Avenue, thence southeast on Nashville Avenue, as extended, to Riverside Avenue, thence northeast along Riverside Avenue to its intersection with Franklin Avenue, thence east on Franklin Avenue to its intersection with the Oregon Trunk Railway tracks, thence northerly to the intersection of the Oregon Trunk Railway tracks and Greenwood Avenue, thence easterly along Greenwood Avenue to the intersection of Greenwood Avenue and the east boundary of the City of Bend.

Section 2. The rights, privileges and franchise hereby granted shall be subject to the terms and conditions of Ordinance No. NS-634 and said terms and conditions are hereby incorporated in this franchise the same as if set out herein. The grantee of this franchise shall not commence collecting, handling, transporting or disposing of refuse for a fee until it has accepted said terms and conditions in writing and has complied with all of said terms and conditions of said ordinance. The term of this franchise shall be for five years from the effective date of this Ordinance, unless terminated sooner according to the terms and conditions of Ordinance No. NS-634.

Section 3. The maximum rates that may be charged by the grantee of this franchise are:

For Residential Collections:

1 pickup per week of one container not exceeding 32 gallons — $1.50 a month

1 pickup per week of additional containers not exceeding 32 gallons each — $ .25 per month for each additional container.

For Commercial and Industrial Collections:

1 pickup per week of one container not exceeding 32 gallons — $1.50 a month

1 pickup per week of additional containers not exceeding 32 gallons each — $ .50 per month for each additional container.

Additional pickups shall be charged by multiplying the above rates by the number of additional pickups.

Bulk Refuse:

$2.00 per yard per pickup, or $7.00 per hour per truckload requiring one man, or $11.00 per hour per truckload requiring two men. One yard is equivalent to seven 32-gallong containers or four 60-gallon containers.

An additional charge of $2.00 per yard or proportionate part thereof may be made for pickups of refuse from a story above or below ground level, or from a location more than 300 feet from the curb.

For Refuse Dump:

There shall be no charge for the use of grantee's refuse dump by the citizens of the City of Bend, except that a charge of $2.00 may be imposed for each deposit of animal carcasses, poisonous materials and offal. This charge shall not apply to the City of Bend.

Grantee shall at all times maintain with the City Recorder of the City of Bend a current schedule of its rates, which schedule shall be available for public inspection.

Section 4. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, AN EMERGENCY IS DECLARED TO EXIST, and this ordinance shall take effect upon its passage and approval.

Read for the first time the 15th day of April, 1964.

Read for the second time the 6th day of May, 1964.

Placed upon its passage the 6th day of May, 1964.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 6th day of May, 1964.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-636

ORDINANCE NO. NS-637

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR CERTAIN AREAS BY AMENDING THE ZONING DISTRICT MAP.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 4.1 of Ordinance No. NS-546, is amended by changing the ZONING DISTRICT MAP as follows:

Lots 5 through 14, inclusive, of Block 162, Second Addition to Bend Park

are changed from "R-2" One-family Dwelling District to "R-4" Multiple-family Dwelling District, and

Lots 1, 2, 3, 4, 15, 16, 17 and 18, Block 162, Second Addition to Bend Park

are changed from "R-3" Two-family District to "R-4" Multiple-family Dwelling District.

Read for the first time the 15th day of April, 1964

Read for the second time the 6th day of May, 1964

Placed upon its passage the 6th day of May, 1964.

YEAS: 7 NAY: 0

Submitted to and approved by the Mayor this 6th day of May, 1964.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-638

AN ORDINANCE VACATING THE ALLEY IN BLOCK TEN, KEYSTONE TERRACE ADDITION AND IN BLOCK NINE, NORTHWEST TOWNSITE COMPANY'S FIRST ADDITION IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

A petition having been presented to the Bend City Commission on the 1st day of April, 1964, requesting that the following described property be vacated:

> The Alley in Block Ten, Keystone Terrace Addition and in Block Nine, Northwest Townsite Company's First Addition,

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

> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend as the result of a petition having been filed by S. F. Anderson at a regular Commission Meeting on April 1, 1964, for the following described real property:
>
> The Alley in Block Ten (10) Keystone Terrace Addition and in Block Nine (9), Northwest Townsite Company's First Addition.
>
> The City of Bend Commission has fixed the 6th day of May, 1964, at the hour of 7:45 P.M., in the Commission Chambers in the City Hall in the City of Bend, Oregon, as the time and place the City Commission will receive and hear any and all objections to the said proceedings.
>
> JULIA S. JOHNSON,
> Recorder of the City of Bend

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

NOW, THEREFORE, IT IS HEREBY ORDERED that the above described real property be, and the same hereby is, vacated, and said vacation is hereby made a matter of record.

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

Read for the first time the 6th day of May, 1964.

Read for the second time the 20th day of May, 1964.

Placed upon its passage the 20th day of May, 1964.

YEAS: NAYS:

Submitted to and approved by the Mayor the 20th day of May, 1964.

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

Paul Reynolds
Mayor

ORDINANCE NO. NS-639

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. That Ordinance No. NS-546, The Zoning Ordinance of the City of Bend is hereby and herewith amended as follows:

To Chapter 11, Section 11.2 USE, the following use shall be added:

19. Greenhouses

To Chapter 18, Section 18.2 ADDITIONAL USES BY PERMISSION OF THE CITY COMMISSION OF BEND the following use shall be added:

17. Greenhouses

Read for the first time May 6, 1964.

Read for the Second time May 20, 1964

Placed upon its passage May 20, 1964

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 20th day of May, 1964

Paul E. Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder.

NS-639

ORDINANCE NO. NS-640

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 DECLARING AN EMERGENCY

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

All of the Southwest Quarter of the Northeast Quarter (SW¼ NE¼), Section Twenty-eight (28), Township Seventeen (17), South, Range Twelve (12) E. W. M., except the following described parcels:

TRACT ONE: Beginning at a point which is North 0°07'52" east a distance of 346.06 feet from the northeast corner of Tract Nine (9) in Block Two (2) of Ellis Subdivision; thence north 0°07'52" east a distance of 415 feet; thence north 88°57'33" west a distance of 300 feet; thence south 0°07'52" west a distance of 415 feet; thence south 88°57'33" east a distance of 300 feet to the point of beginning, said tract to include 2.86 acres, more or less;

TRACT TWO: Beginning at a point which is north 0°07'52" east a distance of 761.06 feet from the northeast corner of Tract Nine (9) in Block Two (2) of Ellis Subdivision; thence north 0°07'52" east a distance of 550 feet; thence south 53°47'36" west a distance of 376.8 feet; thence south 0°07'52" west a distance of 321.9 feet; thence south 88°57'33" east a distance of 300 feet to the point of beginning, said tract to include 3.002 acres more or less;

TRACT THREE: Beginning at a point which is an iron pipe located at the northwest corner of that tract of land conveyed to Thomas E. Hutchinson, recorded in Deschutes County deeds, Book 95, Page 486, which point is also located 1088.8 feet north and 319.0' feet west of the southeast corner of SW¼ NE¼ of Section 28, Township 17 South, Range 12, E.W.M.; thence south 0°07'52" west a distance of 437.9 feet; thence north 88°57'33" west a distance of 376 feet to the east right-of-way line of the Butler Market Road; thence northeasterly along the easterly right-of-way line of the Butler Market Road 574 feet to the point of beginning, containing approximately 2 acres;

TRACT FOUR: Beginning at a point where the easterly right-of-way line of the Butler Market Road intersects the south boundary of the said SW¼ NE¼, said point being the northeast corner of Lot Thirteen (13) of Block One (1), of Ellis Subdivision; thence south 88°57'33" east along the south line of said SW¼ NE¼ for 467.6 feet; thence north 0°07'52" east for 100 feet; thence north 88°57'33" west for 403.6 feet, more or less, to a point on the easterly right-of-way line of said Butler Market Road; thence southwesterly along said easterly right-of-way line of said Butler Market Road to the point of beginning, containing one acre, more or less,

and also excepting all that part of the said SW¼ NE¼ lying north of the south line of the County Road known as Studio Road and lying west of the Butler Market Road;

and further excepting the following described tract: Beginning at the southwest corner of said SW¼ NE¼ of Section 28, Township 17, South, Range 12, E.W.M.; thence North 0°07'15" east a distance of 396.56 feet along the west boundary of said SW¼ NE¼; thence south 86°42'39" east a distance of 354.61 feet to the west boundary of the Butler Market Road; thence southwesterly along

the westerly boundary of the Butler Market Road a distance of 459.15 feet, more or less, to the south boundary of the said SW¼ NE¼; thence north 88°57'39" west a distance of 96.5 feet to the point of beginning, said tract to include 27.2 acres, more or less.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City Legislative Body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 3rd day of June, 1964, at the hour of 7:30 o'clock P.M., in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

Section 4. 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 effective upon the passage hereof in that one of the annexors wishes to start immediate constructionof dwellings in the area which will affect the welfare of this community and it is deemed necessary and advisable for this annexation to proceed as speedily as possible,

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

Read for the first time May 6, 1964

Read for the second time May 20, 1964

Placed upon its passage May 20, 1964

YEAS: 7 NAYS: 0

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-640

ORDINANCE NO. NS-641

AN ORDINANCE AMENDING ORDINANCE NO. NS-591, THE SUBDIVISION ORDINANCE OF THE CITY OF BEND, BY SETTING STANDARDS AND REQUIRING SECURITY FOR STREET IMPROVEMENTS IN SUBDIVISIONS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 4(f)(4) of Ordinance NS-591 is hereby amended by substituting the following in lieu thereof:

(4) All streets shall be curbed and paved to standards and specifications as used by the City of Bend in its paving program and shall be approved by the City Engineer. The person subdividing land shall furnish the City of Bend a bond, or other security satisfactory to the City Commission in penalty amount equal to the City Engineer's estimate of the cost of paving and curbing and undertaking that the person subdividing will pave and curb all streets in the subdivision before it is occupied by anyone in any new construction.

Section 2. Section 4(n)(6) of Ordinance No. NS-591 is hereby amended by substituting the following in lieu thereof:

(6) Lot and block grading shall be required when unusual drainage conditions exist to the extent necessary to provide adequate drainage.

Section 3. Section 4(b) of Ordinance No. NS-591 is hereby amended to repeal the following sub-paragraphs:

Unless otherwise provided in this Ordinance street improvement requirements shall be in accordance with the standards as established by the Federal Housing Administration and published in Land Planning Bulletin No. 3-38, Federal Housing Administration, Portland, Oregon, October 1961, as indicated in Data Sheet 61 and 61-38-1.

Proposed street development for R-3 zone shall be in accordance with Standard 1-B, and for R-4 zone shall be in accordance with Standard 1-A, Data Sheet 61-38-1.

The requirement of subdivider's consultation with FHA shall be waived when in the opinion of the Planning Commission this requirement is unnecessary. (Data Sheet 61-38-1, Para, 3.)

Section 4. Section 4(t) of Ordinance No. NS-591 is hereby repealed.

Read for the first time the 20th day of May, 1964.

Read for the second time the 3rd day of June, 1964.

Placed upon its passage the 3rd day of June, 1964.
YEAS: 7 NAYS: 0
Submitted to and approved by the Mayor this 3rd day of June, 1964.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-642

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 DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> Beginning at the west one quarter corner of Section 27, Township 17, South, Range 12 E.W.M., thence N. 0°08'29" E. a distance of 934.64 feet; thence due east for 147.69 feet; thence S. 30°30' E. for 417.81 feet; thence S. 45°30' E. for 345.00 feet; thence S. 27°22' E. for 267.87 feet; thence due west for 112.00 feet; thence S. 5°07' E. for 36.41 feet; thence S. 83°30' W. for 546.23 feet; thence S. 61°58'39" W. for 56.28 feet; thence due west for 30.00 feet; thence N. 0°08'29" E. for 29.47 feet to the point of beginning; all being a portion of the SW¼NW¼, Section 27, Township 17, South Range 12, E.W.M., and containing 9.56 acres, more or less.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City Legislative Body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 1st day of July, 1964, at the hour of 7:30 o'clock p.m., in the City Commission Chambers at the City Hall as the time and place for a public hearing before the the said City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

Section 4. 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 effective upon the passage hereof in that the annexor wishes to start immediate construction of dwellings in the area which will affect the welfare of this community and it is deemed necessary and advisable for this annexation to proceed as speedily as possible,

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

Read for the first time this 20th day of May, 1964.

Read for the second time this 3rd day of June, 1964.

Placed upon its passage this 3rd day of June, 1964.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 3rd day of June, 1964.

Paul C. Reynolds
Mayor

ATTEST:

Julia S. Johnson Recorder

NS-642

ORDINANCE NO. NS-643

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. Under the provisions of Ordinance No. NS-640 the City Commission of the City of Bend, the City Legislative Body, did elect to dispense with submitting the question of annexation of the following described real property to registered voters of the City of Bend and did fix the 3rd day of June, 1964, at the hour of 7:30 p.m. o'clock in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

All of the Southwest Quarter of the Northeast Quarter (SW¼NE¼), Section Twenty-eight (28), Township Seventeen (17), South Range Twelve (12) E.W.M., except the following described parcels:

TRACT ONE: Beginning at a point which is North 0°07'52" east a distance of 346.06 feet from the northeast corner of Tract Nine (9) in Block Two (2) of Ellis Subdivision; thence north 0°07'52" east a distance of 415 feet; thence north 88°57'33" west a distance of 300 feet; thence south 0°07'52" west a distance of 415 feet; thence south 88°57'33" east a distance of 300 feet to the point of beginning, said tract to include 2.86 acres, more or less;

TRACT TWO: Beginning at a point which is north 0°07'52" east a distance of 761.06 feet from the northeast corner of Tract Nine (9) in Block Two (2) of Ellis Subdivision; thence north 0°07'52" east a distance of 550 feet; thence south 53°47'36" west a distance of 376.8 feet; thence south 0°07'52" west a distance of 321.9 feet; thence south 88°57'33" east a distance of 300 feet to the point of beginning, said tract to include 3.002 acres more or less;

TRACT THREE: Beginning at a point which is an iron pipe located at the northwest corner of that tract of land conveyed to Thomas E. Hutchinson, recorded in Deschutes County Deeds, Book 95, Page 486, which point is also located 1,088.8 feet north and 319.0' west of the southeast corner of the SW¼NE¼, Section 28, Township 17 South, Range 12, E.W.M.; thence south 0°07'52" west a distance of 437.9 feet; thence north 88°57'33" west a distance of 376 feet to the east right-of-way line of the Butler Market Road; thence northeasterly along the easterly right-of-way line of the Butler Market Road 574 feet to the point of beginning, containing approximately 2 acres;

TRACT FOUR: Beginning at a point where the easterly right-of-way line of the Butler Market Road intersects the south boundary of the said SW¼NE¼, said point being the northeast corner of Lot Thirteen (13) of Block One (1), of Ellis Subdivision; thence south 88°57'33" east along the south line of said SW¼SE¼ for 467.6 feet; thence north 0°07'52" east for 100 feet; thence north 88°57'33" west for 403.6 feet; more or less, to a point on the easterly right-of-way line of said Butler Market Road; thence southwesterly along said easterly right-of-way line of said Butler Market Road to the point of beginning, containing one acre, more or less,

and also excepting all that part of the said SW¼NE¼ lying north of the south line of the County Road known as Studio Road and lying west of the Butler Market Road;

and further excepting the following described tracts:

Beginning at the southwest corner of said SW¼NE¼ of Section 28, Township 17, South Range 12, E.W.M.; thence North 0°17'15" east a distance of 396.56 feet along the west boundary of said SW¼NE¼; thence south 86°42'39" east a distance of 354.61 feet to the west boundary of the Butler Market Road; thence southwesterly along the westerly boundary of the Butler Market Road a distance of 459.15 feet, more or less, to the south boundary of the said SW¼NE¼; thence north 88°57'39" west a distance of 96.5 feet to the point of beginning, said tract to include 27.2 acres, more or less.

TRACT 5. The following described portions of the Butler Market Road: Portion A: all that portion of said Road lying southwesterly from a point on the westerly boundary of the Butler Market, said point being located 343.47 feet north and 332.94 feet east of the southwest corner of the SW¼NE¼ of said Section 28, Tn. 17, S. R. 12, E.W.M.; and portion B: All that portion of the Butler Market Road lying northeasterly from the Northwest corner of the Marion Cady property.

Section 3. That prior to the time of the aforesaid public hearing the owners of more than 2/3 of the property in the contiguous territory proposed to be annexed as aforesaid did consent in writing to the annexation and did file their consent with the legislative body of the City of Bend on or before the said hearing.

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

Read for the first time the 3rd day of June, 1964.
Read for the second time the 17th day of June, 1964.
Placed upon its passage the 17th day of June, 1964.
YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 17th day of June, 1964.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-643

No. 2740

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 24th day of June A. D. 1964 at 10:45 o'clock A M and recorded in book 139 on pages 504 Record

Deeds

Helen McLean County Clerk

By [illegible] Deputy

Indexed

VOL 140 PAGE 36

ORDINANCE NO. 644

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. Under the provisions of Ordinance No. NS-642 the City Commission of the City of Bend, the City Legislative Body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 1st day of July, 1964, at the hour of 7:30 p.m. o'clock in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

Beginning at the west Quarter Corner of Section Twenty-seven (27), Township Seventeen (17), South Range Twelve (12), East of the Willamette Meridian, thence N. 0°08'29" East a distance of 934.64 feet; thence due east for 147.69 feet; thence S. 30°30' East for 417.81 feet; thence S. 45°30' East for 345.00 feet; thence S. 27°22' East for 267.87 feet; thence due west for 112.00 feet; thence S. 5°07' East for 36.41 feet; thence S. 83°30' West for 546.23 feet; thence S. 61°58'39" West for 56.28 feet; thence due west for 30.00 feet; thence N. 0°08'29" East for 29.47 feet to the point of beginning; all being a portion of the SW¼NW¼, Section 27, Township 17, South Range 12, E.W.M., and containing 9.56 acres, more or less.

Section 3. Prior to the time of the aforesaid public hearing the owners of more than 2/3 of the property in the contiguous territory proposed to be annexed as aforesaid did consent in writing to the annexation and did file their consent with the legislative body of the City of Bend on or before the said hearing.

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

Read for the first time the 1st day of July, 1964

Read for the second time the 15th day of July, 1964

Placed upon its passage the 15th day of July, 1964.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 15th day of July, 1964.

Paul Reynolds
Mayor

ATTEST:

Recorder of the City of Bend

NS-644

No. 3359

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record

on the 22nd

day of July, A.D., 19 67

at 9:57 o'clock A M., and Recorded in Book 140

on Pages 34 Record of

Deeds

Helen M. Darby
County Clerk.

By Opal Sprague, Deputy

ORDINANCE NO. NS-645

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE OF THE CITY OF BEND, BY CHANGING THE REGULATIONS FOR R-1, R-2, R-3, R-4, C-1, C-2, AND C-3 DISTRICTS AND THE PROVISIONS OF CHAPTERS 3, 14, 16 AND 18.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The definitions of front, rear and side yards contained in Chapter 3 of Ordinance No. NS-546 are amended to read as follows:

"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 the nearest foundation line of a front main building. Eaves may project 24 inches into any required front yard."

"Yard, Rear: A yard extending across the full width of the lot between the most rear main building and the rear lot line; the depth of the required rear yard shall be the minimum horizontal distance between the rear lot line and the nearest foundation line of a rear main building. Eaves may project 24 inches into any required rear yard."

"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 the minimum horizonal distance between the side lot line and the nearest foundation line of a main building. Eaves may project 24 inches into any required side yard."

Section 2. Section 6.1 of Ordinance No. NS-546 is amended to read as follows:

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. These regulations have a further purpose in preserving the existing residential areas within the city, protecting them from encroachment and change through introduction of nonconforming uses and abuse of height and lot area requirements, thereby maintaining an improving residential character and property values.

Section 3. Section 6.2.6 of Ordinance No. NS-546 is amended to read as follows:

"6. Home occupations as herein defined."

Section 4. Section 6.4.2 of Ordinance No. NS-546 is amended to read as follows:

"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 five (5) feet. The combined width of both side yards shall be not less than fourteen (14) feet. On corner lots, the side yard on the street side shall not be less than ten (10) feet in width."

Section 5. Section 6.4.4 of Ordinance No. NS-546 is amended to read as follows:

"4. LOT AREA. Every lot in a new subdivision shall have a width of not less than seventy (70) feet in an area of not less than seven thousand (7,000) square feet. Every existing lot of record shall have a width of not less than fifty (50) feet and an area of not less than five thousand (5,000) square feet. Buildings or structures shall not occupy more than thirty-five (35) per cent of the lot area. (Area exceptions, Chapter 19.)"

Section 6. The regulations of Chapter 7 and all amendments thereto are repealed, and all zoning districts denominated "R-2 ONE-FAMILY DWELLING DISTRICT" on the DISTRICT ZONING MAP shall be governed by the provisions of Chapter 6 of "R-1 ONE-FAMILY DWELLING DISTRICT" of the Zoning Ordinance of the City of Bend, Oregon.

Section 7. Section 8.1 of Ordinance No. NS-546 is amended to read as follows:

SECTION 8.1 PURPOSE. The purpose of the regulations of "R-3" Two-Family Dwelling District is to provide logical city areas where two-family dwellings or duplexes can locate within reasonable 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. A further purpose of the regulations found in Chapter 8 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 8. Section 8.2 of Ordinance No. NS-546 is amended to read as follows:

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-1" One-Family Dwelling District.

2. Two-family dwellings.

3. Accessory uses and buildings as permitted in the "R-1" One-Family Dwelling District.

4. Name plates and signs as permitted in the R-1 One-Family Dwelling District.

5. Multiple-family dwellings, apartments or row dwellings.

6. Boarding and lodging houses.

7. Private schools, kindergarten and day nurseries, including home group care, and nursing homes.

8. 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.

9. The offices of physicians, dentists or other professional persons, provided that (1) plans for construction or alteration be submitted to the City Planning Commission for determination and approval that the proposed construction or alteration harmonizes with the architectural scheme of the neighborhood; and (2) parking shall be provided as required by Chapter 16.

10. Additional uses as permitted by Chapter 18.

Section 9. Section 8.3 of Ordinance No. NS-546 is amended to read as follows:

SECTION 8.3 HEIGHT. A main building structure or portion thereof hereafter erected shall not exceed a height of three (3) stories or forty-five (45) feet.

Section 10. Section 8.4.1 of Ordinance No. NS-546 is amended to read as follows:

1. FRONT YARD. For a one-family dwelling or a two-family dwelling, there shall be a front yard having a depth of not less than twenty (20) feet; provided, however, that where lots comprising forty (40) per cent 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 depth shall establish the front yard depth of the entire frontage. The front yard need not exceed thirty (30) feet in depth.

Section 11. Section 8.4.2 of Ordinance No. NS-546 is amended to read as follows:

2. SIDE YARD. For one-family dwellings same as required in "R-1" 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 seven and one-half (7½) feet. The combined width of both side yards shall not be 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.

Multiple-family residences shall have a side yard of five (5) feet in width, plus two and one-half (2½) feet for every story up to a maximum of ten (10) feet.

Section 12. Section 8.4.4 of Ordinance No. NS-546 is amended to read as follows:

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 five thousand five hundred (5,500) square feet.

Every lot for a multiple-family dwelling shall have a width of not less than seventy-five (75) feet and an area of seven thousand five hundred (7,500) square feet or two thousand (2,000) square feet per unit for a one-story building, or one thousand five hundred (1,500) square feet per unit for buildings of more than one story, whichever is greater.

Buildings or structures shall not occupy more than thirty-five (35) per cent of a lot for a one-family dwelling nor more than forty (40) per cent of a lot for a two-family dwelling or for a multiple-family dwelling.

Section 13. The regulations of Chapter 9 and all amendments thereto are repealed, and all zoning districts denominated "R-4 MULTIPLE-DWELLING DISTRICT on the DISTRICT ZONING MAP shall be governed by the provisions of Chapter 8 "R-3 TWO-FAMILY DWELLING DISTRICT" of the Zoning Ordinance of the City of Bend, Oregon.

Section 14. Section 10.2 of Ordinance No. NS-546 is amended to read as follows:

SECTION 10.2 USE. Buildings, structures or land shall be used and buildings or structures hereafter erected, structurally altered or enlarged shall be used only for the following uses:

1. Any use permitted in the R-3 Two-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. Barber shop or beauty parlor.
5. Confection shop, retail only, including soda fountain and ice cream.
6. Drug store or pharmacy.
7. Grocery, meat, fruit or vegetable store, including frozen food lockers for individual or family use.
8. Notions or variety store.
9. Self-service laundries.
10. Accessory uses in buildings customarily incidental to the above retail businesses 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 in buildings for dwellings, same as permitted in the R-3 Two-Family Dwelling District.
11. Signs as permitted by the ordinances of the City of Bend.
12. Additional uses as permitted by Chapter 18.

Section 15. Section 10.4.2 of Ordinance No. NS-546 is amended to read as follows:

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 five (5) feet. 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. Side yard regulations for dwellings shall be the same as required in the "R-3" Two-Family Dwelling District.

Section 16. Section 11.1 of Ordinance No. NS-546 is amended to read as follows:

SECTION 11.1 PURPOSE. The purpose of 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 owners of automobiles. It is a further

purpose of the regulations of this chapter 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 17. Section 11.2 of Ordinance No. NS-546 is amended to read as follows:

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, 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. Banks.
18. Bicycle shops.
19. Book or stationery shops.
20. Clinic, medical or dental.
21. Cleaning agency or pressing shop, excluding cleaning and dying on the premises.
22. Clothing store or tailor shop.
23. Delicatessen.
24. Drygoods store, millinery and dress shop.
25. Florist shop and greenhouses.
26. Frozen food locker establishment, renting lockers for only individual or family use.
27. Gift shop.
28. Hardware or electrical appliance store.

29. Jewelry store.

30. Meat market, retail.

31. Offices, businesses or professional.

32. Photographers shop.

33. Public automobile parking area, subject to the regulations of Chapter 16.

34. Restaurant, drive-in restaurants, tea room or cafeteria, excluding dancing, entertainment.

35. Shoe store or shoe repair shop.

36. Theater, enclosed within a building.

37. 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.

38. Antique shop, second-hand store enclosed within a building.

39. Auditorium, sports arena or stadium.

40. Bus station.

41. Business college, studio or private school.

42. 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.

43. Catering establishment.

44. Cleaning and pressing establishment, using only non-flammable cleaning fluid.

45. Department, furniture and interior decorating store.

46. Hotel and apartment hotel.

47. Ice storage house of not more than five (5) tons capacity for retail ice sales.

48. News stand and tobacco shop.

49. Radio and television store, sales and service.

50. Undertaking establishment.

51. Upholstery shop, enclosed within a building.

52. Bakeries with a retail outlet on the premises.

53. Laundry agency, excluding laundry.

54. Printing, lithographing or publishing.

55. Additional uses as permitted by Chapter 18.

Section 18. The regulations of Chapter 12 and all amendments thereto are repealed, and all zoning districts denominated C-3 COMMERCIAL DISTRICT on the DISTRICT ZONING MAP shall be governed by the provisions of Chapter 11 C-2 COMMERCIAL DISTRICT of the Zoning Ordinance of the City of Bend, Oregon.

Section 19. Section 18.2 of Ordinance No. NS-546 is amended to read as follows:

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. Educational institutions.

2. Government enterprises (federal, state and local).

3. Hospitals, sanitariums, nursing homes or public welfare institutions in Commercial or Industrial Districts only.

4. Parks, playgrounds or recreation areas or centers privately operated.

5. Philanthropic institutions.

6. Such other uses not specifically enumerated in this Chapter 18 as shall be compatible with the purposes set forth in the preamble of the various commercial districts set forth herein and generally consistent with the specific uses set forth therein and further, consistent with the intents and purposes of this ordinance.

7. 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) nonilluminated sign not exceeding ten (10) square feet in area shall be permitted in such parking area.

8. 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 determinations 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.

9. Laundries.

10. Multiple-family dwellings.

11. Greenhouses.

Section 20. Section 14.2.12 of Ordinance No. NS-546, allowing "circus and other amusements" in the M-1 LIGHT INDUSTRIAL DISTRICT, is repealed.

Section 21. Section 11.4.1 of Ordinance No. NS-546 is amended to read as follows:

1. FRONT YARD. There shall be a front yard of not less than twenty (20) feet in depth with a minimum of at least five (5) feet between the front lot line and any displays of merchandise in the front yard.

Section 22. Section 16.1.2 of Ordinance No. NS-546 is amended to read as follows:

2. MULTIPLE DWELLINGS. For multiple dwellings, one (1) parking space shall be provided on a lot for each dwelling unit.

Section 23. Section 16.2 of Ordinance No. NS-546 is amended to read as follows:

SECTION 16.2 PUBLIC PARKING AREAS. Every lot or parcel of land hereafter used as a public parking 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 is illuminated, the lights shall be fixed so as to reflect away from any adjoining "R" or Dwelling District.

Read for the first time this 1st day of July, 1964.

Read for the second time this 15th day of July, 1964.

Placed upon its passage the 15th day of July, 1964.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 15th day of July, 1964.

Paul C. Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-646

AN ORDINANCE SUPPLEMENTING THE INITIATIVE AND REFERENDUM PROVISIONS OF THE CHARTER OF THE CITY OF BEND.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The procedure for exercise of the initiative and referendum in the City of Bend shall be that prescribed by the Charter of the City of Bend and by this ordinance.

Section 2. At the next session of the City Commission after the proposal of an initiative measure, the City Recorder shall present the measure to the Commission.

Section 3. The City Recorder shall cause to be submitted to the voters at the time provided by this ordinance any initiative measure other than a charter or charter amendment not enacted within thirty days after its proposal, and any measure referred, or any measure ordered submitted to the voters by the City Commission.

Section 4. Except for measures which have been submitted at a special election ordered by the City Commission, the time for voting on a measure required to be submitted to the voters shall be the first general election held more than sixty days after the latest time that the measure has been proposed or referred.

Section 5. When conflicting measures are approved by the voters at an election, the one receiving the greater number of affirmative votes shall be paramount.

Section 6. It shall not be necessary to distribute a voters pamphlet concerning any measure unless directed by the City Commission.

Section 7. UNLAWFUL ACTS

1. Signing By One Not A Voter. No person other than a voter shall sign his name to a petition.

2. Signing Another's Name. No person shall sign a petition with a name not his own.

3. Signing Petition More Than Once. No person shall sign his name to a petition with knowledge that he has previously signed his name to the petition.

4. Circulating or Filing Petition With Unlawful Signature. No person shall circulate or deposit at the office of the recorder a petition which to his knowledge contains a signature signed in violation of this ordinance.

5. Procuring Signature By Fraud. No person shall procure or attempt to procure a signature to a petition by fraud.

6. Making False Statement. No person shall make a statement which he knows to be false concerning a petition.

7. Making False Document. No person shall make a document for which this ordinance provides which contains a false statemeht.

8. Paying Or Receiving Consideration For Signatures. No person shall pay or receive a valuable consideration for procuring a signature to a petition.

Repealed by ORD. NO. NS-1399

9. Officer Violating Ordinance. No officer shall willfully violate a provision of this ordinance.

Any person who violates a provision of this section shall be punished by:

1. A fine of not more than $100, or

2. Imprisonment in jail for not more than 30 days or

3. Both.

Read for the first time the 1st day of July, 1964.

Read for the second time the 15th day of July, 1964.

Placed upon its passage the 15th day of July, 1964.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 15th day of July, 1964.

Mayor

ATTEST:

Recorder of the City of Bend

RAGBASE BOND
SOUTHWORTH CO. U.S.A.
25% COTTON FIBER

NS-646

ORDINANCE NO. NS-647

AN ORDINANCE VACATING EAST WEBSTER AVENUE FROM THE PRESENT EASTERLY RIGHT-OF-WAY LINE OF E. THIRD STREET TO THE WESTERLY RIGHT-OF-WAY LINE OF EAST FOURTH STREET.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

THE CITY COMMISSION OF THE CITY OF BEND on June 3, 1964, on its own motion, having adopted a resolution initiating proceedings for the vacation of the following described real property:

East Webster Avenue from the present easterly right-of-way line of East Third Street to the westerly right-of-way line of East Fourth Street

and the Recorder of the City of Bend having heretofore caused the following notice:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on its own motion on the following described street locations, at a regular City Commission meeting held on the 3rd day of June, 1964:

E. Webster Avenue from the present easterly right-of-way line of E. Third Street to the westerly right-of-way line of E. Fourth Street according to the official plat thereof on file and of record in the office of the Clerk of Deschutes County, Oregon.

The City of Bend Commission has fixed the 15th day of July, 1964, at the hour of 7:30 o'clock p.m., in the Commission Chambers in the City Hall in the City of Bend, Oregon, as the time and place the City Commission will receive and hear any and all objections to the said vacation proceedings.

JULIA S. JOHNSON
Recorder of the City of Bend

to be published once each week for four consecutive weeks in the Bend Bulletin, a newspaper of general circulation within the corporate limits of the City of Bend; and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation in at least two conspicuous places; and the publication and posting of said notice having occurred not less than twenty-eight days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice a hearing having been had and no objections or remonstrances having been made or filed; and the consent of the abutting landowners to the proposed vacation having been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation, and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED that the following described real property, to-wit:

East Webster Avenue from the present easterly right-of-way line of East Third Street to the westerly right-of-way line of East Fourth Street

now within the corporate limits of the City of Bend, County of Deschutes, State of Oregon, be and the same hereby is vacated, and said vacation is hereby made a matter of record.

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

Read for the first time the 15th day of July, 1964.

Read for the second time the 5th day of August, 1964.

Placed upon its passage the 5th day of August, 1964.

YEAS: NAYS:

Submitted to and approved by the Mayor this 5th day of August, 1964.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

No. 4090

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 24th day of August A. D. 19 64 at 8:31 o'clock A M and recorded in book 140 on pages 279 Record of Deeds

Helen M. Dace County Clerk

By Opal Sprague Deputy

Indexed

ORDINANCE NO. NS-648

AN ORDINANCE VACATING EAST XERXES AVENUE FROM THE PRESENT EASTERLY RIGHT-OF-WAY LINE OF EAST THIRD STREET TO THE WESTERLY RIGHT-OF-WAY LINE OF EAST FOURTH STREET.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

THE CITY COMMISSION OF THE CITY OF BEND on June 3, 1964, on its own motion, having adopted a resolution initiating proceedings for the vacation of the following described real property:

East Xerxes Avenue from the present easterly right-of-way line of East Third Street to the westerly right-of-way line of East Fourth Street

and the Recorder of the City of Bend having heretofore caused the following notice:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on its own motion on the following described street location, at a regular City Commission meeting held on the 3rd day of June, 1964:

E. Xerxes Avenue from the present easterly right-of-way line of E. Third Street to the westerly right-of-way line of E. Fourth Street according to the official plat thereof on file and of record in the office of the Clerk of Deschutes County, Oregon.

The City of Bend Commission has fixed the 15th day of July, 1964, at the hour of 7:30 o'clock p.m., in the Commission Chambers in the City Hall in the City of Bend, Oregon, as the time and place the City Commission will receive and hear any and all objections to the said vacation proceedings.

JULIA S. JOHNSON
Recorder of the City of Bend

to be published once each week for four consecutive weeks in the Bend Bulletin, a newspaper of general circulation within the corporate limits of the City of Bend; and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation in at least two conspicuous places; and the publication and posting of said notice having occurred not less than twenty-eight days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice a hearing having been had and no objections or remonstrances having been made or filed; and the consent of the abutting landowners to the proposed vacation having been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation, and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED that the following described real property, to-wit:

East Xerxes Avenue from the present easterly right-of-way line of East Third Street to the westerly right-of-way line of East Fourth Street

now within the corporate limits of the City of Bend, County of Deschutes, State of Oregon, be and the same hereby is vacated, and said vacation is hereby made a matter of record.

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

Read for the first time the 15th day of July, 1964.

Read for the second time the 5th day of August, 1964.

Placed upon its passage the 5th day of August, 1964.

Submitted to and approved by the Mayor this 5th day of August, 1964.

Paul Reynolds
Mayor

ATTEST:

Inez S. Johnson
Recorder of the City of Bend

No. 4091

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 24th day of August A. D. 1964 at 8:32 o'clock A M and recorded in book 140 on pages 281 Record of Deeds

Helen M. Dacy County Clerk
By Opal Gregory Deputy

Indexed

ORDINANCE NO. NS-649

AN ORDINANCE VACATING THE ALLEY IN BLOCK 32 OF RIVERSIDE ADDITION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

THE CITY COMMISSION OF THE CITY OF BEND on June 3, 1964, on its own motion, having adopted a resolution initiating proceedings for the vacation of the following described real property:

The east-west alley in Block 32 of Riverside Addition.

and the Recorder of the City of Bend having heretofore caused the following notice:

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on its own motion on the following described street location, at a regular City Commission meeting held on the 2nd day of September, 1964:

The east-west alley in Block 32 of Riverside Addition.

The City of Bend Commission has fixed the 7th day of October, 1964, at the hour of 7:30 o'clock p.m., in the Commission Chambers in the City Hall in the City of Bend, Oregon, as the time and place the City Commission will receive and hear any and all objections to the said vacation proceedings.

JULIA S. JOHNSON
Recorder of the City of Bend

to be published once each week for four consecutive weeks in the Bend Bulletin, a newspaper of general circulation within the corporate limits of the City of Bend; and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation in at least two conspicuous places; and the publication and posting of said notice having occurred not less than twenty-eight days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice a hearing having been had and no objections or remonstrances having been made or filed; and the consent of the abutting landowners to the proposed vacation having been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation, and that the property should be vacated,

NOW, THEREFORE, IT IS HEREBY ORDERED that the following described real property, to-wit;

The east-west alley in Block 32 of Riverside Addition.

now within the corporate limits of the City of Bend, County of Deschutes, State of Oregon, be and the same hereby is vacated, and said vacation is hereby made a matter of record.

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

Read for the first time the 7th day of October, 1964.
Read for the second time the 21st day of October, 1964.
Placed upon its passage the 21st day of October, 1964.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 21st day of October, 1964.

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

Paul Reynolds
Mayor

NS-649

5556

No. _____

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 30th day of October A. D. 19 64 at 10 o'clock 4 M and recorded in book 141 on pages 304 Record

Fern M. Dziedzic
County Clerk

By _____ Deputy

Indexed

ORDINANCE NO. NS-650

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. That Ordinance No. NS-546, the Zoning Ordinance of the City of Bend is hereby amended as follows:

To Chapter 11, Section 11 USE, the following use shall be added:

56. Car Laundry

Section 2. From Chapter 14, Section 14.2 USE paragraph 5 shall be deleted the words "automobile laundry".

Read for the first time this 15th day of July, 1964.

Read for the second time this 5th day of August, 1964.

Placed upon its passage this 5th day of August, 1964.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 5th day of August, 1964.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

RACEMASTER BOND
SOUTHWORTH CO. U.S.A.
25% COTTON FIBER

NS-650

ORDINANCE NO. NS-651

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR CERTAIN AREAS BY AMENDING THE ZONING DISTRICT MAP.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 4.1 of Ordinance No. NS-546 is amended by changing the ZONING DISTRICT MAP as follows:

> That portion of Block Fifty-four (54), First Addition to Riverside and that portion of Block Sixteen (16), First Addition to Awbrey Heights lying east of the Deschutes River

are changed from R-2 Single-Family Dwelling District to R-4 Multiple-Family Dwelling District, subject to the condition that if no multiple-family dwelling development is started in that area within 18 months from the effective date of this ordinance, the property will revert to the R-2 Single-family Dwelling District designation.

Read for the first time the 15th day of July, 1964.

Read for the second time the 5th day of August, 1964.

Placed upon its passage the 5th day of August, 1964.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 5th day of August, 1964.

Paul Reynolds
Mayor

ATTEST:

Lucia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-652

AN ORDINANCE AMENDING ORDINANCE NO. NS-344, THE PARKING METER ORDINANCE OF THE CITY OF BEND, BY ELIMINATING PARKING METERS ON CITY STREETS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2 of Ordinance No. NS-344 is hereby amended by substituting the following in lieu thereof:

SEction 2. Parking Meter Zones of the City of Bend shall be restricted to off-street parking facilities only and shall not include city streets. All parking meters installed on city streets shall be removed upon passage of this ordinance.

The vote recorded as the result of election held November 3, 1964, is as follows:

YES: 1302 = NO: 3969

NS-652

ORDINANCE NO. NS-653

AN ORDINANCE PROHIBITING THE RUNNING OF DOGS AT LARGE IN THE CITY OF BEND AND PROVIDING A PENALTY FOR ITS VIOLATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. It shall be unlawful for any person, persons, firm, corporation, association, or any other entity, to suffer, permit or allow any dog or animal of the canine family in their possession or control to run at large, regardless of its age, within the corporate limits of the city of Bend at any time.

Section 2. Ordinance No. NS-403 is hereby repealed.

Section 3. Any person violating the provisions of this ordinance shall, on conviction thereof, be punished by a fine of not more than $50, or by imprisonment in the City Jail for not more than 20 days, or by both such fine and imprisonment.

The vote recorded as the result of the election of November 3, 1964, is as follows:

YES: 3447 NO: 1768

NS-~~642~~ 653

ORDINANCE NO. NS. 654

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR CERTAIN AREAS BY AMENDING THE ZONING DISTRICT MAP.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 4.1 of Ordinance No. NS-546 is amended by changing the Zoning District Map as follows:

Blocks 30 and 35 of Highland Addition

are changed from R-2 One-family Dwelling District to C-3, Commercial District

Read for the first time the 5th day of August, 1964

Read for the second time the 19th day of August, 1964

Placed upon its passage the 19thday of August, 1964

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor the 19thday of August, 1964.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend.

NS-654

ORDINANCE NO. NS-655

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 DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

All that part of the Northwest Quarter of the Northwest Quarter (NW¼ NW¼) of Section Twenty-seven (27), Township Seventeen (17), South Range Twelve (12), E.W.M., described as follows:

Beginning at the southwest corner of said Northwest Quarter of the Northwest Quarter (NW¼ NW¼); thence northerly along the west boundary of the said Northwest Quarter of the Northwest Quarter (NW½ NW¼) to an intersection with the southerly boundary of the Butler Market Road; thence northeasterly along the southerly boundary of the Butler Market Road to an intersection with the southerly boundary of the County Road known as the Wells Acres or disposal plant road; thence easterly along the southerly boundary of said Wells Acres Road to an intersection with the east boundary of the Northwest Quarter of the Northwest Quarter (NW¼ NW¼) of Section Twenty-seven (27), Township Seventeen (17), South Range Twelve (12), E.W.M.; thence southerly along the east boundary of the Northwest Quarter of the Northwest Quarter (NW¼ NW¼) to the southeast corner thereof; thence westerly along the south boundary of the Northwest Quarter of the Northwest Quarter (NW¼ NW¼) to the point of beginning: Excepting therefrom a strip of land along the east boundary of said Northwest Quarter of the Northwest Quarter (NW¼ NW¼) lying within the right of way of the Wells Acres or disposal plant road,

Also a portion of the Southwest Quarter of the Northwest Quarter (SW¼ NW¼) of Section Twenty-seven (27), Township Seventeen (17), South Range Twelve (12), E.W.M., described more particularly as follows: Beginning at the northwest corner of the Southwest Quarter of the Northwest Quarter (SW¼ NW¼); thence north 89°48'08" east a distance of 230.00 feet; thence due south a distance of 275.79 feet; thence due west a distance of 230.69 feet; thence, north 0°08'29" east a distance of 275.00 feet to the point of beginning.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City Legislative Body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 7th day of October, 1964, at the hour of 7:30 o'clock P.M., in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

Section 4. 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 effective upon the passage hereof in that the annexor wishes to start immediate construction of dwellings in the area which will affect the welfare of this community and it is deemed necessary and advisable for this annexation to proceed as speedily as possible,

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

Read for the first time this 2nd day of September, 1964.

Read for the second time this 16th day of September, 1964

Placed upon its passage this 16th day of September, 1964.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 16th day of September, 1964.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-655

ORDINANCE NO. NS-656

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 DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> Beginning at the point of intersection of the center line of Shevlin Road with the west line of the present City limits, whence the northwest corner of Section 31 Township 17, South Range 12, E.W.M. bears north 1,345.76 feet and west 2,486.84 feet; thence following the center line of said Shevlin Road N. 89°15' W. 871.94 feet to a P. C.; thence on a 38° C.R. Δ = 58°41'10", ℄ = 84.76 feet to the P.T.; thence N. 30°33'50" W. 107.87 feet to a P.C. of a 400 foot spiral curve S. = 8°00' a = 1.0; thence along this curve to a P.C. of a C.L. = 4° with a T Δ = 18°17'10" ℄ 431.15 feet to the P.T.; thence along a 400 foot spiral curve with S - 8°00' a = 1.0 to a P.T. of this spiral curve; thence N. 48°51' W. 315.86 feet to the P.C. of a 300 foot spiral curve S = 4°30' a = 1.0; thence along this said spiral curve to the P.C. of a C.L. 3° with a T Δ 10°46' ℄ 330.13 feet to the P.C. of a spiral curve; thence on a 300 foot spiral curve S = 4°30' a = 1.0 to the P.T. of the spiral curve; thence N. 59°37' W. to a point located on the east side line of the Central Oregon Area Education District whence the southeast corner of Section 25 T. 17 S. R. 11, E.W.M. bears S. 0°06'07" W. 149.45 feet. (Note that this section corner is also the northwest corner of Section 31 from whence the P.O.B is tied by coordinates.) This described center line is intended to be a right-of-way 30 feet on either side of center line along Shevlin Road and 40 feet on either side of center line along College Avenue.

and also the following described property:

> The Northeast Quarter of the Southeast Quarter, the Southeast Quarter of the Southeast Quarter, the Northwest Quarter of the Southeast Quarter, the Northeast Quarter of the Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 25, Township 17, South Range 11, E.W.M.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City Legislative Body, elects to dispense with submitting the Question of annexation to the registered voters of the City, and by this ordinance does fix the 7th day of October, 1964, at the hour of 7:30 o'clock p.m., in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

Section 4. 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 effective upon the passage hereof in that the Central Oregon

College is desirous of getting City services as soon as possible, and it is deemed necessary and advisable for this annexation to proceed as speedily as possible.

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

Read for the first time this 2nd day of September, 1964.

Read fot the second time this 16th day of September, 1964.

Placed upon its passage this 16th day of September, 1964.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 16th day of September, 1964.

Paul Reynolds
Mayor

ATTEST:

Julia S Johnson
Recorder of the City of Bend

NS-656

ORDINANCE NO. NS-657

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 .

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The NW¼NW¼, Section 3, Tn. 18, S., R. 12, E.W.M.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City Legislative Body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 4th day of November, 1964, at the hour of 7:30 o'clock p.m., in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

Read for the first time the 2nd day of September, 1964
Read for the second time the 16th day of September, 1964
Placed upon its passage September 16, 1964
YEAS: 6 NAYS: 0

Submitted to and signed by the Mayor the 16th day of September, 1964

Paul Reynolds
Mayor

ATTEST:
Julia S. Johnson
Recorder of the City of Bend

NS-657

ORDINANCE NO. NS-658

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 DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The S½ of the SW¼, Section 30, T. 17 SR 12 E.W.M. and that portion of the N½ of the NW¼, Section 31, T. 17 SR 12 E.W.M. lying northeasterly from College Avenue and northerly from Shevlin Market Road.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City Legislative Body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 7th day of October, 1964, at the hour of 7:30 o'clock p.m., in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

Section 4. 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 effective upon the passage hereof in that the adjoining Central Oregon College property is being annexed at this time, it is deemed necessary and advisable for this annexation to proceed as speedily as possible,

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

Read for the first time this 2nd day of September, 1964.

Read for the second time this 16th day of September, 1964.

Placed upon its passage this 16th day of September, 1964.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 16th day of September, 1964.

Paul Reynolds
Mayor

ATTEST:

Julia S Johnson
Recorder of the City of Bend

NS-658

ORDINANCE NO. NS-659

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR CERTAIN AREAS BY AMENDING THE ZONING DISTRICT MAP.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 4.1 of Ordinance No. NS-546 is amended by changing the ZONING DISTRICT MAP as follows:

Lots 1 through 4, inclusive, Block 15, Center Addition

That portion of Lots 8 and 9, Block 2, Center Addition lying east of the Pilot Butte Canal

are changed from R-4 Multiple-Family Dwelling District to C-3 Commercial District.

Read for the first time the 2nd day of September, 1964.

Read for the second time the 16th day of September, 1964.

Placed upon its passage the 16th day of September, 1964.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 16th day of September, 1964.

Paul Reynolds
Mayor

ATTEST:

Julia S Johnson
Recorder of the City of Bend

NS-659

ORDINANCE NO. NS-660

VACATING OVID B. RILEY ROAD -

ORDINANCE VOIDED

NS-660

ORDINANCE NO. NS-661

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR CERTAIN AREAS BY AMENDING THE ZONING DISTRICT MAP.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 4.1 of Ordinance No. NS-546 is amended by changing the Zoning District Map as follows

Lots 10, 11, 12, 13 and 14, Block 151, Second Addition to Bend Park, are changed from R-2 One-Family Dwelling District to R-3 Multiple-Family Dwelling District.

Read for the first time the 7th day of October, 1964.

Read for the second time the 21st day of October, 1964.

Placed upon its passage the 21st day of October, 1964.

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor the 21st day of October, 1964.

s/ PAUL REYNOLDS
Mayor

ATTEST:

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

NS-661

ORDINANCE NO. NS- 662

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR CERTAIN AREAS BY AMENDING THE ZONING DISTRICT MAP.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 4.1 of Ordinance No. NS-546 is amended by changing the Zoning District Map as follows

Lots 12 to 16, inclusive, Block 31; Lots 7 to 16, inclusive, Block 32; and Lots 7 to 11, inclusive, Block 33, all in Riverside Addition,

are changed from C-1 Commercial District to M-1 Light Industrial District.

Read for the first time the 7th day of October, 1964.

Read for the second time the 21st day of October, 1964.

Placed upon its passage the 21st day of October, 1964.

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor the 21st day of October, 1964.

s/ PAUL REYNOLDS
Mayor

ATTEST:

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

NS-662

ORDINANCE NO. NS-663

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR CERTAIN AREAS BY AMENDING THE ZONING DISTRICT MAP.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section I - Section 4.1 of Ordinance No. NS-546 is amended by changing the Zoning District Map as follows:

All of Blocks 22 and 23, Deschutes Addition; and all of Block 25, Bend Addition,

from R-4 Multiple-Family Dwelling District to C-4 Commercial District.

Read for the first time this 7th day of October, 1964.

Read for the second time this 21st day of October, 1964.

Placed upon its passage this 21st day of October, 1964.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 21st day of October, 1964.

s/ PAUL REYNOLDS
Mayor

ATTEST:

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

NS-663

ORDINANCE NO. NS- 664

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 DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> The Southeast Quarter Southwest Quarter (SE¼ SW¼) and the North Half of the Southwest Quarter Southeast Quarter (N½ SW¼ SE¼), Section Twenty-five (25), Township Seventeen (17), South, Range Eleven (11), East of the Willamette Meridian.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City Legislative Body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 18th day of November, 1964, at the hour of 7:30 o'clock P.M., in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

Section 4. 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 effective upon the passage hereof in that this property adjoins the property owned by the Central Oregon College which is also being annexed at this time and it is desired that these two properties be annexed concurrently, therefore it is deemed necessary and advisable for this annexation to proceed as speedily as possible.

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

Read for the first time this 7th day of October, 1964.

Read for the Second time this 21st day of October, 1964.

Placed upon its passage this 21st day of October, 1964.

YEAS: NAYS:

Submitted to and approved by the Mayor this 21st day of October, 1964.

Paul Reynolds
Mayor

ATTEST:

Lucia S. Johnson
Recorder of the City of Bend

NS-664

ORDINANCE NO. NS-665

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. Under the provisions of Ordinance No. NS-656 the City Commission of the City of Bend, the City Legislative Body, did elect to dispense with submitting the question of annexation of the following described real property to registered voters of the City of Bend and did fix the 7th day of October, 1964, at the hour of 7:30 p.m. o'clock in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

Beginning at The point of Intersection of the center line of Shevlin Road with the west line of the present city limits whence the Northwest corner of Section 31 T. 17 S.R. 12 E.W.M. bears north 1345.76 feet and west 2,486.84 feet; thence following the center line of said Shevlin Road N. 89° 15' W. 871.94 feet to a P.C.; thence on a 38° C.R. $\triangle$ = 58° 41'10", $\mathbb{S}$ = 84.76 feet to the P.T.; thence N. 30°33'50" W. 107.87 feet to a P.C. of a 400 foot spiral curve S. =8°00' a = 1.0; thence along this curve to a P.C. of a C.L. = 4° with a T $\triangle$ = 18°17'10" $\mathbb{S}$ 431.15 feet to the P.T.; thence along a 400 foot spiral curve with S - 8°00' a = 1.0 to a P.T. of this spiral curve; thence N. 48°51' W. 315.86 feet to the P.C. of a 300 foot spiral curve S = 1.0; thence along this said spiral curve to the P.C. of a C.L. 3° with a T $\triangle$ 10°46' $\mathbb{S}$ 330.13 feet to the P.C. of a spiral curve; thence on a 300 foot spiral curve S = 4°30' a = 1.0 to the P.T. of the spiral curve; thence N. 59°37' W. to a point located on the east side line of the Central Oregon Area Education District whence the southeast corner of Section 25 T. 17 S. R. 11, E.W.M. bears S. 0°06'07" W. 149.45 feet. (Note that this section corner is also the northwest corner of Section 31 from whence the P.O.B is tied by coordinates.) This described center line is intended to be a right-of-way 30 feet on either side of center line along Shevlin Road and 40 feet on either side of center line along College Avenue.

And also the following described property:

The Northeast Quarter of the Southeast Quarter, the Southeast Quarter of the Southeast Quarter, the Northwest Quarter of the Southeast Quarter, the Northeast Quarter of the Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 25, Township 17, South Range 11, E.W.M.

Section 3. That prior to the time of the aforesaid public hearing the owners of more than 2/3 of the property in the contiguous territory proposed to be annexed as aforesaid did consent in writing to the annexation and did file their consent with the legislative body of the City of Bend on or before the said hearing.

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

Read for the first time the 7th day of October, 1964.
Read for the second time the 21st day of October, 1964.
Placed upon its passage the 21st day of October, 1964
YEAS: NAYS:

Submitted to and approved by the Mayor this 21st day of October, 1964

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

No. 5594

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 2nd day of November A. D. 1964 at 8:48 o'clock A M and recorded in book 141 on pages 219 Record of Deeds

Helen McCoy County Clerk
By Rosemary Crooker Deputy

NS-665

ORDINANCE NO. NS-666

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. Under the provisions of Ordinance No. NS-655 the City Commission of the City of Bend, the City Legislative Body, did elect to dispense with submitting the question of annexation of the following described real property to registered voters of the City of Bend and did fix the 7th day of October, 1964, at the hour of 7:30 p.m. o'clock in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

All that part of the Northwest Quarter of the Northwest Quarter (NW¼ NW¼ of Section Twenty-seven (27), Township Seventeen (17), South Range Twelve (12), E.W.M., described as follows:

Beginning at the southwest corner of said Northwest Quarter of the Northwest Quarter (NW¼ NW¼); thence northerly along the west boundary of the said Northwest Quarter of the Northwest Quarter (NW¼ NW¼) to an intersection with the southerly boundary of the Butler Market Road; thence northeasterly along the southerly boundary of the Butler Market Road to an intersection with the southerly boundary of the County Road known as the Wells Acres or disposal plant road; thence easterly along the southerly boundary of said Wells Acres Road to an intersection with the east boundary of the Northwest Quarter of the Northwest Quarter (NW¼ NW¼) of Section Twenty-seven(27), Township Seventeen (17), South Range twelve (12), E.W.M.; thence southerly along the east boundary of the Northwest Quarter of the Northwest Quarter (NW¼ NW¼) to the southeast corner thereof; thence westerly along the south boundary of the Northwest Quarter of the Northwest Quarter (NW¼ NW¼) to the point of beginning: Excepting therefrom a strip of land along the east boundary of said Northwest Quarter of the Northwest Quarter (NW¼ NW¼) lying within the right of way of the Wells Acres or disposal plant road,

Also a portion of the Southwest Quarter of the Northwest Quarter (SW¼ NW¼) of Section Twenty-seven (27), Township Seventeen (17), South Range Twelve (12), E.W.M., described more particularly as follows: Beginning at the northwest corner of the Southwest Quarter of the Northwest Quarter (SW¼ NW¼); thence north 89°48'08" east a distance of 230.00 feet; thence due south a distance of 275.79 feet; thence due west a distance of 230.69 feet; thence, north 0°08'29" east a distance of 275.00 feet to the point of beginning.

Section 3. That prior to the time of the aforesaid public hearing the owners of more than 2/3 of the property in the contiguous territory proposed to be annexed as aforesaid did consent in writing to the annexation and did file their consent with the legislative body of the City of Bend on or before the said hearing.

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

Read for the first time the 7th day of October, 1964.
Read for the second time the 21st day of October, 1964.
Placed upon its passage the 21st day of October, 1964.
YEAS: 4 NAYS: 0

Submitted to and approved by the Mayor this 21st day of October, 1964.

Paul Reynolds
Mayor

ATTEST:

Lucia S. Johnson
Recorder of the City of Bend

No. 5595

STATE OF OREGON }
County of Deschutes }

I hereby certify that the within instrument of writing was received for Record the 2nd day of November A. D. 1964 at 8:49 o'clock A M and recorded in book 141 on pages 222 Record of Deeds

Helen M. Dorey County Clerk
By R. Patterson Deputy

Indexed

NS-666

6283 VOL 141 PAGE 439

ORDINANCE NO. NS- 667

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. Under the provisions of Ordinance No. NS-658 the City Commission of the City of Bend, the City Legislative Body, did elect to dispense with submitting the question of annexation of the following described real property to registered voters of the City of Bend and did fix the 7th day of October, 1964, at the hour of 7:30 p.m. o'clock in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

> The S½ of the SW¼, Section 30, Tn. 17 SR 12, E.W.M. and that portion of the N½ of the NW¼ Sec. 31, Tn. 17 SR 12 E.W.M. lying northeasterly from College Avenue and northerly from Shevlin Market Road.

Section 3. That prior to the time of the aforesaid public hearing the owners of more than 2/3 of the property in the contiguous territory proposed to be annexed as aforesaid did consent in writing to the annexation and did file their consent with the legislative body of the City of Bend on or before the said hearing.

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

Read for the first time the 7th day of October, 1964
Read for the second time the 21st day of October, 1964
Placed upon its passage the 21st day of October, 1964

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 21st day of October, 1964

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend.

NS-667

No. 6238

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record

on the 4th

day of December, A.D., 1964.

at 10:50 o'clock A M., and Recorded in Book M-1

on Pages 439 Record of

Deeds

Helen M. Haney
County Clerk.

By [illegible], Deputy

vacation proceedings at which time the City Commission will receive and hear any and all objections to the said proceedings.

JULIA S. JOHNSON
Recorder of the City of Bend

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

NOW THEREFORE, IT IS HEREBY ORDERED that the following described real property:

All of the Ovid W. B. Riley County Road as originally established by Resolution of the County Court of Crook County and its relocation of 1914, lying southerly from a point in the Center Line of East First Street, Bend, Oregon, said point being approximately 250.0 feet south from the northerly boundary of the said City of Bend,

and

A portion of the NW 1/4, NE 1/4 of Sec. 32, T. 17 S.R.12 E.W.M. more particularly described as follows:

Beginning at an iron bolt located S. 0° 14' 22" E. a distance of 101.43 ft. and thence due west 35.0 ft. from the N. E. Cor. of said NW 1/4, NE 1/4; thence, N. 25° 35'46" W a distance of 112.52 ft. to the north boundary of said NW 1/4, NE 1/4; thence, N. 89°55'14" W. a distance of 84.98 ft.; thence, S. 45°00 E. a distance of 167.39 ft.; thence, N. 42° 49'41" E. a distance of 22.39 ft. to the point of beginning.

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

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

Read for the first time the 2nd day of December, 1964.
Read for the second time the 16 day of December, 1964.
Placed upon its passage the 16 day of December, 1964.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 16 day of December, 1964.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend, Oregon

NS-668

ORDINANCE NO. 668

AN ORDINANCE VACATING A PORTION OF THE OVID W. B. RILEY COUNTY ROAD IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

THE CITY COMMISSION FOR THE CITY OF BEND on the 21st day of October, 1964, on its own motion, having adopted a resolution initiating proceedings for the vacation of the following described real property:

All of the Ovid W. B. Riley County Road as originally established by Resolution of the Crook County Court and its relocation of 1914, lying southerly from a point in the center line of East First Street, Bend, Oregon, said point being approximately 250.0 feet south from the northerly boundary of the said City of Bend,

and

A portion of the NW 1/4, NE 1/4 of Sec. 32, T. 17 S.R.12 E.W.M. more particularly described as follows:

Beginning at an iron bolt located S. 0° 14' 22" E. a distance of 101.43 ft. and thence due west 35.0 ft. from the N.E. Cor. of said NW 1/4, NE 1/4; thence, N. 25° 35' 46" W a distance of 112.52 ft. to the north boundary of said NW 1/4, NE 1/4; thence, N. 89° 55' 14" W. a distance of 84.98 ft.; thence, S. 45° 00' E. a distance of 167.39 ft.; thence, N. 42° 49' 41" E. a distance of 22.39 ft. to the point of beginning.

and the recorder for the City of Bend having heretofore caused the following notice:

NOTICE OF STREET VACATION

NOTICE IS HEREBY GIVEN that vacation proceedings have been instituted by the City Commission of the City of Bend on its own motion on October 21, 1964, said vacation proceedings to vacate the following described location:

All of the Ovid W. B. Riley County Road as originally established by Resolution of the Crook County Court and its relocation of 1914, lying southerly from a point in the center line of East First Street, Bend, Oregon, said point being approximately 250.0 feet south from the northerly boundary of the said City of Bend except whatever portions thereof which are now being used for a public purpose of whatsoever nature, including utilities,

and

Beginning at a spike set on the center line of Hill Street whence the northeast corner of the NWNE of Section 32, Tn. 17, S.R. 12, E.W.M. bears N. 0°14'22" W. 110.27 feet; thence S. 43°18'17" W. 48.47 feet to the west side line of the R/W as described in said Bend Company deed; thence following a curve left with a radius of 70 feet and a L.C. of 32.50 feet as described in the May 24, 1913 description of Bend Company to the City of Bend to the P.T. of said curve; thence following said west R/W N. 45°W. 167.39 ft. to the intersection with the south line of said NWNE of said Section 32; thence S. 89 degrees 55'14" E. 84.98 feet; thence S. 25°35'46" E. 112.52 feet; thence east 35.0 ft.; thence S. 0°14'22" E. 8.84 feet to the point of beginning

The City Commissioners of the City of Bend, Oregon, have fixed the 2nd day of December, 1964, at the hour of 7:30 p.m., Pacific Standard Time in the City Hall in the City of Bend as the time and place for hearing upon the said

6401

VOL 141 PAGE 531

ORDINANCE NO. NS-669

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. Under the provisions of Ordinance No. NS-657 the City Commission of the City of Bend, the City Legislative Body, did elect to dispense with submitting the question of annexation of the following described real property to registered voters of the City of Bend and did fix the 4th day of November, 1964, at the hour of 7:30 p.m. o'clock in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

The NW 1/4, NW 1/4, Section 3, Tn. 18, S., R. 12, E.W.M.

Section 3. That prior to the time of the aforesaid public hearing the owners of more than 2/3 of the property in the contiguous territory proposed to be annexed as aforesaid did consent in writing to the annexation and did file their consent with the legislative body of the City of Bend on or before the said hearing.

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

Read for the first time the 18th day of November, 1964.
Read for the second time the 2nd day of December, 1964.
Placed upon its passage the 2nd day of December, 1964.

Yeas: 7 Nays: 0

Submitted to and approved by the Mayor this 2nd day of Dec. 1964.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-669

No. 6404

STATE OF OREGON }
County of Deschutes }

I hereby certify that the within instrument of writing was received for Record the 14th day of December A. D. 1964 at 8:31 o'clock A.M. and recorded in book 141 on pages 531 Record

Evelyn M. Sloan County Clerk
By Opal Symons Deputy

Fee $

6379

VOL 141 PAGE 514

ORDINANCE NO. NS-670

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. Under the provisions of Ordinance No. NS-665 the City Commission of the City of Bend, the City Legislative Body, did elect to dispense with submitting the question of annexation of the following described real property to registered voters of the City of Bend and did fix the 18th day of November, 1964, at the hour of 7:30 p.m. o'clock in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

A tract of land situated in the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) and in the Northwest Quarter (NW¼) of the Southwest Quarter (SW¼), Section Twenty-seven (27), Township Seventeen (17), South, Range Twelve (12), East of the Willamette Meridian, described as follows:

Beginning at an iron pipe on the line between the SW¼ NW¼ and the NW¼ SW¼, said point being North 89°33'09" East a distance of 626.90 feet from the West Quarter corner of said Section 27, thence North 5°07' West a distance of 90.00 feet; thence due East for 112.00 feet; thence South 36°33'20" East for 109.87 feet to an iron bar at the Northwest corner of the City of Bend Disposal Plant Tract; thence South 30°48'36" East a distance of 383.68 feet along the westerly boundary of said Disposal Plant Tract; thence due west a distance of 290.67 feet; thence due North for 93.00 feet; thence North 24°35' West for 162.40 feet; thence North 5°07' West for 88.00 feet to the point of beginning.

Section 3. That prior to the time of the aforesaid public hearing the owners of more than 2/3rds of the property in the contiguous territory proposed to be annexed as aforesaid did consent in writing to the annexation and did file their consent with the legislative body of the City of Bend on or before the said hearing.

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

Read for the first time this 18th day of November, 1964.
Read for the second time this 2nd day of December, 1964.
Placed upon its passage this 2nd day of December, 1964.
YEAS: 7 NAYS: 0
Submitted to and approved by the Mayor this 2nd day of December, 1964.

Paul Reynolds
Mayor

ATTEST:
Julia S. Johnson
Recorder of the City of Bend

NS-670

No. 6379

STATE OF OREGON }
County of Deschutes }

I hereby certify that the within instrument of writing was received for Record the 11th day of December A. D. 1964 at 10:26 o'clock A M and recorded in book 141 on pages 514 Record of Deeds

Helen M. Pace, County Clerk
By Opal Spragg Deputy

Indexed

ORDINANCE NO. NS- 671

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. Under the provisions of Ordinance No. NS-664 the City Commission of the City of Bend, the City Legislative Body, did elect to dispense with submitting the question of annexation of the following described real property to registered voters of the City of Bend and did fix the 18th day of November, 1964, at the hour of 7:30 p.m. o'clock in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

> The Southeast Quarter Southwest Quarter (SE¼ SW¼) and the North Half of the Southwest Quarter Southeast Quarter (N½ SW¼ SE¼), Section Twenty-five (25), Township Seventeen (17), South, Range Eleven (11), East of the Willamette Meridian.

Section 3. That prior to the time of the aforesaid public hearing the owners of more than 2/3rds of the property in the contiguous territory proposed to be annexed as aforesaid did consent in writing to the annexation and did file their consent with the legislative body of the City of Bend on or before the said hearing.

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

Read for the first time this 18th day of November, 1964.

Read for the second time this 2nd day of December, 1964.

Placed upon its passage this 2nd day of December, 1964.

YEAS: 7 Nays: 0

Submitted to and approved by the Mayor this 2nd day of December, 1964.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-671

No. 6180

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 11th day of December A. D. 1964 at 10:27 o'clock A M and recorded in book 141 on pages 515 Record of Deeds

Helen M. Jacobs County Clerk
By Opal Sprague Deputy

Indexed

ORDINANCE NO. NS-672

AN ORDINANCE NAMING A PUBLIC WAY IN THE CITY OF BEND, OREGON.

WHEREAS that portion of East Webster Avenue from the present easterly right-of-way line of East Third Street to the westerly right-of-way line of East Fourth Street was vacated by Ordinance No. NS-647; and

WHEREAS the following described area has been designated as a public way to replace that portion of East Webster Avenue which was vacated:

The South Forty (40) Feet of Lots 7, 8, 9, 10 and 11, Block Thirty-three (33), Riverside Addition in the City of Bend, Together with the platted alley adjacent thereto, the whole being a strip of land sixty (60) feet wide extending from East Third Street to East Fourth Street;

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

That the following described area shall henceforth be known as a portion of East Webster Avenue:

The South Forty (40) Feet of Lots 7, 8, 9, 10 and 11, Block Thirty-three (33), Riverside Addition in the City of Bend, together with the platted alley adjacent thereto, the whole being a strip of land sixty (60) feet wide extending from East Third Street to East Fourth Street;

The City Recorder shall forthwith cause a certified copy of this ordinance to be filed for record with the County Clerk for Deschutes County, and shall also cause a like copy to be filed with the County Assessor and County Surveyor.

Read for the first time the 6th day of January, 1965
Read for the second time the 20th day of January, 1965
Placed upon its passage the 20th day of January, 1965

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 20th day of January, 1965.

Paul Reynolds
Mayor

ATTEST:

Lucia S. Johnson
Recorder of the City of Bend.

NS-672

ORDINANCE NO. NS-673

AN ORDINANCE ESTABLISHING THE ZONING DISTRICT CLASSIFICATION OF A NEWLY ANNEXED AREA.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

The area bounded on the south by Shevlin Park Market Road; on the west by College Way, on the east by the west boundary of Kenwood Gardens Addition and on the north by the extension of the center line of Ogden Avenue shall be classified as C-3 Commercial District

The area bounded on the south by an extension of the center line of Ogden Avenue; on the west by College Way; on the east by the west boundary of Kenwood Gardens Addition; and on the north by Portland Avenue shall be classified as R-4 Multiple Family Dwelling District.

Read for the first time the 3rd day of March, 1965

Read for the second time the 17th day of March, 1965

Placed upon its passage the 17th day of March, 1965

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 17th day of March, 1965

Paul Reynolds
Mayor

ATTEST:

s/ Julia S. Johnson
Recorder of the City of Bend

NS-673

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 DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section1. Whereas the City of Bend has had presented to it a request to annex to the said City of Bend the following described real property, to-wit:

Those portions of the SW quarter, NW 1/4 and the NW 1/4, SW 1/4 of Sec. 27, Township 17, South Range 12 E.W.M. more particularly described as follows:
Beginning at the West 1/4 corner of said Section 27, Township 17, South Range 12, E.W.M., thence S.0°11'36" W. for 1318.05 ft. to the said SW Corner of the NW 1/4, SW 1/4; thence, N.89°31'45" E. for 1314.22 ft. to the S.E. Corner of the said NW. 1/4, SW 1/4; thence, N.0°08' E. for 450.81 ft. to the S.E. Corner of the City of Bend Sewer Tract; thence, N.30°48'36" W. for 620.72 ft., Thence, due West for 290.67 ft.; thence, due North for 93.0 ft.; thence, N.24°35' W. for 162.40 ft.; thence, N.5°07' West for 141.59 ft. thence, S.83°27'44" W. for 545.92 ft.; thence S.61°58'39" W. for 56.25 ft.; thence, N. 45°34'39" W. for 42.10 ft. to the point of beginning.

In Township 17 South, Range 12 East of the Willamette Meridian; Section 28: a portion of the NE 1/4 NE 1/4, more particularly described as follows: Beginning at the Southeast corner of the said NE 1/4 NE 1/4; thence North 89°18'12" West, a distance of 33.28 feet along the South boundary of the NE 1/4 NE 1/4; thence North 9°36'10" East a distance of 202.44 feet to a point on the East line of the NE 1/4 NE 1/4; thence South 0°08'29" West a distance of 200.00 feet to the point of beginning.

A portion of the SW 1/4, NW 1/4, Section 27, T. 17 S.R. 12 E.W.M. more particularly described as follows: Beginning at a point on the East boundary of said SW 1/4, NW 1/4 said point being S.0°09'09" W. a distance of 509.07 ft. from the NE. corner of said SW 1/4, NW 1/4; thence S. 84°32'09" W. for 678.52 ft.; thence N. 5°27'51" W. for 15.00 ft.; thence S. 84°32'09" W. for 372.79 ft.; thence S. 30°30' E. for 186.02 ft.; thence, S. 45°30' E. for 345 ft.; thence, S. 27°22'E. for 267.87 ft.; thence, S. 36°33'20" E. for 109.87 ft. to the South boundary of said SW 1/4, NW. 1/4; thence, N. 89°33'09" E. for 516.67 ft.; more or less, to the SE corner of the SW 1/4, NW 1/4; thence, N.0°09'09"E. along the East boundary of the SW 1/4, NW 1/4 for 797.10 ft., more or less, to the point of beginning.

A portion of the SW 1/4, NW 1/4, of Sec. 27, T. 17 S.R. 12 E.W.M. more particularly described as follows: Beginning at the N.E. corner of the said SW 1/4, NW 1/4; thence S. 0°09'09" W. a distance of 509.07 ft.; thence S. 84°32'09" W. a distance of 651.21 ft.; thence N. 4°42'09" E. a distance of 570.11 ft., more or less, to the north boundary of said SW 1/4, NW 1/4; thence, N. 89°43'32" E. a distance of 602.86' along said north boundary of the SW 1/4, NW 1/4 to the point of beginning; said tract to contain 7.70 acres, more or less.

A portion of the Sw 1/4, NW 1/4, of Sec. 27, T. 17 S. R. 12 EWM more particularly described as follows: Beginning at a point on the North boundary of said SW 1/4, NW 1/4 said point being located N. 89°48'08" E. a distance of 26.72 ft. from the N.W. corner of the SW 1/4, NW 1/4 of Sec. 27, T. 17 S. R. 12 E.W.M.; thence, N. 89°48'08" E. a distance of 683.68 ft; thence, S. 4°42'09' W. for 554.87 ft.; thence, S. 84°32'09" W. for 402.79 ft.; thence, N. 30°30' W. for 231.79 ft.; thence due West for 120.00 ft.; thence due north for 389.69 ft. to the point of beginning.
EXCEPT a portion of the SW 1/4, NW 1/4, of Sec. 27, T. 17 S.R. 12 E.W.M. described more particularly as follows: Beginning at the Northwest corner of the SW 1/4, NW 1/4; thence, N. 89°48'08" E. a distance of 230.00 ft.; thence due south a distance of 275.79 ft.; thence, due west a distance of 230.69 ft.; thence N. 0°08'29" E. a distance of 275.00 ft. to the point of beginning.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative Body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 17th day of March, 1965, at the hour of 7:30 o'clock P.M., in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

Section 4. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance shall take effect upon its passage.

Read for the first time this 17th day of February, 1965.

Read for the Second time this 3rd day of March, 1965.

Placed upon its passage this 3rd day of March, 1965.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 3rd day of March, 1965.

_____
Mayor

ATTEST:

_____
Recorder of the City of Bend

NS-674

9712

ORDINANCE NO. NS- 675

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. Under the provisions of Ordinance No. NS-674 the City Commission of the City of Bend, the City Legislative Body, did elect to dispense with submitting the question of annexation of the following described real property to registered voters of the City of Bend and did fix the 17th day of March, 1965, at the hour of 7:30 p.m. o'clock in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

Those portions of the SW quarter, NW 1/4 and the NW 1/4, SW 1/4 of Sec. 27, Township 17, South Range 12 E.W.M. more particularly described as follows:

Beginning at the West 1/4 corner of said Section 27, Township 17, South Range 12, E.W.M., thence S. 0°11'36" W. for 1318.05 ft. to the said SW Corner of the NW 1/4, SW 1/4; thence, N. 89°31'45" E. for 1314.22 ft. to the S.E. Corner of the said NW 1/4, SW 1/4; thence, N.0°08' E. for 450.81 ft. to the S.E. Corner of the City of Bend Sewer Tract; thence, N.30°48'36" W. for 620.72 ft., Thence, due West for 290.67 ft.; thence, due North for 93.0 ft.; thence, N.24°35' W. for 162.40 ft.; thence, N.5°07' West for 141.59 ft. thence, S.83°27'44" W. for 545.92 ft.; thence S.61°58'39" W. for 56.25 ft.; thence, N.45°34'39" W. for 42.10 ft. to the point of beginning.

In Township 17 South Range 12 East of the Willamette Meridian; Section 28: a portion of the NE 1/4 NE 1/4, more particularly described as follows: Beginning at the Southeast corner of the said NE 1/4 NE 1/4; thence North 89°18'12" West, a distance of 33.28 feet along the South boundary of the NE 1/4 NE 1/4; thence North 9°36'10" East a distance of 202.44 feet to a point on the East line of the NE 1/4 NE 1/4; thence South 0°08'29" West a distance of 200.00 feet to the point of beginning.

A portion of the SW 1/4, NW 1/4, Section 27, T. 17 S.R. 12 E.W.M. more particularly described as follows: Beginning at a point on the East boundary of said SW 1/4, NW 1/4 said point being S.0°09'09" W. a distance of 509.07 ft. from the NE corner of said SW 1/4, NW 1/4; thence S. 84°32'09" W. for 678.52 ft.; thence N. 5°27'51" W. for 15.00 ft.; thence S. 84°32'09" W. for 372.79 ft.; thence S. 30°30' E. for 186.02 ft.; thence,

S. 45°30' E. for 345 ft.; thence, S. 27°22'E. for 267.87 ft.: thence, S. 36°33'20" E. for 109.87 ft. to the South boundary of said SW 1/4, NW 1/4; thence, N 89°33'09" E.for 516.67 ft.; more or less, to the SE corner of the SW 1/4, NW 1/4: thence, N.0°09'09" E. along the East boundary of the SW 1/4, NW 1/4 for 797.10 ft., more or less, to the point of beginning.

A portion of the SW 1/4, NW 1/4, of Sec. 27, T. 17 S. R. 12 E.W.M. more particularly described as follows: Beginning at the N.E. corner of the said SW 1/4, NW 1/4; thence S. 0°09'09" W. a distance of 509.07 ft.; thence S. 84°32'09" W. a distance of 651.21 ft.; thence N. 4°42'09" E. a distance of 570.11 ft., more or less, to the north boundary of said SW 1/4, NW 1/4; thence, N. 89°43'32" E. a distance of 602.86' along said north boundary of the SW 1/4, NW 1/4 to the point of beginning; said tract to contain 7.70 acres, more or less.

A portion of the SW 1/4, NW 1/4, of Sec. 27, T. 17 S. R. 12 EWM more particularly described as follows: Beginning at a point on the North boundary of said SW 1/4, NW 1/4 said point being located N. 89°48'08" E. a distance of 26.72 ft. from the N.W. corner of the SW 1/4, NW 1/4 of Sec. 27, T. 17 S.R. 12 E.W.M.; thence, N. 89°48'08" E. a distance of 683.68 ft; thence, S. 4°42'09" W. for 554.87 ft.; thence,S. 84°32'09" W. for 402.79 ft.; thence, N. 30°30' W. for 231.79 ft.; thence due West for 120.00 ft.; thence due north for 389.69 ft. to the point of beginning.
EXCEPT a portion of the SW 1/4, NW 1/4, of Sec. 27, T. 17 S.R. 12 E.W.M. described more particularly as follows: Beginning at the Northwest corner of the SW 1/4, NW 1/4; thence, N. 89°48'08" E. a distance of 230.00 ft.; thence due south a distance of 275.79 ft.; thence, due west a distance of 230.69 ft.; thence N. 0°08'29" E. a distance of 275.00 ft. to the point of beginning.

Section 3. That prior to the time of the aforesaid public hearing the owners of more than 2/3 of the property in the contiguous territory proposed to be annexed as aforesaid did consent in writing to the annexation and did file their consent with the legislative body of the City of Bend on or before the said hearing.

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

Read for the first time the 17th day of March, 1965
Read for the second time the 7th day of April, 1965
Placed upon its passage the 7th day of April, 1965

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 7th day of April, 1965

ATTEST:

Recorder of the City of Bend

Mayor

NS-675

No. 9712

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 12th day of May A. D. 1965 at 10:41 o'clock A M and recorded in book 143 on pages 406 Record of Deeds

Helen M Dacey County Clerk

By Opal Sprague Deputy

Indexed

ORDINANCE NO. NS-676

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE OF THE CITY OF BEND, BY CHANGING THE GENERAL PROVISIONS RELATING TO LOT AREA: THE SIDE YARD AND LOT AREA RESTRICTIONS FOR THE "R-1" ONE-FAMILY DWELLING DISTRICT: THE LOT AREA RESTRICTIONS FOR THE "R-3" TWO-FAMILY DWELLING DISTRICT;" AND THE USE RESTRICTIONS FOR THE "C-2" COMMERCIAL DISTRICTS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 5.3 sub-paragraph 5 of Ordinance No. NS-546 relating to open space is repealed.

SECTION 2. Section 6.4.2 of Ordinance No. NS-546 is amended to read:

"2. SIDE YARD. There shall be a side yard on each side of the main building, and the combined width of such side yards shall be not less than fourteen (14) feet. In no case shall the width of either side yard be less than five (5) feet, and on corner lots the side yard on the street side shall be not less than ten (10) feet in width."

SECTION 3. Section 6.4.4 of Ordinance No. NS-546 is amended to read:

"4. LOT AREA. Every lot in a new subdivision shall have a width of not less than seventy (70) feet and an area of not less than seven thousand (7,000) square feet.

In order to be built upon, every existing lot shall have a width of not less than fifty (50) feet and an area of not less than five thousand (5,000) square feet.

Buildings or structures shall not occupy more than thirty-five (35%) per cent of the lot area. (Area exceptions, Chapter 19)"

SECTION 4. Section 8.3 of Ordinance No. NS-546 is amended to read:

"Section 8.3. HEIGHT. A main building structure or portion 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 5. Section 8.4.2 of Ordinance No. NS-546 is amended to read:

"2. SIDE YARD. For one-family dwellings same as required in "R-1" One Family Dwelling District.

For Two-Family dwellings there shall be a side yard on each side of the main building, and the combined width of such side yards shall be not less than seventeen and one-half (17 1/2) feet. In no case shall the width of either side yard be less than seven and one-half (7 1/2) feet, and on corner lots the side yard on the street side shall be not less than ten (10) feet in width.

Multiple-family residences shall have a side yard of five(5) feet in width, plus two and one-half (2 1/2) feet for every story up to a maximum of ten (10) feet.

SECTION 6. Section 8.4.4 of Ordinance No. NS-546 is amended by adding thereto "Area Exceptions, Chapter 19."

SECTION 7. Section 11.2 of Ordinance No. NS-546 is amended to read:

"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) 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, second-hand store enclosed within a building.
(4) Art supplies store, retail.
(5) Auditorium, sports arena or stadium.
(6) Automobile accessories store, retail.
(7) Automobile and trailer sales, provided that any incidental repairs to automobiles and trailers be made within a building.
(8) Bakeries with a retail outlet on the premises.
(9) Banks
(10) Bicycle shops
(11) Book or stationery shops
(12) Bus station
(13) Business college, studio or private school.
(14) 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.
(15) Car Laundry
(16) Catering establishment.
(17) Cleaning and pressing establishment, using only non-inflammable cleaning fluid.
(18) Clinic,medical or dental.
(19) Clothing store or tailor shop.
(20) Delicatessen.
(21) Department, furniture and interior decorating store.
(22) Drygoods store, millinery and dress shop.
(23) Florist shop and greenhouse.
(24) Frozen food locker establishment, renting lockers for only individual or family use.
(25) Gift shop.
(26) Hardware or electrical appliance store.
(27) Hotel and apartment hotel.
(28) Ice storage house of not more than five (5) tons capacity for retail ice sales.
(29) Jewelry store
(30) Laundry agency, excluding laundry.
(31) Leather good and luggage store.
(32) Meat market, retail

(33) Motel or tourist court.
(34) News stand and tobacco shop.
(35) Offices, business or professional.
(36) Photographer's shop.
(37) Printing, lithographing or publishing.
(38) Public automobile parking area, subject to regulations of Chapter 16.
(39) Public garage including automobile repairing, battery service and incidental body and fender repairing enclosed within a building.
(40) Public services including electric power substation, fire and police station and telephone exchange.
(41) Radio and television station.
(42) Radio and television store, sales and service.
(43) Restaurant, drive-in restaurants, tea room or cafeteria.
(44) Shoe store or shoe repair shop.
(45) Sporting goods store.
(46) Telegraph office.
(47) Theater, enclosed within a building.
(48) Tire shop enclosed within a building.
(49) Tourist home.
(50) Trailer court or camp.
(51) Undertaking establishment.
(52) Upholstery shop, enclosed within a building.
(53) 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.
(54) Signs as permitted by the ordinances of the City of Bend.
(55) Additional uses as permitted by Chapter 18.

Read for the first time the 3rd day of March, 1965

Read for the second time the 17th day of March, 1965

Placed upon its passage the 17th day of March, 1965

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 17th day of March, 1965

s/ Paul Reynolds
Mayor

ATTEST:

s/ Julia S. Johnson
Recorder of the city of Bend

NS-676

ORDINANCE NO. NS- 677

AN ORDINANCE VACATING AN ALLEY BORDERING LOTS 30 AND 35, HIGHLAND ADDITION: IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

THE CITY COMMISSION FOR THE CITY OF BEND on January 20, 1965, on its own motion, having adopted a resolution initiating proceedings for the vacation of the following described real property: in the City of Bend, County of Deschutes, State of Oregon:

A strip of land lying in the SW¼SE¼ of Section 31, Township 17, South Range 12 E.W.M., more particularly described as follows:

Beginning at the south quarter corner of said Section 31, T. 17 S. R. 12, E.W.M., thence due north a distance of 9.99 feet to the southwest corner of Block 35, Highland Addition in the City of Bend, Deschutes County, Oregon; thence due east a distance of 510.42 feet to the southeast corner of Block 30, Highland Addition; thence due south a distance of 16.78 feet to the south line of said SW¼SE¼ of Section 31, T. 17, S.R. 12, E.W.M.; thence N. 89°14'15" west a distance of 510.47 feet to the point of beginning; said strip being the dedicated alley bordering Blocks 30 and 35 of the aforesaid Highland Addition;

and the Recorder for the City of Bend having heretofore caused the following notice:

"NOTICE OF PUBLIC HEARING ON VACATION OF PUBLIC PROPERTY:

NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend to vacate the following described location at a regular City Commission meeting held on the 20th day of January, 1965:

A strip of land lying in the SW¼SE¼ Section 31, Township 17, S.R. 12, E.W.M., more particularly described as follows: Beginning at the south quarter corner of said Section 31, Township 17 South Range 12, E.W.M., thence due north a distance of 9.99 feet to the southwest corner of Block 35, Highland Addition in the City of Bend, Deschutes County, Oregon; thence due east a distance of 510.42 feet to the southeast corner of Block 30, Highland Addition; thence due south a distance of 16.78 feet to the south line of said SW¼SE¼ of Section 31, T. 17, S.R. 12, E.W.M.; thence N. 89°14'15" W. a distance of 510.47 feet to the point of beginning; said strip being the dedicated alley bordering Blocks 30 and 35 of the aforesaid Highland Addition.

The City of Bend Commission has set the 3rd day of March, 1965, at the hour of 7:45 p.m., in the Commission Chambers in the City Hall in the City of Bend, Oregon, as the time and place the City Commission will receive and hear any and all objections to the said vacation proceedings.

JULIA S. JOHNSON
Recorder of the City of Bend"

to be published once each week for four consecutive weeks in the Bulletin; and said Recorder having also within five days after the first day of publication of said notice caused a copy of said notice to be posted at or near each end of the proposed vacation in at least two conspicuous places; and the first publication and posting of said notice having occurred not less than twenty-eight days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice a hearing having been had, and no objections were made

NS-677

and the City Commission having determined that the owners of a majority of the area affected had not objected in writing; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation, and that the property should be vacated,

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

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

Read for the first time the 3rd day of March, 1965

Read for the second time the 17th day of March, 1965

Placed upon its passage the 17th day of March, 1965

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 17th day of March, 1965

Paul Reynolds
Mayor

ATTEST:

s/ Julia S. Johnson
Recorder of the City of Bend

NS-677

ORDINANCE NO. NS-678

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 DECLARING AN EMERGENCY

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

Lots Five (5), Six (6), Seven(7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14), Block Fourteen (14); and Lots One (1) and Two (2), Block Twenty (20); all in Bonne Home Addition.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 7th day of July, 1965, at the hour of 7:45 o'clock P.M., in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

Section 5. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance shall take effect upon its passage.

Read for the first time the 19th day of May, 1965

Read for the second time the 2nd day of June, 1965.

Placed upon its passage the 2nd day of June, 1965.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 2nd day of June, 1965.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend.

NS-678

ORDINANCE NO. NS-679

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 DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

Lot Four (4), Block Thirteen (13), Bonne Home Addition, Deschutes County, Oregon, as shown on the official plat thereof on file with the Clerk of Deschutes County;

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the second day of June, 1965, at the hour of 7:45 p.m. o'clock, Pacific Daylight Time, in the City Commission Chambers atthe City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

Section 4. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance shall take effect upon its passage.

Read for the first time the 21st day of April, 1965.

Read for the second time the 5th day of May, 1965.

Placed upon its passage the 5th day of May, 1965.

YEAS: 6 NAYS; 0

Submitted to and approved by the Mayor the 5th day of May, 1965.

Mayor

ATTEST:

Recorder of the City of Bend.

NS-679

ORDINANCE NO. 680

An ordinance granting a revocable permit to Pacific Northwest Bell Telephone Company to install, maintain and operate public telephone booths at various locations on city property and city streets.

The City of Bend does ordain as follows:

Section 1. A revocable permit is hereby granted to the Pacific Northwest Bell Telephone Company, its successors and assigns to install, maintain and operate public telephone booths at various locations on city property and city streets in the City of Bend, Oregon, on the following terms:

(a) Location of Booths. Sites for the location or relocation of telephone booths shall be selected by the permittee, subject to approval of the Bend City Commission.

(b) Installation and Maintenance. The permittee shall bear the entire cost of installation, maintenance, relocation and removal of every telephone booth installed under this permit.

(c) Commissions. The permittee shall pay to the City of Bend a commission equal to fifteen percent (15%) of the net contents of the coin box of each public telephone installed hereunder, after deduction for applicable excise taxes. After this permit becomes effective, such commissions shall be paid to the city semiannually.

(d) Electricity. With approval of the City Commission, the permittee, where feasible, may interconnect with electric service furnished to the city.

(e) Removal of Booths. Upon 30 days notice, the city, for cause, may require the permittee to remove or relocate any telephone booth installed hereunder. The permittee on its own initiative may remove any telephone booth any time but shall restore the surface to good condition, and safe for public use, considering the nature and location of the property.

(f) Termination of Permit. This permit may be revoked by the Council, or operations hereunder may be discontinued voluntarily by the permittee, only after 30 days notice. In event of such termination, the permittee shall remove all installations hereunder within 90 days and in compliance with provisions of paragraph (e) hereof.

Section 2. The permit granted by this ordinance is subject to the condition that permittee, its successors and assigns, forever will indemnify, and save the City of Bend, its officers, agents and employees harmless from and against any and all liability, loss, cost, damage and expense, and any and all claims for injury or death to persons and damage to property, directly or indirectly arising from the installation, maintenance, or operation of telephone booths under this permit. The city shall promptly notify the permittee upon receipt of any claim or demand against which it is, or may be, held harmless by the permittee under this indemnification. As evidenced by its written acceptance of the terms and conditions of this ordinance as provided in Section 3, the permittee understands and agrees that the within permit is granted only upon, and constitutes consideration for, this indemnification.

Section 3. This ordinance is not operative until permittee has filed with the City Recorder a written acceptance of all terms and conditions contained herein, signed by an authorized official of said corporation and approved as to form by the City Attorney.

Read for the 1st time the 19 day of May, 1965.

Read for the 2nd time the 2 day of June, 1965.

Placed upon its passage the 2 day of June, 1965.

YEAS: 5 NAYS: 1

Approved by the Mayor the 2 day of June, 1965.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
City Recorder

NS-680

ORDINANCE NO. NS- 681

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. Under the provisions of Ordinance No. NS-679 the City Commission of the City of Bend, the City Legislative Body, did elect to dispense with submitting the question of annexation of the following described real property to registered voters of the city of Bend and did fix the second day of June, 1965, at the hour of 7:45 p.m. o'clock, Pacific Daylight Time, in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property; and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

Lot Four (4), Block Thirteen (13), Bonne Home Addition, Deschutes County, Oregon, as shown on the official plat thereof on file with the Clerk of Deschutes County.

Section 3. That prior to the time of the aforesaid public hearing the owners of more than 2/3 of the property in the contiguous territory proposed to be annexed as aforesaid did consent in writing to the annexation and did file their consent with the legislative body of the City of Bend on or before the said hearing.

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

Read for the first time the 2nd day of June, 1965

Read for the second time the 16th day of June, 1965.

Placed upon its passage the 16th day of June, 1965.

YEAS: 5 NAYS: 0

July 16

ATTEST: Irene S. Johnson Recorder

Paul Reynolds Mayor

NS-681

ORDINANCE NO. NS-682

AN ORDINANCE AMENDING ORDINANCES NO. NS-635 and NS-636, BY ADDING TO EACH ORDINANCE A SCHEDULE OF MAXIMUM CHARGES WHICH MAY BE COLLECTED FROM COMMERCIAL AND INDUSTRIAL USERS OF THE FRANCHISE HOLDER'S REFUSE DUMP.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That part of Section 3 of Ordinances NS-635 and NS-636 relating to maximum rates that may be charged for use of the franchise holder's refuse dump is amended to read as follows:

For Refuse Dump:

There shall be no charge for the use of grantee's refuse dump by the citizens of the City of Bend except:

(a) A maximum charge of $2 may be imposed for each deposit of animal carcasses, poisonous materials and offal.

(b) Commercial and industrial users may be charged:
(1) $1 for each septic tank load of sewage and body waste.
(2) $1.50 for each truckload of wood waste.
(3) $ .75 for each pickup load of wood waste.
(4) $2.50 for each junk vehicle.

None of the above charges shall apply to the City of Bend.

Section 2. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall take effect upon its passage and approval.

Read for the first time this 2nd day of June, 1965.

Read for the second time this 16th day of June, 1965.

Placed upon its passage this 16th day of June, 1965.

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 16th day of June, 1965.

Mayor

ATTEST:

Recorder of the City of Bend

NS-682

ORDINANCE NO. NS-683

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. Under the provisionsof Ordinance No. NS-678 the City Commission of the City of Bend, the City Legislative Body, did elect to dispense with submitting the question of annexation of the following described real property to registered voters of the City of Bend and did fix the 7th day of July, 1965, at the hour of 7:45 p.m. o'clock in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

> Lots Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14), Block Fourteen (14); and Lots One (1) and Two (2), Block Twenty (20); all in Bonne Home Addition.

Section 3. That prior to the time of the aforesaid public hearing the owners of more than two-thirds of the property in the contiguous territory proposed to be annexed as aforesaid did consent in writing to the annexation and did file their consent with the Legislative Body of the City of Bend on or before the said hearing.

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

Read for the first time this 7th day of July, 1965.

Read for the second time this 21st day of July, 1965.

Placed upon its passage this 21st day of July, 1965.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 21st day of July, 1965.

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

Paul Reynolds
Mayor

NS-683

ORDINANCE NO. NS-693

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. Under the provisions of Ordinance No. NS-678 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to registered voters of the City of Bend and did fix the 7th day of July, 1965, at the hour of 7:45 p.m. o'clock in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

Lots Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14), Block Fourteen (14); and Lot One (1) and Two (2), Block Twenty (20); all in Bonne Ridge Addition.

Section 3. That prior to the time of the aforesaid public hearing the owners of more than two-thirds of the property in the contiguous territory proposed to be annexed as aforesaid did consent in writing to the annexation and did file their consent with the legislative body of the City of Bend on or before the said hearing.

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

Read for the first time this 7th day of July, 1965.

Read for the second time this 21st day of July, 1965.

Placed upon its passage this 21st day of July, 1965.

YEAS: NAYS:

Submitted to and approved by the Mayor this 21st day of July, 1965.

ATTEST:

Recorder of the City of Bend

Approved

No. 2792

STATE OF OREGON } ss.
County of Deschutes }

I hereby certify that the within instrument of writing was received for Record the 13th day of September A. D. 1965 at 1:57 o'clock P. M. and recorded in book 145 on pages 263 Record

Helen Mullens County Clerk
By R. Bateman Deputy

ORDINANCE NO. NS-684

AN ORDINANCE NAMING A PUBLIC WAY IN THE CITY OF BEND, OREGON.

WHEREAS the plat of First Addition to Meadowview Estates in the City of Bend, Oregon, contains a public way identified as Shepard Road, and

WHEREAS a portion of Shepard Road extends in a north-south direction and a portion extends in an east-west direction; and

WHEREAS, the City of Bend has been requested to rename the east-west portion of Shepard Road in order to prevent confusion in identifying properties on this street; and

WHEREAS the Bend City Planning Commission, having studied this request and having approved it, and

WHEREAS, a public hearing having been held by the City Commission on June 16, 1965, and no objections having been presented,

NOW, THEREFORE,

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That that portion of Shepard Road bounded on the north by Lot Nine (9), Block Four (4) and on the south by Lot One (1) Block Three (3) all in the First Addition to Meadowview Estates be renamed MEADOW LANE.

Read for the First time the 7th day of July, 1965.

Read for the second time the 21st day of July, 1965.

Placed upon its passage this 21st day of July, 1965.

YEAS: NAYS:

Submitted to and approved by the Mayor this 21st day of July, 1965

_____
Mayor

ATTEST:

_____
Recorder of the City of Bend

NS-684

ORDINANCE NO. NS-685

AN ORDINANCE VACATING A PORTION OF WEST THIRTEENTH STREET FROM THE SOUTH LINE OF COMMERCE AVENUE TO THE SOUTH BOUNDARY OF ENTERPRISE ACRES IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

A petition having been presented to the Bend City Commission on the 16th day of June, 1965, requesting that the following described property be vacated:

West Thirteenth Street from the South line of Commerce Avenue to the south boundary of Enterprise Acres

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

NOTICE OF PUBLIC HEARING ON VACATION OF PUBLIC PROPERTY:

Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend as the result of a petition having been filed by Jan Ward at a regular meeting of the Bend City Commission on June 16, 1965, for the following described property:

West 13th Street from the south line of Commerce Avenue to the south boundary of Enterprise Acres

The City of Bend Commission has fixed the 21st day of July, 1965, at the hour of 7:45 p.m., Pacific Daylight Time, in the Commission Chambers in the City Hall in the City of Bend, Oregon as the time and place the City Commission will receive and hear any and all objections to the said proceedings.

Julia S. Johnson
Recorder of the City of Bend

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

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

That the above-described real property be, and the same hereby is, vacated.

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

Read for the first time July 21, 1965.
Read for the second time August 4, 1965.
Placed upon its passage August 4, 1965.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 4th day of August, 1965.

Paul L. Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-685

R-98

ORDINANCE No. NS-686

AN ORDINANCE REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, CONVERSION, DEMOLITION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF BUILDINGS OR STRUCTURES IN THE CITY OF BEND; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR: DECLARING AND ESTABLISHING FIRE DISTRICTS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH: AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section1: The Uniform Building Code, 1964 Edition, as promulgated by International Conference of Building Officials, including Chapter 51 - Heat Producing Appliances - as it appears in the Appendix to said 1964 Edition is hereby adopted with the following modifications:

Section 303 is amended by adding a Subsection (c) to read as follows:

"(c) - The city, county, state, school district, or any church organization, duly organized as such, for the construction of any church, or the United States of America in the construction of any buildings shall be exempt from paying of any fee for any building permit; but, however, any such construction shall not be commenced before plans and specifications therefor shall have been filed with Recorder of the City of Bend, provided, however, that this shall not be construed to exempt any of the excepted classes from complying with all other provisions of this ordinance and the requirements enforced for construction of other buildings."

Section 303 is amended by adding a Subsection (d) to read as follows:

"(d) Building permit fees for structures identified as being "Fall-out Shelters" shall be $1.00 regardless of the dollar value of the work."

Section 204 is amended to provide for a Board of Appeals consisting of seven (7) members instead of five (5) members.

Section 2305(c) is amended by adding thereto the following sentence:

" Every roof shall support a minimum live load of thirty (30) pounds per square foot."

Section 2306(a) is amended by adding thereto the following sentence:

"Every footing shall be a minimum of twenty (20) inches deep or to undisturbed soil or solid rock, except that in unusual soil or water penetration situations the building official may require a greater footing depth."

Section 2: Ordinance Nos. NS-372, NS-437, NS-457, NS-463, NS-477, NS-501, NS-537, NS-547, NS-549 and NS-575 are hereby repealed.

NS-686

Section 3: The invalidity of any section or part of this Ordinance shall not invalidate any other section or part thereof.

Section 4: 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,

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 this ordinance shall become immediately operative.

Read for the first time the 21st day of July, 1965.

Read for the second time the 4th day of August, 1965.

Placed upon its passage the 4th day of August, 1965.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor on the 4th day of August, 1965.

Paul Bynum
Mayor

ATTEST:

Josie S. Johnson
Recorder of the City of Bend

NS-686

ORDINANCE NO. NS-687

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE OF THE CITY OF BEND CHANGING THE ZONING DISTRICT FOR CERTAIN AREAS BY AMENDING THE ZONING DISTRICT MAP; AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 4.1 of Ordinance No. NS-546 is amended by changing the Zoning District Map as follows:

Block Eight (8), Boulevard Addition is changed from R-3 Two-Family Dwelling District to C-3 Commercial District.

Lots One (1) to Ten (10), inclusive, Block Nine (9), Boulevard Addition are changed from R-3 Two-Family Dwelling District to C-3 Commercial District.

Lots Eleven (11) to Twenty (20), inclusive, Block Nine (9) Boulevard Addition are changed from R-2 One Family Dwelling District to C-3 Commercial District.

Lots One (1) to Seven (7) inclusive, Block Ten (10), Boulevard Addition are changed from C-1 Commercial District to C-3 Commercial District.

Lots Eight (8) to Fourteen (14), inclusive, Block Ten (10) Boulevard Addition are changed from R-2 One Family Dwelling District to C-3 Commercial District.

Blocks Five (5) and Six (6), Kenwood Addition are changed from R-4 Multiple Family Dwelling District to C-3 Commercial District.

Block Seven (7), Kenwood Addition is changed from C-1 Commercial District to C-3 Commercial District.

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,

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 this ordinance shall become immediately operative.

Read for the first time the 21st day of July, 1965.

Read for the second time the 9th day of August, 1965.

Placed upon its passage the 9th day of August, 1965.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 9th day of August, 1965.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-687

Contains Fire Zone 1 & 3
but no Zone 2. ? '64

ORDINANCE NO. NS-688

AN ORDINANCE CREATING AND ESTABLISHING FIRE ZONES AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The following described property is hereby designated FIRE ZONE ONE, as used in Section 1601 (a) of the Uniform Building Code, 1964 Edition:

Beginning at the northeast corner of the intersection of Georgia Avenue and Wall Street, being the southwest corner of Block 22, Deschutes Addition; thence north in Wall Street to the southeasterly corner of Block 22, in Park Addition; thence northwesterly along the south line of said Block 22 to an intersection with the center line of the alley; thence northeasterly in the center line of said alley to the southerly corner of Lot 1, Block 3, Bend Original; thence northwesterly to the northwesterly line of Bend Original; thence northeasterly along the northwesterly line of said Lot 1 and the northwesterly line of Block 2, Bend Original, to the center line of Newport Avenue; thence northwesterly to the easterly bank of the Power Company Dam and Deschutes River; thence following the easterly line of the pond and the easterly line of the Deschutes River to the center line of Portland Avenue; thence easterly in the center line of Portland Avenue to the center line of Hill Street; thence southerly in Hill Street to the intersection of the center line in Norton Avenue; thence easterly in said Norton Avenue to the west line of the Oregon Trunk Railroad; thence northerly along said right of way to the north line of Tract 21, Lytle Acre Tracts; thence easterly along the north line of Tract 21, 22 and 23 of said Lytle Acre Tracts to an intersection with the center line of the Pilot Butte Canal; thence southerly along the center line of said canal to an intersection with the center line of the alley running through Block 15, Center Addition projected westerly at or near the west line of Second Street; thence easterly in said alley through said Block 15, to the center line of Third Street; thence southerly in Third Street to an intersection with the center line of the alley in Block 19, Center Addition, projected westerly; thence easterly in said alley of said Block 19 to a point north of the northeast corner of Lot 15, said Block 19; thence southerly to the southeast corner of Lot 15, Block 20, Center Addition, being on the north line of Irving Avenue; thence westerly along the north line of said Irving Avenue to an intersection with the center line of the Pilot Butte Canal; thence following the center line of said Pilot Butte Canal southerly to an intersection with the west line of the Oregon Trunk Railroad; thence northerly along the said west line of the right of way to the east line of Division Street to an intersection with the east line of Division Street and the north line of Park Place; thence following the east line of said Division Street to an intersection with the center line of Block 26, Bend Original, projected easterly; thence west in the alley through Block 26 and 21 of Bend Original to the center line of Harriman Street; thence southerly in the center line of Harriman Street to the north line of Hawthorne Avenue projected westerly; thence southwesterly following the center line of Lava Road to a point in the center line of Kansas Avenue near the northeasterly corner of Block 26, Park Addition; thence south to a point in said Lava Road just east of the southeast corner of Block 24, Deschutes, and being on the north line of Georgia Avenue projected east; thence west along the north line of Georgia Avenue to the place of beginning.

NS-688

Also an area on the west side of the River at Galveston and Columbia described as:

Beginning at the southwest corner of Lot 18, Block 6, Highland Addition, said point being on the east line of the alley in said Block 6; thence north along the east line of said alley to an intersection with the center line of Hartford Avenue; thence in the center line of Hartford Avenue east to an intersection with the center line of the alley in Block 28, Boulevard Addition projected north; thence south in the center line of the alley to the center line of Galveston Avenue; thence in the center line of Galveston Avenue east to an intersection of the center line of Harmon Blvd.; thence in the center line of said Harmon Boulevard southwesterly to an intersection with the south line of Lot 3 projected east; thence west to the place of beginning, and

Beginning on East Clay Avenue at the Alley between East Third and East Fourth Streets, extending thence westerly to East Third Street; thence northwesterly along the southwesterly boundary of Block 1, Keystone Terrace Addition to East Emerson Avenue, thence westerly along Emerson Avenue to the Pilot Butte Canal; thence northerly along the Pilot Butte Canal to a point midway between East Franklin Avenue and East Greeley Avenue; thence east to East Third Street; thence south along East Third Street to Franklin Avenue; thence east along Franklin Avenue a distance of 180.0 feet; thence due south to the point of beginning.

Also the following described area:

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 Block 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.

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

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,

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 this ordinance shall become immediately operative.

Read for the first time the 21st day of July, 1965.

Read for the second time the 4th day of August, 1965.

Placed upon its passage the 4th day of August, 1965.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 4th day of August, 1965.

Mayor

ATTEST:

Recorder

NS-688

ORDINANCE NO. NS-689

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 DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> Beginning at a point on the east side of Twelfth Street in the City of Bend, Oregon; the said point being S. 89°37'31" E. 36.60 feet from the center of the SE¼ of Section 28, Township 17 South, Range 12, E.W.M., and running thence south 373.41 feet; thence east 280.00 feet to the east side of Thirteenth Street; thence due south 250.0 feet to a point 20.00 feet north of the northwest corner of Lot 1 of Block 2 of Selken Addition; thence N. 41° 00' east 33.94 feet; thence on a 60° curve to the right, the delta of which is 49° 00' for 81.67 feet; the long chord bears N. 65° 30' E. 82.94 feet; thence east 182.27 feet to the east line of Fourteenth Street; thence north 440.0 feet along the east line of Fourteenth Street to the north line of Seward Avenue; thence due west 60.0 feet along the north line of Seward Avenue; thence due north 120.14 feet to the north line of the SE¼,SE¼, Section 28; thence N. 89° 37' 31" W. 500.00 feet to the point of beginning.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 20th day of October, 1965, at the hour of 7:45 o'clock P.M., in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

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 effective upon the passage hereof,

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

Read for the first time this 1st day of September, 1965.

Read for the second time this 15th day of September, 1965

Placed upon its passage this 15th day of September, 1965.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 15th day of September, 1965.

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

Paul E. Reynolds
Mayor

NS-689

ORDINANCE NO. NS-690

AN ORDINANCE AMENDING ORDINANCE NS-546, THE ZONING ORDINANCE OF THE CITY OF BEND, OREGON, BY PERMITTING THE STORAGE OF VOLATILE MATERIAL STORED IN PORTABLE CONTAINERS IN THE "M-1" LIGHT INDUSTRIAL DISTRICT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1: Paragraph 28 of Section 14.2 of Ordinance NS-546 is amended to read as follows:

"Warehouses, cold storage, frozen food storage, wholesale business, transfer company, grain elevator or commissary business but excluding the storage of volatile material not stored in portable containers, and explosives."

Read for the first time the 1st day of September, 1965

Read for the second time the 15th day of September, 1965

Placed upon its passage the 15th day of September, 1965

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 15th day of September, 1965

Paul Reynolds
Mayor

ATTEST:

Julie S. Johnson
Recorder

NS-690

ORDINANCE NO. NS-691

Amended by NS-1077 NS-1011

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The following sections of Oregon Revised Statutes now in effect are hereby adopted as if set out herein:

ORS 227.030 Membership and compensation of commission

ORS 227.040 Terms of office; vacancies

ORS 227.050 Election of president and vice president

ORS 227.060 Election and duties of secretary; annual report

ORS 227.070 Meetings, rules, office of commission

ORS 227.080 Employes and expenses

ORS 227.090 Powers and duties of commission

ORS 227.120 Procedure and approval for renaming streets

ORS 227.140 Recommendations and reports on location of buildings

ORS 227.150 Acceptance of gifts and federal funds

Section 2. Ordinance No. NS-204 is repealed.

Read for the first time the 15th day of September, 1965.

Read for the second time the 6th day of October, 1965.

Placed upon its passage the 6th day of October, 1965.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 6th day of October, 1965.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder

NS-691

ORDINANCE NO. NS-692

AN ORDINANCE AMENDING ORDINANCE NO. NS-433 RELATING TO PROCEDURE AT CITY COMMISSION MEETINGS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1: Section 2 of Ordinance No. NS-433 is repealed.

Section 2: Section 8 of Ordinance No. NS-433 is amended to read:

Section 8: Order of Business.

"All meetings of the Commission shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the Commission, the City Recorder and City Manager shall take their regular stations in the Commission Room, and the business of the Commission shall be taken up for consideration and disposition in the following order:

1. Roll call
2. Consideration of minutes of previous meeting
3. Visitors' propositions
4. Communications
5. Petitions
6. Unfinished business
7. New business
8. Resolutions
9. Reading of Ordinances - First time
10. Reading of Ordinances - Second time
11. Bills against the City
12. Officers' reports
13. Manager's report
14. Good of the City

Read for the first time the 15th day of September, 1965.

Read for the second time the 6th day of October, 1965.

Placed upon its passage the 6th day of October, 1965.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 6th day of October, 1965.

Paul Reynolds
Mayor

ATTEST:

Julie S. Johnson
Recorder

Repealed by ORD. NO. NS-1399

NS-692

ORDINANCE NO. NS-693

AN ORDINANCE REPEALING ORDINANCE NO. NS-354, RELATING TO SICK LEAVE FOR CITY EMPLOYEES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-354 is repealed.

Read for the first time the 15th day of September, 1965.

Read for the second time the 6th day of October, 1965.

Placed upon its passage the 6th day of October, 1965.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 6th day of October, 1965.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder

NS-693

ORDINANCE NO. NS-694

AN ORDINANCE PROVIDING FOR CIVIL DEFENSE IN THE CITY OF BEND AND REPEALING ORDINANCE NO. NS-380.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The Mayor is hereby authorized to appoint, subject to approval by the Commission, a Director of Civil Defense, who shall have direct responsibility for the organization, administration and operation of Civil Defense activities for the City of Bend.

Section 2. Ordinance No. NS-380 (relating to Civil Defense activities in the City of Bend) is repealed.

Read for the first time the 15th day of September, 1965.

Read for the second time the 6th day of October, 1965.

Placed upon its passage the 6th day of October, 1965.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 6th day of October, 1965.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder

Repealed by ORD. NO. NS-1399

NS-694

ORDINANCE NO. NS-695

AN ORDINANCE PROVIDING FOR SALE OF REAL PROPERTY BY THE CITY OF BEND AND REPEALING PRIOR ORDINANCES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Any person, firm or corporation desiring to purchase real property from the City of Bend shall make application to the City Recorder-Treasurer. The City Commission shall either appraise the real property or have it appraised thereby establishing minimum sale price. Such appraisal may be used by the City Recorder-Treasurer as a minimum sale price for a period of three months unless reappraisal is made or directed by the City Commission.

Section 2. The person, firm or corporation making application to purchase City property shall deposit with the recorder-treasurer an amount sufficient to pay for publication in a newspaper of general circulation within the City of Bend at least twice a notice containing the legal description of the property, the minimum sale price as determined by the City Commission, and announcement that such property will be offered for sale at public sale to be held in the City Commission room at the City Hall on a particular date and at a particular time and reciting that the City of Bend may reject any or all bids for the property.

Section 3. The City of Bend may reject any or all bids made for purchase of city property.

Section 4. The City Commission may attach such conditions or restrictions regarding terms of payment or use of land as in its discretion it feels necessary in the public interest.

Section 5. The City Manager is authorized to execute contracts for the sale of property on behalf of the City of Bend.

Section 6. Ordinances No. NS-346, NS-404, NS-476, NS-530, NS-589 and NS-561 are repealed.

Read for the first time the 15th day of September, 1965.

Read for the second time the 6th day of October, 1965.

Placed upon its passage the 6th day of October, 1965.
YEAS: 7 NAYS: 0
Submitted to and approved by the Mayor the 6th day of October, 1965.

amended by NS 903

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder

Repealed by ORD. NO. NS-1399

NS-695

ORDINANCE NO. NS-696

AN ORDINANCE AMENDING ORDINANCE NO. NS-258,THE ORDINANCE PROVIDING A SYSTEM OF CIVIL SERVICE FOR PAID FIRE-FIGHTERS BY REPEALING SECTION 6 THEREOF AND AMENDING SECTION 15.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 6 of Ordinance No. NS-258 is repealed.

Section 2. Section 15 of Ordinance No. NS-258 is amended to read:

"(1) The Commission shall certify in writing to the payroll officer of the City of Bend:

(a) The name of each person appointed or employed subject to this ordinance, stating each case, the title or character of the position held by such person, the salary or compensation assigned, and the date of the beginning of the person's service.

(b) Every change occurring in any position held by any person whose employment is subject to this ordinance.

(2) Certification shall be made by the Commission annually.

(3) The Commission shall notify the payroll officer of the City of Bend of the names of any persons employed in violation of ORS 242.702 to 242.824 or the regulations established under ORS 242.702 to 242.824."

Read for the first time the 15th day of September, 1965.

Read for the second time the 6th day of October, 1965.

Placed upon its passage the 6th day of October, 1965.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 6th day of October, 1965.

Paul Reynolds
Mayor

ATTEST:

Juris S. Johnson
Recorder

Repealed by ORD. NO. NS 1399

NS-696

ORDINANCE NO. NS-697

AN ORDINANCE REPEALING ORDINANCE NO. NS-130 RELATING TO HEALTH CERTIFICATES FOR THOSE PERSONS EMPLOYED TO HANDLE FOOD OR DRINK FOR HUMAN CONSUMPTION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-130 is repealed.

Read for the first time the 20th day of October, 1965.

Read for the second time the 3rd day of November, 1965.

Placed upon its passage the 3rd day of November, 1965.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 3rd day of November, 1965.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder

NS-697

ORDINANCE NO. NS-698

AN ORDINANCE REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, CONVERSION, DEMOLITION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF BUILDINGS OR STRUCTURES IN THE CITY OF BEND; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; DECLARING AND ESTABLISHING FIRE DISTRICTS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF: AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1: The Uniform Building Code, 1964 Edition, as promulgated by International Conference of Building Officials, including Chapter 51 - Heat Producing Appliances - as it appears in the Appendix to said 1964 Edition is hereby adopted with the following modifications:

Section 301(b)(2) shall read:

"Describe the land on which the proposed work is to be done, by lot and block, as it appears on a plat recorded with the County Clerk of Deschutes County, and house and street address. If the proposed work is not part of a plan for present or projected resale or subdivision by the owner, or if the land is part of a tract which already has been substantially developed, then the land may be described by description that will readily identify and definitely locate the proposed building or work.

Section 303 is amended by adding a subsection (c) to read:

"(c) - The city, county, state, school district, or any church organization, duly organized as such, for the construction of any church, or the United States of America in the construction of any buildings shall be exempt from paying of any fee for any building permit; but, however, any such construction shall not be commenced before plans and specifications therefor shall have been filed with Recorder of the City of Bend, provided, however, that this shall not be construed to exempt any of the excepted classes from complying with all other provisions of this ordinance and the requirements enforced for construction of other buildings."

Section 303 is amended by adding a subsection (d) to read:

"(d) - Building permit fees for structures identified as being "Fall-out Shelters' shall be $1.00, regardless of the dollar value of the work."

Section 204 is amended to provide for a Board of Appeals consisting of seven (7) members instead of five (5) members.

Section 2305(c) is amended by adding thereto the following sentence:

"Every roof shall support a minimum live load of thirty (30) pounds per square foot."

Section 2806(a) is amended by adding thereto the following sentence:

"Every footing shall be a minimum of twenty (20) inches deep or to undisturbed soil or solid rock, except that in unusual soil or water penetration situations the building official may require a greater footing depth."

Section 2: Ordinances No. NS-372, NS-437, NS-457, NS-463, NS-477, NS-501, NS-537, NS-547, NS-549, NS-575, NS-606 and NS-686 are hereby repealed.

Section 3: The invalidity of any section or part of this Ordinance shall not invalidate any other section or part thereof.

Read for the first time the 20th day of October, 1965.

Read for the second time the 3rd day of November, 1965.

Placed upon its passage the 3rd day of November, 1965.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 3rd day of November, 1965.

Paul Reynolds
Mayor

ATTEST:

Julia D. Johnson
Recorder

ORDINANCE NO. NS- 699

AN ORDINANCE REPEALING ORDINANCE No. NS-279 WHICH REGULATED THE CONSTRUCTION OF AWNINGS WITHIN THE CITY OF BEND.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-279 is repealed.

Read for the first time the 20th day of October, 1965.

Read for the second time the 3rd day of November, 1965.

Placed upon its passage the 3rd day of November, 1965.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 3rd day of November, 1965.

Paul Reynolds
Mayor

ATTEST:

Julie S. Johnson
Recorder

NS-699

ORDINANCE NO. NS- 700

AN ORDINANCE REPEALING ORDINANCE NO. NS-423 WHICH REGULATED TV ANTENNAS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-423 is repealed.

Read for the first time the 20th day of October, 1965.

Read for the second time the 3rd day of November, 1965.

Placed upon its passage the 3rd day of November, 1965.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 3rd day of November, 1965.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder

NS-700

ORDINANCE NO. NS- 701

AN ORDINANCE REGULATING THE MOVING OF BUILDINGS AND REPEALING PRIOR ORDINANCE.

NS-701 repealed by NS-1495 passed 9-15-87 amended by NS-1329 NS-1327

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

amended by: NS-1049 NS-1096

Section 1. In addition to the requirements of the Uniform Building Code in effect in the City of Bend regarding the moving of buildings, every person, firm or corporation desiring to move a building shall:

(1) Notify public utility companies controlling or maintaining electric power, telephone, telegraph or other overhead wires in the city at least one week before the moving date, indicating the applicant's intention to move a building or part thereof, the proposed route and the date of moving.

(2) At the time of applying for a permit, the applicant shall submit to the Building Official a letter or other written notification from the public utility companies stating the time they were notified of the proposed moving of the building.

(3) The permittee shall:

(a) Conform to all requirements which are now or may be hereafter established by the City Commission; and

(b) Promptly repair and make good to the satisfaction of the City of Bend any damage to pavement, sidewalks, crosswalks, hydrants, sewers, water lines, streets, alleys or other public or private property done or caused by the applicant, his employees or agents in moving a building or part of a building.

(c) The applicant shall also file with the City Recorder-Treasurer a certificate of insurance certifying applicant as the named insured under a comprehensive public liability policy of insurance with a reputable insurer, containing an endorsement for completed operations and products liability, with minimum policy limits of $50,000 and $100,000 for bodily injury, and $25,000 for property damage.

Section 2. Issuance of Permit.

(1) Before issuing a permit the Building Official shall confer with public utility companies in an effort to establish a route, a plan for moving, and a date which are satisfactory to the utility companies.

(2) A permit issued under this ordinance shall specifically describe the route to be taken in moving the building, the approximate length of time which may be consumed in the moving process; and the day on which the moving shall start. The building or part of a building moved shall not be moved on a route other than that specified in the permit. Applicant shall arrange at least 24 hours in advance with the Police Department for a police escort.

(3) If the applicant has complied with all of the requirements of applicable ordinances, the Building Official shall issue a permit to move the building, or shall refer the matter to the City Commission and its decision thereafter shall be final.

(4) If a permit is refused, the City Commission shall provide for a hearing at which the applicant may present information or relevant considerations to the City Commission.

Section 3. Pneumatic Equipment. A person, firm, or corporation moving a building or part of a building over or across a street, alley, or other public property shall support the building being moved on equipment with pneumatic tires. The inflated pneumatic tires shall be of sufficient size to reasonably carry the load being moved without damage to the surface on which the load is moved.

Section 4. Limits of Permit. The issuance of a permit does not authorize the permittee in moving a building to break, injure, damage, or move public utility facilities, trees, or other public or private property without permission from the owner of such property.

Section 5. Penalty. Any person violating any of the provisions of this ordinance, upon conviction thereof, shall be punished by a fine not to exceed $200.00, or by imprisonment in the city jail for a period not to exceed 60 days, or by both.

Section 6. Repealer. Ordinance No. NS-454 is repealed.

Read for the first time this 20th day of October, 1965.

Read for the second time this 3rd day of November, 1965.

Placed upon its passage this 3rd day of November, 1965.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 3rd day of November, 1965.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder

NS-701

ORDINANCE NO. NS- 702

AN ORDINANCE REGULATING THE INSTALLATION, ALTERATION, REPAIR AND MAINTENANCE OF PLUMBING AND DRAINAGE SYSTEMS IN THE CITY OF BEND; PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND REPEALING PRIOR ORDINANCE.

NS-702 repealed by NS-1495, passed 7-15-89.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. TITLE. This ordinance shall be known as the Plumbing Code of the City of Bend.

Section 2. CODE TO CONTROL. No part of any plumbing or drainage system shall be installed, constructed, altered, or repaired in any building or on any premises in the City of Bend except it be in conformity with the provisions of this code, and every such system shall be maintained in a sanitary condition.

Section 3. PERMIT REQUIRED. No person shall work upon the installation, construction, alteration, or repair of any plumbing or drainage system in any building or on any premises, unless a permit therefor be first obtained from the Building Official of the City of Bend. In the meaning of this section, the word "repair" shall not apply to ordinary repairs to water pipes, faucets, hot water tanks, and water backs, or to the removal of obstructions in fixtures or piping which are generally known and considered as maintenance work. It is intended that replacements of fixtures when no new fixtures are put into the system shall not be considered as repair.

Section 4. PLUMBING IN BUILDING MOVED OR ALTERED. Every building which is moved or materially altered shall have its plumbing and drainage system changed to conform to the requirements of this code. It is intended that this provision shall apply only to work not in a sanitary condition. New work done in connection with the existing system shall conform to the code and pass the test prescribed in section 12 hereof. If black iron piping in good condition, located in a partition and running directly to the waste pipe, exists as a vent pipe in a building about to have its plumbing altered, such piping may remain; provided, there be no horizontal run in the pipe.

Section 5. APPLICATION FOR PERMIT. Application for permit shall be made to the Building Official upon a form furnished by him. The name of the plumber or the persons proposing to engage in cesspool or septic tank construction, and who shall actually perform the work, shall be given in the application.

Section 6. INFORMATION REQUIRED FOR PERMIT. Either in his application or in his filed plans and specifications the applicant shall furnish precise information as to the number, kind, and location of fixtures, drain pipes, vents, branches, cesspools, septic tanks, and other features of construction, so that the extent and character of the work may be definitely known.

Section 7. FEES FOR PERMITS. Before a permit shall issue, fees in the amounts herein fixed shall be paid by the applicant to the City Recorder-Treasurer:

For each fixture opening ready to receive a fixture, whether installed or not	$1.00
For the construction of each cesspool or septic tank	$1.00
Minimum charge for any permit	$2.00

If alterations to the plumbing of any existing building be proposed, the permit fee shall be based upon the number of fixtures affected or replaced. No fee shall be exacted as a condition of performing maintenance work.

If any work on the construction, alteration, or repair of a plumbing system be commenced without a permit first having been issued therefor as herein required, double the fees fixed by this section shall be exacted when a permit is finally issued for doing the work, which payment shall in no way relieve the said person from the payment of the penalties imposed for the violation of this code.

Section 8. LIFE OF PERMIT LIMITED. If work under a permit be not commenced for six months after its issuance, or if, after partial completion, the work be discontinued for a period of one year, the permit shall thereupon become void, and no work shall be done in the involved premises until a new permit is issued therefor.

Section 9. CARD TO BE POSTED. After issuance of the permit, the City Building Official shall deliver to the applicant a card setting forth the number of the permit, the name of the applicant, and the location, extent, and character of the work authorized under the permit. Said card shall be kept posted in a conspicuous place at the site of the work and shall not be removed until all the work under the permit has been completed.

Section 10. BUILDING OFFICIAL SHALL HAVE RIGHT OF ENTRY. Within reasonable hours, the Building Official and his duly appointed deputy shall have the right of entry to any building or premises for the purpose of inspecting the condition of its plumbing or drainage system, upon exhibiting evidence of his authority. Refusal to permit, or interference with, such inspection shall be a violation of this code.

Section 11. ENFORCEMENT OF THIS CODE. The Building Official shall enforce the provisions of this code.

Section 12. ROUGHED-IN WORK TO BE TESTED. When the roughed-in work in any building has been completed, all openings below the roof shall be plugged and the system tested. If the building has a height of not more than three stories, the pipes shall be filled with water to the roof line and tested as a whole; but if the building is of greater height than three stories, the system may be tested in sections. If unfavorable weather, insufficient water supply, or other valid reason make the water test impractical, the roughed-in work shall be tested under an air pressure of not less than ten pounds per square inch. All plugs used in the system shall remain tight throughout the test. The use of unturned wooded plugs in such test is expressly forbidden. The test shall be applied to all soil, waste, and vent pipes, brass ferrules, and solder nipples, and to all house drains, for a distance of at least five feet beyond the walls of the building.

Section 13. INSPECTION OF ROUGHED-IN WORK. When the roughed-in work has been tested to satisfaction, written notice shall be sent to the Building Official stating that the work is ready for official inspection and the system shall be again tested to the satisfaction of the Building Official. No work shall be regarded as ready for official inspection until all pipes shall have been fastened in place.

Section 14. PLUMBING NOT TO BE COVERED. It shall be unlawful for any person to conceal any part of the plumbing system of any building or premises until such system has been inspected and passed.

Section 15. CERTIFICATE OF ROUGHED-IN WORK. If the roughed-in work is found to conform to this code, a notice of approval shall be posted on the premises by the Building Official.

Section 16. REVOCATION OF PERMIT. If upon inspection it be found that the workmanship or materials employed do not in all respects conform to the statements given in the application or in the plans and specifications, or do not comply with the provisions of this code, the Building Official shall in writing notify the permittee that all additional work under the permit shall be suspended until permission to deviate from the specific terms of the permit is obtained, or until the work already installed is made to comply fully with the terms of the permit.

If the permittee fails to comply with such notice immediately upon its service, the Building Official shall forthwith cancel the permit, informing the permittee in writing of the action and post at the site of the work a notice announcing such revocation. Thereafter it shall be unlawful for any person to perform any plumbing work upon such premises without first securing a new permit.

Section 17. CERTIFICATES OF FINAL INSPECTION. Upon completion of the work covered by the permit, notice thereof shall be sent to the Building Official. No plumbing system shall be placed in service until final approval by the Building Official.

NS-702

Section 18. APPEALS. Appeals from decisions of the Building Official shall be to the Board of Appeals as provided in the Uniform Building Code.

Section 19. STATE BOARD OF HEALTH ADMINISTRATIVE RULES ADOPTED. The following sections of the Plumbing Code as Applied to Installations, Materials and Equipment Relating to Plumbing Generally compiled in Chapter 333 Oregon Administrative Rules Compilation and adopted by the Board of Health December 5, 1962, are hereby adopted: Sections 44-002 to 44-490 inclusive excepting Section 44-022 (1). The City of Bend Building Official shall perform the functions and exercise the authority of the "Plumbing Inspector" referred to in said sections. The regulations contained in Oregon State Board of Health Memorandum dated August 15, 1963 and relating to Copper Tube for Soil, Waste and Vent Pipe and Three-inch Pipe for Soil Pipe and Stacks are also adopted.

Section 20. Ordinance No. NS-280 is repealed.

Section 21. PENALTIES. Any person who violates, disobeys, omits, neglects, or refuses to comply with, or resists or opposes the execution of, any of the provisions of this code, or who maintains in service any plumbing or drainage installed, constructed, altered, or repaired in violation of this code, shall be punished by a fine not to exceed $500, or by imprisonment for a period not to exceed 6 months, or by both such fine and imprisonment. For each day that such violation, disobedience, neglect, or refusal continues, every such person shall be deemed guilty of a separate offense, and every part of such plubming or drainage system as may exist in violation of this code shall be considered as condemned and shall be torn out at the expense of the person guilty of the violation.

Read for the first time the 20th day of October, 1965.

Read for the second time the 3rd day of November, 1965.

Placed upon its passage the 3rd day of November, 1965.

Yeas: 6 Nays: 0

Submitted to and approved by the Mayor this 3rd day of November, 1965.

Paul Reynolds
Mayor

ATTEST:

Jacie S. Johnson
Recorder

NS-702

ORDINANCE NO. NS-703

AN ORDINANCE FOR TRAFFIC CONTROL AMENDING PROVISIONS OF ORDINANCE NO. NS-469 BY ENACTING PROVISIONS OF THE STATE OF OREGON MOTOR VEHICLE LAWS AND REPEALING NS-495

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance NS-469 is amended to read:

"Section 1. (a) The following enumerated sections of the State of Oregon Motor Vehicle Laws, as amended by Oregon Laws 1965, are hereby adopted by reference the same as if fully set out herein:

ORS 481.015. "County highway," "dealer", "department" and "farm tractor" defined.

ORS 481.020. "Highway" defined.

ORS 481.030. "Motor bus" defined.

ORS 481.040. "Motor vehicle", "nonresident", "operator", "owner" and "pneumatic tire" defined.

ORS 481.050. "State", "state highway" and "taxicab" defined.

ORS 481.055 "Tractor trailer" defined.

ORS 481.060. "Trailer" defined.

ORS 481.070. "Used vehicle" and "vehicle" defined; weights and measures.

ORS 481.075 Purposes and application of chapter; exclusions.

ORS 481.080. Applicability of chapter to foreign consuls.

ORS 481.155 Nonresidents' privileges; registration of foreign vehicles operated for profit; reciprocity.

ORS 481.230 (4). Fastening of Registration card to vehicle.

ORS 481.255. Display of license plates required.

ORS 481.260 Issuance and display of temporary permits.

ORS 481.370 Conduct of wrecking business.

ORS 482.010. "Canceled", "chauffeur", "department," "farm tractor: "highway," "motor vehicle" and "license" defined.

ORS 482.020. "Nonresident," "operator," "owner" and "renewal" defined.

ORS 482.030. "Revocation," "school bus," "suspension" and "vehicle" defined.

ORS 482.040 License required to operate motor vehicle; surrender of prior valid licenses.

ORS 482.050. Nonresident's use of home state license.

ORS 482.060. Exemptions from license.

ORS 482.300 (2) Licensee required to possess license.

ORS 482.610. Misuse of license; fraud in securing license.

NS-703

ORS 482.620. Causing or permitting illegal driving.

ORS 482.630. Minors prohibited from driving school and passenger busses.

ORS 482.640. Employment of unlicensed chauffeur.

ORS 482.650. Driving while license revoked or suspended.

ORS 483.002. "Authorized emergency vehicle,""axle," "business district" and"bus trailer" defined.

ORS 483.004. "Chauffeur" defined.

ORS 483.006. "Combination of vehicles," "combined weight," "commission" and "crosswalk" defined.

ORS 483.008. "Department," "driver" or "operator," "farm tractor" and "gross weight" defined.

ORS 483.010. "Group of axles," "highway," "road" and "street" defined.

ORS 483.012. "Implement of husbandry," "intersection," "local authorities" and "metal tires" defined.

ORS 483.014. "Motor bus, " "motorcycle," "motor truck" and "motor vehicle" defined.

ORS 483.016. "Official traffic signs and signals" and "owner" defined.

ORS 483.018. "Pneumatic tire," "pole or pipe dolly or pole trailer," "pole trailer," and "private road or driveway" defined.

ORS 483.020. "Residence district," "right of way," "road tractor," "roadway" and "safety zone" defined.

ORS 483.022. "School bus" and "semitrailer" defined.

ORS 483.024. "Sidewalk," "sled," "solid rubber tire," "solid tire," "solid-tired vehicle," "streetcar" and "tandem axles" defined.

ORS 483.026. "Tire," "tire width" and total tire width" defined.

ORS 483.028. "Traffic," "traffic control signal" and"trailer" defined.

ORS 483.030 "Tread," "trolly bus," "truck tractor" and "vehicle" defined.

ORS 483.032. Applicability of chapter to government vehicles and persons, vehicles working on a street or highway, and farm vehicles.

ORS 483.034. Application of chapter to bicyclists and to persons riding, driving or leading animal.

ORS 483.038. Effect of chapter on permissive use of private roadway.

ORS 483.046. Permitting vehicle to be unlawfully operated.

ORS 483.048. Duty to obey traffic officers; uniform or badge required.

ORS 483.050. Unlawful to drive defectively or unlawfully equipped vehicle.

ORS 483.102. Basic speed rule.

NS-703

ORS 483.104. Maximum speeds, exceeding which is prima facie evidence of violation.

ORS 483.112. Designation of speed in complaint; speed trap evidence not admissible; use of radar; arrest without warrant in radar cases.

ORS 483.114. Minimum speed regulation.

ORS 483.116. Speed of motor trucks and busses and of vehicles equipped with solid or metal tires.

ORS 483.118. Speed on public bridge, causeway or viaduct.

ORS 483.120. Application of speed regulations and traffic signs and signals to emergency vehicles; warning devices.

ORS 483.121. Record required when ambulance used; preservation.

ORS 483.122. Speed races prohibited on public ways; publishing or advertising results.

ORS 483.126. Signals for starting, stopping or turning on highway.

ORS 483.128 Duty to obey traffic signs and signals.

ORS 483.130. Effect of "Go," "Caution" and "Stop" signals.

ORS 483.132. Turning vehicles at intersections when signal is "Go" or "Stop".

ORS 483.134. Effect of "Walk" and "Wait" or "Don't Walk" signals.

ORS 483.136. Effect of flashing signals.

ORS 483.138. Certain signs prohibited along highways.

ORS 483.140. Damaging or removing sign or signal.

ORS 483.202. Right of way at intersections.

ORS 483.204. Stop signs or markers at entrances to main or through highways or at intersections.

ORS 483.206. Vehicles entering highway from private road.

ORS 483.208. Stopping to permit emergency vehicle to pass.

ORS 483.210. Rights of pedestrian when no traffic signals.

ORS 483.212. Pedestrian's rights when there are traffic officers.

ORS 483.214. Rights of blind pedestrian with white cane or dog guide; use of white canes restricted.

ORS. 483.216. Crossing on right half of crosswalk.

ORS 483.218. Standing in roadway to solicit ride.

ORS 483.222. Stopping before driving onto sidewalk from alley, driveway or building.

ORS.483.224. Stopping at railroad crossings upon signal of approach of train.

ORS 483.226. Stop signs at dangerous railroad crossings.

ORS 483.228 Busses, and trucks carrying inflammables or explosives, required to stop at railroad crossings.

ORS 483.230. Moving heavy equipment over railroad tracks.

ORS 483.302. Duty to drive on right half of the highway.

ORS 483.304. Normal position of vehicles when highway divided into lanes.

ORS 483.306. Passing vehicles proceeding in opposite direction.

ORS 483.308. When passing is permitted.

ORS 483.310. Method of passing.

ORS 483.312. Proper distance when following other vehicles.

ORS.483.314. Passing horses or other animals.

ORS 483.316. Turns at intersections.

ORS 483.318. U-turns prohibited.

ORS 483.326. Stopping for streetcars and busses.

ORS 483.328. Driving or crossing in front of streetcars.

ORS 483.330. Following fire apparatus or parking in vicinity of fire.

ORS 483.332. Driving vehicle or streetcar over fire hose.

ORS 483.334. Driving through or over safety zones.

ORS 483.336. Coasting upon down grade.

ORS 483.402. When lights are required to be on; application of visibility and height provisions.

ORS 483.403. Driving with parking lights lighted prohibited when head lights required.

ORS 483.404. Head lights required; lighting equipment on bicycles.

ORS 483.406. Tail lights required.

ORS. 483.408. Rear reflectors required.

ORS 483.410. Reflectors, clearance and marker lamps, and stop lights on various vehicles.

ORS 483.412. Color of lamps and reflectors; when certain lamps need not be lighted.

ORS 483.414. Mounting reflectors and clearance lamps.

ORS 483.416. Visibility of reflectors, clearance and marker lamps, and stop lights.

ORS 483.418. Lighting required for a combination of vehicles.

ORS 483.420. Lights required on parked vehicles.

ORS 483.422. Lights required on miscellaneous vehicles.

ORS 483.423. Warning lights.

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ORS 483.424. Intensity and distribution requirements for head lamps.

ORS 483.426. Light indicator visible to driver.

ORS 483.428. Distribution and intensity of head lights when on road and when meeting vehicle.

ORS 483.430. Requirements when single distribution used.

ORS 483.432. Limitations on lights at front of vehicles or equipment.

ORS 483.434. Spot, auxiliary driving, stop, signal, fender, running board and back-up lamps permitted.

ORS 483.436. Approval of lamps by Department of Motor Vehicles.

ORS 483.444. Brakes required.

ORS 483.445. Specifications for hydraulic brake fluid.

ORS 483.446. Horns and other sound equipment.

ORS 483.448. Mufflers; unnecessary noise prohibited.

ORS 483.450. Rearview mirror.

ORS 483.452. Obstruction of windows prohibited; windshield wiper required.

ORS 483.458. Fenders or covers on motor vehicles.

ORS.483.460. Construction of vehicle fenders.

ORS 483.470. Limitations on use of television viewers in motor vehicles.

ORS 483.472. Binders on log loads.

ORS 483.474. Minimum clearance from roadway for passenger motor vehicles.

ORS 483.502. Application of size and weight provisions; violators liable for damages.

ORS 483.504. Restrictions on width, height and length of vehicles.

ORS 483.506. Maximum axle, wheel and gross weights for vehicles.

ORS 483.508. Restrictions on number of vehicles in a combination; coupling devices.

ORS 483.510. Sifting or leaking loads.

ORS 483.512. Sleds prohibited except with permit.

ORS 483.514. Dragging object on highway prohibited.

ORS 483.516. Pneumatic tires, when required.

ORS 483.518. Metal objects on tires prohibited.

ORS 483.522. General provisions of permits; cancellation.

ORS 483.530. Carrying permit in vehicle.

ORS 483.532. Public bodies authorized to restrict use of highways.

ORS 483.544. Truck route designation to be by order, resolution or ordinance; erecting appropriate signs; when prohibitions are effective; violation prohibited.

ORS 483.602. Duties of drivers and witnesses at accidents.

ORS 483.604. Driver's duties when he collides with unattended vehicle or other property.

ORS 483.606. Accident reports required.

ORS 483.608. Form of report; sending death certificate to Department of Motor Vehicles.

ORS 483.610. Confidential nature of report; publication of statistics; city authorized to require accident report.

ORS 483.612. Report of vehicles brought to garage or repair shop showing accident or bullet contact.

ORS 483.614. Driver's duty to help animals.

ORS 483.620. When automobile association membership card is acceptable as bail.

ORS 483.628. Driver or chauffeur may be exonerated from overloading violation if in good faith.

ORS 483.630. Use of sobriety tests.

ORS 485.010. Definitions for ORS 485.010 to 485.050.

ORS 485.020. Duty to stop when school bus loading or unloading children.

ORS 485.030. School bus markings.

Section 1. (b) Except where the context clearly indicates a different meaning, the definitions in ORS Chapter 483 shall apply to all other sections of this ordinance."

Section 2. Ordinance No. NS-495 is repealed.

Section 3. That part of Ordinance No. NS-627 which amended Section 1 of Ordinance No. NS-469 is repealed.

Read for the first time the 20th day of October, 1965

Read for the second time the 3rd day of November, 1965

Placed upon its passage the 3rd day of November, 1965

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 3rd day of November, 1965.

ATTEST:

Julia S. Johnson
Recorder

Paul Reynolds
Mayor

ORDINANCE NO. NS-704

AN ORDINANCE REGULATING USE OF SOUND TRUCKS IN THE CITY OF BEND AND REPEALING PRIOR ORDINANCE AS AMENDED.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Amended by NS-1327

Section 1. Definitions:

(a) "Person" as used herein shall include the singular and the plural and shall also mean and include any person, firm, corporation, association, club, partnership, society or any other form of association or organization.

(b) "Sound truck" as used herein shall mean any motor vehicle, or horse-drawn vehicle, having mounted thereon, or attached thereto, any sound amplifying equipment.

(c) "Sound amplifying equipment" as used herein shall mean any machine or device for the amplification of the human voice, music or any other sound. "Sound amplifying equipment" as used herein shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

Section 2. Use of Sound Trucks.

(a) Registration required. No person shall use, or cause to be used, a sound truck with its sound amplifying equipment in operation in the City of Bend before filing a registration statement with the City License Office in writing. This registration statement shall be filed in duplicate and shall state the following:

(1) Name and home address of the applicant.

(2) Address of place of business of applicant.

(3) License number and motor number of the sound truck to be used by applicant.

(4) Name and address of person who owns the sound truck.

(5) Name and address of person having direct charge of sound truck.

(6) Names and addresses of all persons who will use or operate the sound truck.

(7) The purpose for which the sound truck will be used.

(8) A general statement as to the section or sections of the city in which the sound truck will be used.

(9) The proposed hours of operation of the sound truck.

(10) The number of days of proposed operation of the sound truck.

(11) A general description of the sound amplifying equipment which is to be used.

(12) The maximum sound producing power of the sound amplifying equipment to be used in or on the sound truck.

State the following:

The wattage to be used.

The volume in decibels of the sound which will be produced.

The approximate maximum distance for which sound will be thrown by the sound truck.

(b) Registration statement amendment. All persons using or causing to be used, sound trucks for non-commercial purposes shall amend any registration statement filed pursuant to Section 2 (a) within forty-eight (48) hours after any change in the information therein furnished.

(c) Registration and identification. The City License Office shall return to each applicant under Section 2 (a) of this ordinance, one copy of said registration statement duly certified by the City License Office as a correct copy of said application. Said certified copy of the application shall be in the possession of any person operating the sound truck at all times while the sound truck's sound amplifying equipment is in operation and said copy shall be promptly displayed and shown to any policeman of the City of Bend upon request.

(d) Yearly License Fee. The yearly license fee based upon a calendar year or any part thereof shall be $20 in advance and said license fee shall be paid to the City at the time the registration as provided in subsection (c) hereinabove is made, except that for exclusively noncommercial and civic uses no license fee shall be paid or received. For all other uses, except exclusively non-commercial or civic, it shall be a violation of this ordinance to operate equipment as herein defined without first having received a license therefor.

(e) Regulations for use. Use of sound trucks in the City of Bend with sound amplifying equipment in operation shall be subject to the following regulations:

(1) The only sounds permitted are music or human speech.

(2) Operations are permitted for four (4) hours each day. The permitted four (4) hours of operation shall be between the hours of 11:30 a.m. and 1:30 p.m., and between the hours of 4:30 p.m. and 6:30 p.m.; except that sound trucks as herein defined broadcasting carols, folk songs and other music of general interest by nonprofit organizations may be operated until 9:00 p.m.

(3) Sound amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when said truck is stopped or impeded by traffic. Where stopped by traffic the said sound amplifying equipment shall not be operated for longer than one minute at each such stop.

(4) Sound shall not be issued within one hundred (100) yards of hospitals, and when schools, churches or courthouses are in session not within one hundred (100) yards thereof.

(5) The human speech and music amplified shall not be profane, lewd, indecent, or slanderous.

(6) The volume of sound shall be controlled so that said volume is not unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility.

Section 3. Penalty. Any person, firm, corporation, violating any of the provisions of this ordinance, shall be liable to a fine or penalty of not more than $500 or 100 days in the city jail, or by both such fine and imprisonment.

Section 4. Separability. It is the intention of the City Commission that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Commission that if any provision of this ordinance be declared to be invalid, all other provisions thereof shall remain valid and enforceable.

Section 5. Ordinances NS-435 and NS-541 are repealed.

Read for the first time the 20th day of October, 1965.

Read for the second time the 3rd day of November, 1965.

Placed upon its passage the 3rd day of November, 1965.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 3rd day of November, 1965.

Paul O Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder

ORDINANCE NO. NS- 705

AN ORDINANCE AMENDING ORDINANCE NO. NS-469 RELATING TO TRAFFIC CONTROL BY AMENDING SECTION 74 RELATING TO PENALTIES AND REPEALING PRIOR ORDINANCE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 74 of Ordinance No. NS-469 is amended to read:

> Section 74. Penalties. (a) For violations of any provision of this ordinance where penalties are not otherwise provided for in or by this ordinance, any person violating such provision 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 $500.00 or by both such fine and imprisonment.
>
> (b) For violations of this ordinance 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 subsection (a) thereof.

Section 2. Ordinance No. NS-504 is hereby and herewith repealed.

Read for the first time the 20th day of October, 1965.

Read for the second time the 3rd day of November, 1965.

Placed upon its passage the 3rd day of November, 1965.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 3rd day of November, 1965.

Paul O. Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder

NS-705

ORDINANCE NO. NS- 706

AN ORDINANCE AMENDING ORDINANCE NO. NS-469 RELATING TO TRAFFIC CONTROL BY AMENDING SECTION 35 RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR, BARBITURATES OR NARCOTIC DRUGS, SETTING FORTH THE PENALTY AND REPEALING PRIOR ORDINANCE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 35 of Ordinance No. NS-469 is amended to read:

> "Section 35. DRIVING UNDER INFLUENCE. Any person who, while being under the influence of intoxicating liquor, barbiturates 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 100 days or by fine of not more than $500.00 or both."

Section 2. Ordinance No. NS-511 is hereby and herewith repealed.

Read for the first time the 20th day of October, 1965.

Read for the second time the 3rd day of November, 1965.

Placed upon its passage the 3rd day of November, 1965.

Yeas: 6 Nays: 0

Submitted to and approved by the Mayor this 3rd day of November, 1965.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder

NS-706

ORDINANCE NO. NS- 707

AN ORDINANCE AMENDING ORDINANCE NO. NS-449, RELATING TO THE IMPOUNDING AND DISPOSITION OF ABANDONED VEHICLES, AND REPEALING ORDINANCE NO. NS-432, RELATING TO ABANDONED VEHICLES ON MUNICIPALLY OWNED PARKING LOTS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 (1) of Ordinance No. NS-449 is amended to read:

"(1) Abandoned shall mean left unoccupied, unclaimed or in a damaged or dismantled condition upon streets, alleys or city property within the City of Bend."

Section 2. Ordinance No. NS-432 is repealed.

Read for the first time the 20th day of October, 1965.

Read for the second time the 3rd day of November, 1965.

Placed upon its passage the 3rd day of November, 1965.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 3rd day of November, 1965.

Paul D. Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder

NS-707

4368 VOL 146 PAGE 189

ORDINANCE NO. NS-708

AN ORDINANCE RENAMING PORTIONS OF WOODLAND BOULEVARD IN THE CITY OF BEND

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Woodland Boulevard between Franklin Avenue and Alden Avenue is renamed East Ninth Street.

Section 2. Woodland Boulevard between Alden Avenue south to its intersection with Bear Road is renamed South Ninth Street.

Read for the first time the 20th day of October, 1965.

Read for the second time the 3rd day of November, 1965.

Placed upon its passage the 3rd day of November, 1965.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 3rd day of November, 1965.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder

No. 4368

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 10th day of November A. D. 1965 at 10:56 o'clock A M and recorded in book 146 on pages 189 Record of Deeds

Helen M. Plaue County Clerk
By Raemary Williams Deputy

NS-708

5121

VOL 146 PAGE 490

ORDINANCE NO. NS-709

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. Under the provisions of Ordinance No. NS-689 the City Commission of the City of Bend, the City Legislative Body, did elect to dispense with submitting the question of annexation of the following described real property to registered voters of the City of Bend and did fix the 20th day of October, 1965, at the hour of 7:45 P.M., o'clock in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

> Beginning at a point on the east side of Twelfth Street in the City of Bend, Oregon; the said point being S. 89°37'31" E. 36.60 feet from the center of the SE¼ of Section 28, Township 17 South, Range 12, E.W.M. and running thence south 373.41 feet; thence east 280.00 feet to the east side of Thirteenth Street; thence due south 250.0 feet to a point 20 feet north of the northwest corner of Lot 1 of Block 2 of Selken Addition; thence N. 41°00' east 33.94 feet; thence on a 60° curve to the right, the delta of which is 49°00' for 81.67 feet; the long chord bears N.65°30' E. 82.94 feet; thence east 182.27 feet to the east line of Fourteenth Street; thence north 440.0 feet along the east line of Fourteenth Street to the north line of Seward Avenue; thence due west 60.0 feet along the north line of Seward Avenue; thence due north 120.14 feet to the north line of the SE¼, SE¼, Section 28; thence N. 89°37'31" W. 500.00 feet to the point of beginning.

Section 3. That prior to the time of the aforesaid public hearing the owners of more than two-thirds of the property in the contiguous territory proposed to be annexed as aforesaid did consent in writing to the annexation and did file their consent with the Legislative Body of the City of Bend on or before the said hearing.

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

Read for the first time this 20th day of October, 1965.

Read for the second time this 3rd day of November, 1965.

Placed upon its passage this 3rd day of November, 1965.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 3rd day of November, 1965.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-709

No. 5121

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record on the 16th day of December, A.D., 19 65 at 10:30 o'clock A. M., and Recorded in Book 146 on Pages 490 Record of Deeds

Leland M. Dacey
County Clerk.

By Opal Sprague, Deputy

ORDINANCE NO. NS- 710

AN ORDINANCE VACATING THE ALLEY IN BLOCK TEN (10), BOULEVARD ADDITION IN THE CITY OF BEND, OREGON.

A petition having been presented to the Bend City Commission on the 15th day of September, 1965, requesting that the following described property be vacated:

> The ALLEY IN BLOCK TEN (10), Boulevard Addition, in the City of Bend, Oregon

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

> NOTICE OF PUBLIC HEARING ON VACATION OF PUBLIC PROPERTY
>
> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend as the result of a petition having been filed by Ted Shoop at a regular meeting of the Bend City Commission on September 15, 1965, for the following described property:
>
> > The Alley in Block Ten (10), Boulevard Addition in the City of Bend, Oregon
>
> The City of Bend Commission has fixed the 20th day of October, 1965, at the hour of 7:45 p.m., Pacific Daylight Time, in the Commission Room in the City Hall in the City of Bend, Oregon, as the time and place the City Commission will receive and hear any and all objections to the said proceedings.
>
> Julia S. Johnson,
> Recorder of the City of Bend

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

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

That the above-described real property be, and the same hereby is, vacated, but reserving to the City of Bend an easement for the existing use, or future installation, construction, maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole, thing or device to be used for any public purpose. Provided also that the cost of moving existing utility lines and pipes from the vacated property shall be paid by the abutting owner or owners. Said vacation is hereby made a matter of record.

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

Read for the first time the 20th day of October, 1965.

Read for the second time the 3rd day of November, 1965.

Placed upon its passage the 3rd day of November, 1965.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 3rd day of November, 1965.

Paul Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder

10th November
65 10:57 A
146
190 Deeds
Helen M. Dacey
Rosemary Latimer

NS-710

No. 4631

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record on the 26th day of November, A.D., 1965. at 9:49 o'clock A. M., and Recorded in Book 146 on Pages 320 Record of Deeds

Helen M. Macy
County Clerk.

By Ramona Peterson, Deputy

VOL 146 PAGE 320

ORDINANCE NO. NS-711

AN ORDINANCE RENAMING JUNIPER LANE IN THE CITY OF BEND.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Juniper Lane in Deschutes Park Addition is renamed Chukar Lane.

Read for the first time the 3rd day of November, 1965

Read for the second time the 17th day of November, 1965

Placed upon its passage the 17th day of November, 1965

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 17th day of November, 1965.

Paul Reynolds
Mayor

ATTEST:

Edna S. Johnson
Recorder

ORDINANCE NO. NS-712

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR CERTAIN AREAS BY AMENDING THE ZONING DISTRICT MAP.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 4.1 of Ordinance No. NS-546 is amended by changing the Zoning District Map as follows:

Lots 1 and 2 in Block 7 of Staats Addition are changed from R-4 Multiple Family Dwelling District to C-1 Commercial District.

Read for the first time the 3rd day of November, 1965

Read for the second time the 17th day of November, 1965

Placed upon its passage the 17th day of November, 1965

YEAS: 7 NAY: 0

Submitted to and approved by the Mayor the 17th day of November, 1965

ATTEST:

Julia S. Johnson
Recorder

Paul Reynolds
Mayor

NS-712

ORDINANCE NO. NS- 713

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 DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

Parcel 1: Lots 1, 2, 3 and 4 in Block 29 and Lots 3 and 4 in Block 24, all in Bonne Home Addition to Bend, Deschutes County, Oregon;

Parcel 2: Lots 1 and 2 in Block 24 of Bonne Home Addition to Bend, Deschutes County, Oregon;

ALSO: IN TOWNSHIP 17 SOUTH, RANGE 12 EAST OF THE WILLAMETTE MERIDIAN, Deschutes County, Oregon:

Section 31: A tract of land in the NW 1/4 SW 1/4 of said section described as follows: Beginning at a point 580 feet North of the Southeast corner of the NW 1/4 SW 1/4 of said section running thence South 580 feet to the southeast corner of said NW 1/4 SW 1/4; thence west 510 feet to a point; thence North 540 feet to a point; thence in an easterly direction to the point of beginning.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 5th day of January, 1966, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

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 effective upon the passage hereof,

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

Read for the first time the 17th day of November, 1965.

Read for the second time the 1st day of December, 1965.

Placed upon its passage the 1st day of December, 1965.

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 1st day of December, 1965.

Earl Reynolds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend.

ORDINANCE NO. NS-714

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. Under the provisions of Ordinance No. NS-713 the City Commission of the City of Bend, the City Legislative Body, did elect to dispense with submitting the question of annexation of the following described real property to registered voters of the City of Bend and did fix the 5th day of January, 1966, at the hour of 7:30 p.m. o'clock in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

Parcel 1: Lots 1, 2, 3 and 4 in Block 29 and Lots 3 and 4 in Block 24, all in Bonne Home Addition to Bend, Deschutes County, Oregon;

Parcel 2: Lots 1 and 2 in Block 24 of Bonne Home Addition to Bend, Deschutes County, Oregon;

ALSO: IN TOWNSHIP 17 SOUTH, RANGE 12 EAST OF THE WILLAMETTE MERIDIAN, Deschutes County, Oregon:

Section 31: A tract of land in the NW¼SW¼ of said section described as follows: Beginning at a point 580 feet North of the Southeast corner of the NW¼SW¼ of said section running thence South 580 feet to the southeast corner of said NW¼SW¼; thence west 510 feet to a point; thence North 540 feet to a point; thence in an easterly direction to the point of beginning.

SECTION 3. That prior to the time of the aforesaid public hearing the owners of more than two-thirds of the property in the contiguous territory proposed to be annexed as aforesaid did consent in writing to the annexation and did file their consent with the Legislative Body of the City of Bend on or before the said hearing.

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

Read for the first time the 5th day of January, 1966

Read for the second time the 19th day of January, 1966

Placed upon its passage this 19th day of January, 1966

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 19th day of January, 1966.

ATTEST: Charles B. Hudson, Mayor

Julia S. Johnson Recorder

NS-714

No. 6597

{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. 1946 at 10:55 o'clock A.M. and recorded in book 147 on pages 345 Record

Melvin Sims, County Clerk
By Pearl Ellis Deputy

ORDINANCE NO. NS-715

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 DECLARING AN EMERGENCY:

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The West 264 feet of the Northeast Quarter of the Northwest Quarter (NE¼NW¼) of Section Three (3), Township Eighteen (18) South, Range Twelve (12) E.W.M., EXCEPTING THEREFROM the following parcels: The North 990 feet; and the South 30 feet, all in Deschutes County, Oregon;

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 2nd day of March, 1966, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

Section 4. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance shall take effect upon its passage.

Read for the first time the 19th day of January, 1966

Read for the second time the 2nd day of February, 1966

Placed upon its passage the 2nd day of February, 1966.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 2nd day of February, 1966.

Charles B. Hinds Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-715

ORDINANCE NO. NS-716

AN ORDINANCE AMENDING ORDINANCE NO. NS-607, RELATING TO PUBLIC DANCES BY PERMITTING LATER HOURS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 3(a) of Ordinance No. NS-607 is amended to read:

"(a) There shall be no license fee or other regulation, except the regulation contained in Section 9 of this ordinance, applied or made applicable to dances held in the aforementioned category A unless the sponsors thereof request assistance in the regulation of such dance, and then and in that event the regulatory portions of this within ordinance shall become immediately effective as to that dance or dances."

Section 2. Section 3(b) of Ordinance No. NS-607 is amended to read:

"(b) There shall be no license fee or other regulation, except the regulation contained in Section 9 of this ordinance, applied or made applicable to dances held in the aforementioned category B unless the sponsors thereof request assistance in the regulation of such dance, and then and in that event the regulatory portions of this within ordinance shall become immediately effective as to that dance or dances."

Section 3. The first sentence of Section 9 of Ordinance No. NS-607 is amended to read:

"It is felt that dances in category A and category B will be, by their very nature, discontinued at a reasonable hour, but, however, for purposes of uniformity, dances in category A and category B hereinabove defined shall be discontinued no later than 12:00 midnight of the date upon which the dance, as such, was commenced, except upon application to and approval by the City Commission for a special permit allowing a designated later hour."

Section 4. The first sentance of Section 10 of Ordinance No. NS-607 is amended to read:

"Dances held under category D as hereinabove defined where persons under the age of 21 are congregated, whether the same be indoors or outdoors, shall be closed by 11:30 p.m. on the same date on which said dance was commenced on each and every Friday and Saturday night and school holiday eves, said dances on each and every other night shall be over and the dance hall closed by the hour of 9:30 p.m. on the same date upon which the dance was commenced, except on application to and approval by the City Commission for a special permit allowing a designated later hour."

Read for the 1st time January 5, 1966.

Read for the 2nd time January 19, 1966.

Placed upon its passage January 19, 1966

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 19th day of January, 1966.

Charles B. Hinds Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-716

ORDINANCE NO. NS-717

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. Under the provisions of Ordinance No. NS-715 the City Commission of the City of Bend, the City Legislative Body, did elect to dispense with submitting the question of annexation of the following described real property to registered voters of the City of Bend and did fix the 2nd day of March, 1966, at the hour of 7:30 p.m. o'clock in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

> The West 264 feet of the Northeast Quarter of the Northwest Quarter (NE¼NW¼) of Section Three (3), Township Eighteen (18) South, Range Twelve (12) E.W.M., EXCEPTING THEREFROM the following parcels: The North 990 feet, and the South 30 feet, all in Deschutes County, Oregon.

SECTION 3. That prior to the time of the aforesaid public hearing the owners of more than two-thirds of the property in the contiguous territory proposed to be annexed as aforesaid did consent in writing to the annexation and did file their consent with the legislative body of the City of Bend on or before the date of said hearing.

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

Read for the first time the 2nd day of March, 1966.

Read for the second time the 16th day of March, 1966.

Placed upon its passage the 16th day of March, 1966.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 16th day of March, 1966.

Charles B. Hinds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend.

NS-717

ORDINANCE NO. NS-718

AN ORDINANCE REGULATING USE OF THE DESCHUTES RIVER BANKS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. No person, firm or corporation shall fill in or change in any manner the banks of the Deschutes River within the City of Bend without first obtaining a permit.

Section 2. Upon application to the City Commission for a permit to fill in or change the banks of the Deschutes River, the applicant shall recite his purpose in changing the banks, how and when the change is to become accomplished, what effect the change will have on stream flow, riparian owners and users of the Deschutes River and any other information required by the City Commission.

Section 3. Upon receipt of such an application, the City Commission may hold a public hearing after publishing notice of the hearing in a newspaper of general circulation within the City of Bend.

Section 4. After public hearing and recommendation from the Planning Commission, the City Commission may issue a permit specifying allowable changes in the banks of the Deschutes River if it finds that the public interest in the stream flow and banks of the Deschutes River, including aesthetic considerations and prospect of damage or interference with riparian owners or other users of the Deschutes River, will not be prejudiced.

Section 5. Nothing in any permit issued pursuant to this ordinance shall authorize or represent any authority by the City of Bend for anyone to injure or cause damage to anything or anyone as a consequence of filling in or changing the banks of the Deschutes River.

Section 6. Any person, firm or corporation violating this ordinance shall be guilty of misdemeanor and upon conviction shall be punished by fine not exceeding $100 or by imprisonment in the city jail for a term not exceeding 30 days or both fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense. In addition to this penalty any violation to this ordinance shall constitute a nuisance and be subject to abatement.

Read for the first time the 2nd of February, 1966
Read for the second time the 16th day of February, 1966
Placed upon its passage the 16th day of February, 1966
YEAS: 6 NAYS: 0
Submitted to and approved by the mayor the 16th day of February, 1966

Charles B. Hudson
Mayor

ATTEST:
Lucia S. Johnson
Recorder of the City of Bend.

NS-718

ORDINANCE NO. NS-719

AN ORDINANCE ANNEXING LAND SURROUNDED BY THE CITY OF BEND.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The following described property surrounded by and within the corporate limits of the City of Bend is hereby annexed to the City of Bend:

Lots One (1), Two (2), Three (3), Four (4), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18) and Nineteen (19) of Block Fourteen (14) Bonne Home Addition to Deschutes County according to the official plat thereof on file with the County Clerk.

Read for the first time the 2nd day of February, 1966
Read for the second time the 16th day of February, 1966
Placed upon its passage the 16th day of February, 1966
YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 16th day of February, 1966

Charles B. Hinds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend.

NS-719

ORDINANCE NO. NS-720

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 DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> A part of the Southeast Quarter of the Northwest Quarter (SE 1/4 NW 1/4) of Section Twenty-eight (28), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, described as follows: Beginning at a point whence the southwest corner of the SE 1/4 NW 1/4 of Section 28, Township 17 South, Range 12 E.W.M., bears south 0° 15' 32" west, 119.58 feet; thence north 0°15'32" east, 386.71 feet; thence east 109.51 feet; thence south 72°56' east, 100.15 feet to the west right-of-way of the Studio County Road; thence along said right-of-way bearing south 19°17' west, 211.61 feet; thence along said right-of-way bearing south 32°42' west, 156.20 feet; thence south 63°48' west, 59.10 feet to the point of beginning on the west line of the SE 1/4 NW 1/4 of said Section 28.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City Legislative Body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 16th day of March, 1966, at the hour of 7:30 o'clock P.M. in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

Section 4. 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 effective upon the passage hereof,

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

Read for the first time this 2nd day of February, 1966.

Read for the second time this 16th day of February, 1966.

Placed upon its passage this 16th day of February, 1966.

MEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 16th day of February, 1966.

Charles B. Hinds Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-720

ORDINANCE NO. NS-721

AN ORDINANCE ADOPTING A FIRE PREVENTION CODE; PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE ANDPROPERTY FROM FIRE OR EXPLOSION; REPEALING PRIOR ORDINANCES; AND PROVIDING PENALTIES FOR ITS VIOLATIONS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Adoption of Fire Prevention Code.

There is hereby adopted by the City of Bend for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code recommended by the American Insurance Association, being particularly the 1965 Edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended (by section 6 of this ordinance), of which code not less than three (3) copies have been and now are filed in the office of the Recorder-Treasurer and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Bend.

Section 2. Definitions.

a. Wherever the word "Municipality" is used in the Fire Prevention Code, it shall be held to mean the City of Bend.

b. Wherever the term "Corporation Counsel" is used in the Fire Prevention Code, it shall be held to mean the Attorney for the City of Bend.

c. Wherever the terms "Chief of the Bureau of Fire Prevention" and "Bureau of Fire Prevention" are used they shall mean the Chief of the Fire Department and the Fire Department of the City of Bend, respectively.

Section 3. Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents is to be Prohibited.

The limits referred to in Section 12.5 b of the Fire Prevention Code, in which storage of explosives and blasting agents is prohibited, are those limits and regulations prescribed in Ordinance No. NS-277, as they exist upon passage of this ordinance.

Section 4. Establishment of Limits of Districts in which Storage of Flammable Liquids in Outside Aboveground Tanks is to be Prohibited.

a. The limits referred to in Section 16.22a of the Fire Prevention Code in which storage of flammable liquids in outside aboveground tanks is prohibited are those limits and regulations prescribed in Ordinance No. NS-275 for

gasoline; and that property described as comprising "Fire Zone One" in Ordinance No. NS-688 for flammable liquid other than gasoline.

b. The limits referred to in Section 16.51 of the Fire Prevention Code, in which new bulk plants for flammable or combustible liquids are prohibited are those limits and regulations prescribed in Ordinance No. NS-275.

Section 5. Establishment of Limits in which Bulk Storage of Liquefied Petroleum Gases is to be Restricted.

The limits referred to in Section 21.6a of the Fire Prevention Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: That property described as comprising "Fire Zone One" in Ordinance No. NS-688.

Section 6. Amendments Made in the Fire Prevention Code.

The Fire Prevention Code is amended and changed in the following respects:

a. Section 28.1b is amended by inserting 20 feet for 50 feet as it appears therein.

b. All applicable provisions of the Fire Prevention Code shall be subject to the provisions and regulations of Ordinances Nos. NS-275, NS-277 and NS-373.

c. Section 13.2 is amended to read:

Fireworks shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of ballons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, or other devices of like construction and any devices containing any explosive or flammable compound, or any tablets or other devices containing any explosive substance, except that the term "fireworks" shall not include sparklers, auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap manufactured in accordance with the Interstate Commerce Commission Regulations for packing and shipping as provided therein, and toy pistols, toy canes, toy guns, or other devices for use of such caps, the sale and use of which shall be permitted at all times. Pyrotechnics (special fireworks) shall comply with the applicable provisions of article 12.

Section 7. Modifications.

a. There shall be established a Fire Prevention Code Hearing Board composed of five (5) members appointed by the Mayor subject to the approval of the City Commission and to serve at the pleasure of the City Commission. The Chief of the Fire Department shall be secretary and ex-officio member without full voting and parliamentary powers of said Board.

b. The Chief of the Fire Department and the Fire Prevention Hearing Board shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by legal owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, including the extension or other modification dates set for compliance with the Code, provided that the spirit of the Code shall be observed and public safety secured.

Section 8. Appeals.

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Fire Prevention Code Hearing Board within 30 days' from the date of the decision appealed.

Section 9. Penalties.

a. Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Bend City Commission or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than $500 or by imprisonment for not more than 100 days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

b. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 10. Ordinances No. NS-101, NS-102, NS-107, NS-156, NS-237, NS-273, NS-276, NS-290 are repealed.

Section 11. Validity.

The Bend City Commission hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of Bend City Commission that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Read for the first time the 16th day of February, 1966

Read for the second time the 2nd day of March, 1966

Placed upon its passage the 2nd day of March, 1966

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 2nd day of March, 1966

Charles B. Hindley
Mayor

ATTEST:

Doris S. Johnson
Recorder of the City of Bend

NS-721

ORDINANCE NO. NS- 722

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 DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> That portion of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of Section Twenty-seven (27), Township Seventeen (17) South, Range Twelve (12), E.W.M., lying west of a line running north and south and parallel to the west border of said Quarter Section which line runs through a point on the north side line of NEFF ROAD which point is 84.95 feet north and 567.20 feet east of the southwest corner of said Section, which area is to be known as EASTWOOD ADDITION.

SECTION 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City Legislative Body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 6th day of April, 1966, at the hour of 7:30 P.M., o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

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 effective upon the passage hereof,

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

Read for the first time this 16th day of February, 1966.

Read for the second time this 2nd day of March, 1966.

Placed upon its passage this 2nd day of March, 1966.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 2nd day of March, 1966.

Charles B. Hudson
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-722

ORDINANCE NO. NS-723

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 DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> A tract of land situate in the Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section Three (3) Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, described as follows: Beginning at the Northwest corner of the NE 1/4 NW 1/4 of said Section 3; thence South 0° 18' 00" West 640 feet; thence North 89° 59' 44" East 100.00 feet; thence North 0° 18' 00" East 327.0 feet; thence North 89° 59' 44" East 66.3 feet; thence North 45° 15' 44" East 82.1 feet; thence North 0° 15' 44" East 254.82 feet; thence South 89° 59' 44" West 224.0 feet to the point of beginning.

SECTION 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City Legislative Body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 6th day of April, 1966, at the hour of 7:30 p.m., o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

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 effective upon the passage hereof,

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

Read for the first time this 16th day of February, 1966.
Read for the second time this 2nd day of March, 1966.
Placed upon its passage this 2nd day of March, 1966.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 2nd day of March, 1966.

Charles B. Hinds Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-723

ORDINANCE NO. NS-724

AN ORDINANCE VACATING THE ALLEY IN BLOCK TWENTY FIVE (25), RIVERSIDE ADDITION IN THE CITY OF BEND, OREGON.

A petition having been presented to the Bend City Commission on the 19th day of January, 1966, requesting that the following described property be vacated:

> The ALLEY IN BLOCK TWENTY FIVE (25), Riverside Addition, in the City of Bend, Oregon

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

> NOTICE OF PUBLIC HEARING ON VACATION OF PUBLIC PROPERTY
>
> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend as the result of a petition having been filed by Deschutes Reclamation & Irrigation Company at a regular meeting of the Bend City Commission on January 19,1966, for the following described property:
>
> The Alley in Block 25, Riverside Addition in Bend, Oregon.
>
> The City of Bend Commission has fixed the 2nd day of March, 1966 at the hour of 7:30 p.m., in the City Commission room in the City Hall in the City of Bend, Oregon, as the time and place the City Commission will receive and hear any and all objections to the said proceedings.
>
> Julia S. Johnson
> Recorder of the City of Bend

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

NOW, THEREFORE, IT IS HEREBY ORDERED that the above described real property be, and the same hereby is, vacated, and said vacation is hereby made a matter of record.

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

Read for the first time the 2nd day of March, 1966.
Read for the second time the 16th day of March, 1966.
Placed upon its passage the 16th day of March, 1966.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 16th day of March, 1966.

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

Charles B. Hindley
Mayor

NS-724

ORDINANCE NO. NS- 725

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. Under the provisions of Ordinance No. NS-720 the City Commission of the City of Bend, the City Legislative Body, did elect to dispense with submitting the question of annexation of the following described real property to registered voters of the City of Bend and did fix the 16th day of March, 1966, at the hour of 7:30 o'clock p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

> A part of the Southeast Quarter of the Northwest Quarter (SE¼ NW¼) of Section Twenty-eight (28), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, described as follows: Beginning at a point whence the southwest corner of the SE¼ NW¼ of Section 28, Township 17 South, Range 12, E.W.M., bears south 0°15'32" west, 119.58 feet; thence north 0°15'32" east, 386.71 feet; thence east 109.51 feet; thence south 72°56' east, 100.15 feet to the west right-of-way of the Studio County Road; thence along said right-of-way bearing south 19°17' west, 211.61 feet; thence along said right-of-way bearing south 32°42' west, 156.20 feet; thence south 63°48' west, 59.10 feet to the point of beginning on the west line of the SE¼ NW¼ of said Section 28.

Section 3. That prior to the time of the aforesaid public hearing the owners of more than two-thirds of the property in the contiguous territory proposed to be annexed as aforesaid did consent in writing to the annexation and did file their consent with the Legislative Body of the City of Bend on or before the said hearing.

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

Read for the first time this 16th day of March, 1966.

Read for the second time this 6th day of April, 1966.

Placed upon its passage this 6th day of April, 1966.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 6th day of April, 1966.

ATTEST:

Charles B. Hudson Jr.
Mayor

Julia S. Johnson
Recorder of the City of Bend

NS-725

ORDINANCE NO. NS 726

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE OF THE CITY OF BEND

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 11.4.1 is hereby amended to read as follows:

1. FRONT YARD. There shall be a front yard of not less than 20 feet in depth. Displays of merchandise shall not encroach into any street or public way. Bumper rails or other approved abutments shall be installed to insure compliance.

Section 16.2.1 is hereby amended to read as follows:

1. Such areas shall be surfaced with permanent paving. Bumper rails or other approved abutments shall be installed to ensure that there will be no encroachment into any street or public way.

Read for the first time the 6th day of April, 1966
Read for the second time the 20th day of April, 1966
Placed upon its passage the 20th day of April, 1966.

YEAS: 4 NAYS: 0

Submitted to and approved by the Mayor the 20th day of April, 1966.

Charles B. Hinds Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend.

NS-726

ORDINANCE NO. NS- 727

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. Under the provisions of Ordinance No. NS-722 the City Commission of the City of Bend, the City Legislative Body, did elect to dispense with submitting the question of annexation of the following described real property to registered voters of the City of Bend and did fix the 6th day of April, 1966, at the hour of 7:30 p.m. o'clock in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

> That portion of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) of Section Twenty-seven (27), Township Seventeen (17) South, Range Twelve (12), E.W.M., lying west of a line running north and south and parallel to the west border of said Quarter Section which line runs through a point on the north side line of NEFF ROAD which point is 84.95 feet north and 567.20 feet east of the southwest corner of said Section, which area is to be known as EASTWOOD ADDITION.

Section 3. That prior to the time of the aforesaid public hearing the owners of more than two-thirds of the property in the contiguous territory proposed to be annexed as aforesaid did consent in writing to the annexation and did file their consent with the Legislative Body of the City of Bend on or before the said hearing.

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

Read for the first time this 6th day of April, 1966.

Read for the second time this 20th day of April, 1966.

Placed upon its passage this 20th day of April, 1966.

YEAS: 4 NAYS: 0

Submitted to and approved by the Mayor this 20th day of April, 1966.

Charles B. Hinds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-727

No. 9115

{STATE OF OREGON}
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 27th day of May A. D. 19 66 at 11:05 o'clock A M and recorded in book 148 on pages 578 Deeds Record

Helen M. Dorsey County Clerk
By Rosemary Letters Deputy

ORDINANCE NO. NS- 728

Amended by NS-1029

Repealed 8-4-82 NS-1361

AN ORDINANCE AUTHORIZING SPECIAL PARKING PERMITS FOR DELIVERY TRUCKS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. A person, firm or corporation whose business requires that it make delivery or calls to establishments in that part of the city where parking is controlled by meters may obtain a permit from the Chief of Police allowing a delivery truck or similar vehicle, but excluding automobiles, to park without paying the parking meter in an hour or longer zone while the vehicle is being used for its intended business purposes and provided the vehicle has the business name on both sides in letters or other insignia not less than 4 inches high.

Section 2. Application for said permit shall be made to the City Recorder-Treasurer and shall contain the make, model, year, serial number and license number of each vehicle for which each permit is sought. Permits shall be issued upon approval by the Chief of Police and payment of an annual fee of $20. Upon being issued, permits shall be affixed to the windshield of the designated vehicle and may only be used in connection with the designated vehicle.

Read for the first time this 6th day of April, 1966

Read for the second time this 20th day of April, 1966.

Placed upon its passage this 20th day of April, 1966.

YEAS: 4 NAYS: 0

Submitted to and approved by the Mayor this 20th day of April, 1966.

Charles B. Hinds Jr.
Mayor

ATTEST;

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-729

AN ORDINANCE VACATING THE ALLEYS IN BLOCK THIRTY-SEVEN (37), RIVERSIDE ADDITION IN THE CITY OF BEND, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

THE CITY COMMISSION FOR THE CITY OF BEND on the 2nd day of March, 1966, on its own motion, having adopted a resolution initiating proceedings for the vacation of the following described real property:

> The North-south Alley and the East-west Alley in Block Thirty-seven (37), Riverside Addition to Bend,

and the Recorder for the City of Bend having heretofore caused the following notice:

> NOTICE OF PUBLIC HEARING ON THE VACATION OF PUBLIC PROPERTY
>
> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on its own motion on March 2, 1966, said vacation proceedings to vacate the following described alley locations:
>
> > The North-south Alley and the East-west Alley in Block Thirty-seven (37), Riverside Addition to Bend, said block being bounded on the north by Seward Avenue; on the south by Revere Avenue; on the west by East Third Street and on the east by East Fourth Street.
>
> The City Commissioners of the City of Bend, Oregon, have fixed the 6th day of April, 1966, at the hour of 7:30 p.m., Pacific Standard Time in the City Hall in the City of Bend as the time and place for hearing upon the said vacation proceedings at which time the City Commission will receive and hear any and all objections to the said proceedings.
>
> Julia S. Johnson,
> Recorder of the City of Bend,

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

NOW, THEREFORE, IT IS HEREBY ORDERED that the above-described real property be, and the same hereby is, vacated, and is made a matter of record.

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

Read for the first time this 6th day of April, 1966.

Read for the second time this 20th day of April, 1966.

Placed upon its passage this 20th day of April, 1966.

YEAS: 4 NAYS: 0

Submitted to and approved by the Mayor this 20th day of April, 1966.

ATTEST: Mayor

Julia S. Johnson
Recorder of the City of Bend

NS-729

ORDINANCE NO. NS-730

AN ORDINANCE VACATING THE ALLEYS IN BLOCK 17 AND BLOCK 18 OF BONNE HOME ADDITION, IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

A petition having been presented to the Bend City Commission on the 2nd day of March 1966, requesting that the following described property be vacated:

> THE ALLEYS in Block 17 and Block 18 of Bonne Home Addition, said blocks being bounded on the north by Ithaca Avenue, on the South by Hartford Avenue, on the east by Kingston Avenue and on the west by the west boundary of the City Limits,

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

NOTICE OF PUBLIC HEARING ON VACATION OF PUBLIC PROPERTY

NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend as the result of a petition having been filed by R.D. Kerr at a regular meeting of the Bend City Commission on March 2, 1966, for the following described property:

> THE ALLEYS in Block 17 and Block 18 of Bonne Home Addition, said blocks being bounded on the north by Ithaca Avenue, on the south by Hartford Avenue, on the east by Kingston Avenue and on the west by the west boundary of the City Limits.

The City Commissioners of the City of Bend, Oregon, have fixed the 6th day of April, 1966, at the hour of 7:30 p.m., Pacific Standard Time, in the City Hall in the City of Bend as the time and place for hearing upon the said vacation proceedings at which time the City Commission will receive and hear any and all objections to the said proceedings.

Julia S. Johnson
Recorder of the City of Bend

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

NOW, THEREFORE, IT IS HEREBY ORDERED that the above-described real property be, and the same hereby is, vacated and made a matter of record.

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

Read for the first time this 6th day of April,1966.
Read for the second time this 20th day of April, 1966.
Placed upon its passage this 20th day of April, 1966.
Yeas: 4 Nay: 0
Submitted to and approved by the Mayor this 20th day of April,1966

ATTEST:

s/ Julia S. Johnson
Recorder of the City of Bend

s/ Chas. B. Hinds, Jr. MD
Mayor

NS-730

ORDINANCE NO. NS-731

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 DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> All of the Southeast Quarter of the Southeast Quarter (SE¼ SE¼), Section Twenty-eight (28), Township Seventeen (17), South Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, excepting the Selken Subdivision and the First Addition Selken Subdivision, said Additions having previously been annexed to the City of Bend, and which area is to be further identified as MONARCH ESTATES.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 1st day of June, 1966, at the hour of 7:30 o'clock P.M., in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

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 effective upon the passage hereof,

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

Read for the first time this 20th day of April, 1966.

Read for the second time this 4th day of May, 1966.

Placed upon its passage this 4th day of May, 1966.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 4th day of May, 1966.

Charles B. Hindsley
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

Section XII

ORDINANCE NO. NS-732

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. Under the provisions of Ordinance No. NS-731 the City Commission of the City of Bend, the City Legislative Body, did elect to dispense with submitting the question of annexation of the following described real property to registered voters of the City of Bend and did fix the 1st day of June, 1966, at the hour of 7:30 p.m. o'clock in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period, which said hearing was held at the time and place aforesaid.

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

All of the Southeast Quarter of the Southeast Quarter (SE¼SE¼), Section Twenty-eight (28), Township Seventeen (17), South Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, excepting the Selken Addition and the First Addition to Selken Subdivision, said additions having previously been annexed to the City of Bend, and which area is to be further identified as Monarch Estates.

Section 3. That prior to the time of the aforesaid public hearing at least two-thirds of the landowners who also own at least two-thirds of the land in the area proposed to be annexed, and representing at least two-thirds of the assessed value in the area, did consent in writing to the annexation and did file their consent with the Legislative Body of the City of Bend.

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

Read for the first time the 1st day of June, 1966

Read for the second time the 15th day of June, 1966

Placed upon its passage the 15th day of June, 1966.

YEAS: NAYS:

Submitted to and approved by the Mayor this 15th day of June, 1966.

ATTEST:

/s/Charles B. Hinds
Mayor

/s/ Julia S. Johnson
Recorder of the City of Bend

NS-732

Annexation XII

ORDINANCE NO. NS-733

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 DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> A parcel of land located in the Northeast Quarter of the Northwest Quarter (NE¼NW¼) of Section Three (3), Township Eighteen (18) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, described as follows:
>
> Beginning at a point whence the Southwest corner of the NE¼NW¼ of said Section 3 bears South 0°18'00" West 30 feet and South 89°41'00" West 264 feet; thence North 89°41'00" East 102 feet; thence North 0°18'00" East 92.95 feet; thence South 89°41'00" West 102 feet; thence South 0°18'00" West 92.95 feet to the point of beginning.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 6th day of July, 1966, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

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 effective upon the passage hereof,

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

Read for the first time the 2nd day of June, 1966.

Read for the second time the 15th day of June, 1966.

Placed upon its passage the 15th day of June, 1966.

YEAS: NAYS:

Submitted to and approved by the Mayor this 15th day of June, 1966

/s/ Charles B. Hinds
Mayor

ATTEST:

/s/ Julia S. Johnson
Recorder of the City of Bend.

NS-733

Inactive XII

ORDINANCE NO. NS 734

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 DECLARING AN EMERGENCY:

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The East Half of the SE-1/4 NE-1/4, Sec. 4, T. 18,S.R. 12, E.W.M.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 6th day of July, 1966, at the hour of 7:30 o'clock P.M., in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

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 effective upon the passage hereof,

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

Read for the first time the 2nd day of June, 1966.

Read for the second time the 15th day of June, 1966.

Placed upon its passage the 15th day of June, 1966.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 15th day of June, 1966.

/s/ Chas. B. Hinds, Jr.
Mayor

ATTEST:

/s/ Julia S. Johnson
Recorder of the City of Bend

NS-734

ORDINANCE NO. NS-735

AN ORDINANCE AMENDING NS-635 and NS-636 BY INCREASING THE SCHEDULE OF MAXIMUM RATES FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL COLLECTIONS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That part of Section 3 of Ordinances NS-635 and NS-636 relating to maximum rates that may be charged for residential, commercial and industrial collections is amended to read as follows:

Section 3. The maximum rates that may be charged by the grantee of this franchise are:

For Residential Collections:

1 pickup per week of one container not exceeding 32 gallons
$1.75 per month

1 pickup per week of additional containers not exceeding 32 gallon
$ .50 per month for each additional container

For Commercial and Industrial Collections:

1 pickup per week of one container not exceeding 32 gallons
$1.75 per month

1 pickup per week of additional containers not exceeding 32 gallons
$ .50 per month for each additional container

Additional pickups shall be charged by multiplying the above rates by the number of additional pickups.

Section 2. These rate increases shall be effective July 1, 1966.

Section 3. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance shall take effect upon its passage.

Read for the first time the 2nd day of June, 1966.
Read for the 2nd time the 15th day of June, 1966.
Placed upon its passage the 15th day of June, 1966.

YEAS: 5 NAYS: 2

Submitted to and approved by the Mayor the 15th day of June, 1966.

Charles B Hudson
Mayor

ATTEST:

Recorder of the City of Bend

NS-735

ORDINANCE NO. NS-736

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Under the provisions of Ordinance No. NS-734 the City Commission of the City of Bend, the City Legislative Body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 6th day of July, 1966, at the hour of 7:30 p.m. o'clock in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

The East Half of the Southeast Quarter, Northeast Quarter (E½SE¼NE¼) Section 4, Township 18, South Range 12, East of the Willamette Meridian.

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

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

Read for the first time the 6th day of July, 1966.

Read for the second time the 20th day of July, 1966.

Placed upon its passage the 20th day of July, 1966.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 20th day of July, 1966.

ATTEST:

Julia S. Johnson
Recorder of the City of Bend.

Charles B. Hudson
Mayor

NS-736

ORDINANCE NO. NS-737

AN ORDINANCE DEFINING OFFENSES, PROVIDING PENALTIES, AND REPEALING ORDINANCES NO. NS-429, NS-363, NS-531, NS-229, NS-278, NS-95, NS-117, NS-382. NS-494, AND NS-583.

Amended by: NS-1008, NS-1009, NS-1017, NS-1027, NS-1047, NS-1050, NS-1056, NS-1060, NS-1063, NS-1071, NS-1079, NS-1111, NS-1128, NS-995, NS-994

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Amended by NS-1279 Repealed by NS-1328

Definitions

Section 1. Definitions. As used in this ordinance, the singular includes the plural and the masculine includes the feminine, and except where the context indicates otherwise, the following shall mean:

(1) City. The city of Bend.

(2) Commission. The city commission of the city.

(3) Minor. Any person under the age of 21 years, except as otherwise provided.

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

(5) Public place. Any building, street, place or accommodation, whether publicly or privately owned, open and available to the general public.

Offenses Against the Public Peace

Section 2. Assault and Battery. No person shall with or without a weapon attack, assault or commit a battery upon any other person.

Section 3. Intoxication. No person shall be intoxicated in any public place.

Section 4. Disorderly Conduct.

(1) No person shall disturb the peace by:

(a) Participating or abetting in any rude, indecent, riotous drunken or violent conduct.

(b) Using any obscene, profane, or abusive language in any public place.

(c) Committing any obscene, indecent or immoral act in any public place.

(d) Inciting any other person to commit any breach of the peace.

(e) Being in a building, place or other premises not his own without invitation or permission of the owner or possessor thereof.

(f) Threatening, quarrelling, fighting, or offering or challenging to fight.

(g) Or in any other way or manner disturbing the peace, quiet and decency of any person, public place or neighborhood.

(2) No person shall knowingly permit any disorderly conduct on any premises owned or controlled by him.

Section 5. Drinking in Public Place. No person shall drink intoxicating liquor in a public place unless such place or premises has been licensed by the Oregon Liquor Control Commission to sell intoxicating

liquor for consumption on the premises.

Section 6. Disturbance of Lawful Assemblies. No person shall knowingly interrupt, disturb or annoy any lawful assembly, either public or private, by any offensive acts committed within such assembly or so near same as to disturb the order of the meeting.

Offenses Against the Public Safety

Section 7. Concealed Weapons. No person other than an authorized peace officer or person licensed pursuant to law shall carry concealed on or about his person in any manner any revolver, pistol, or other firearm, or any knife, other than an ordinary pocket knife, or any dirk, dagger, stiletto, metal knuckles or any other dangerous weapon by the use of which injury could be inflicted upon person or property.

Section 8. Discharge of Weapons.

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

(2) The provisions of this section shall not be construed to prohibit the firing or discharging of any weapon:

(a) By any person in the defense or protection of his property, person or family.

(b) At any place duly licensed or designated or commonly used for target practice.

Section 9. Escape of Prisoners from Custody.

(1) No person shall aid or attempt to aid in the escape of a confined prisoner or make available or provide anything calculated to aid in such escape.

(2) No person shall knowingly aid an escaped prisoner by offering shelter, clothing, food or any other thing or service which would aid or abet the escape of such prisoner.

(3) No person shall while in custody or while a prisoner in the city jail or in any other place where city prisoners are kept or confined escape or attempt to escape from such custody or confinement.

Section 10. Interference with Police.

(1) No person shall hinder, delay, obstruct or resist or refuse to assist any police officer or person duly empowered with police authority who is acting in the discharge of his duty.

(2) No person shall offer or endeavor to assist any person in the custody of a police officer or a person duly empowered with police authority to escape or attempt to escape from such custody.

(3) No person shall address any police officer or person duly empowered with police authority with vile, obscene, profane, insulting or offensive language.

(4) No person shall deliver, by any method whatsoever, any intoxicating liquor or narcotic drug to any person confined in the city jail or attempt to convey or deliver to any such person any article without the permission and consent of the officer in charge.

(5) No person shall impersonate, falsely assume or pretend to be a law enforcement officer.

(6) No person shall operate any generator or electromagnetic

wave or any other device or cause a disturbance of such magnitude as to interfere with the proper functioning of any police radio communication system of the city.
(7) No person shall knowingly make or file with the police department of the city any false, misleading or unfounded statement or report concerning the commission or alleged commission of any crime.

Section 11. Fire Control.

(1) No person shall intentionally give any false alarm of fire or aid or abet in the commission of such an act.
(2) No person at a fire shall conduct himself in a disorderly manner or refuse to obey promptly any order of any member of the fire department or resist, obstruct or hinder any member of the fire department. For the purposes of this section all members of the fire department are endowed with the same powers of arrest as are conferred upon peace officers for violations of the city ordinances.
(3) No person shall loiter in or about the building or that part of a building in which the publicly owned fire equipment is stored.

Section 12. Narcotics and Barbiturates. No person shall, without proper authority, sell, use, or possess for any purpose whatsoever any narcotic drug or barbiturate.

Section 13. Obstructing Public Ways.

(1) No person shall, except as authorized by law, obstruct, cause to be obstructed, assist in obstructing or interfere with any public way, including streets, alleys and sidewalks, by depositing or storing personal property on public ways or in any other manner obstructing or interfering with public ways.
(2) This section shall not apply to the delivery of merchandise or equipment provided delivery is accomplished within a reasonable time.
(3) Any obstruction of a public way between sunset and sunrise shall be illuminated by warning lights clearly visible 200 feet in all directions.
(4) No person shall use any public way for display or sale of goods except authorized by the City Commission.
(5) No unauthorized person shall deposit any garbage, earth, debris or rubbish of any kind on any public way or in the Deschutes River within the City of Bend.
(6) It shall be unlawful for any person to play at ball or throw any stone or other missile in any of the streets, highways, or alleys or upon any of the sidewalks within the corporate limits of the City of Bend.

Section 14. Sidewalks.

(1) No person or group of persons shall so gather or stand upon any sidewalk or public pathway as to prevent, impede or obstruct the free passage of pedestrian traffic.
(2) No person or persons shall fail or refuse to move on or to disperse when lawfully ordered to do so by any police officer.
(3) No person shall obstruct any entrance to any building or loiter unnecessarily about or near any entrance, stairway or hall leading to any building.
(4) No person shall keep or leave open any cellar door or grating

of any kind located in or upon any sidewalk except when the same is necessarily open during the immediate use thereof, and when being used such opening shall be properly guarded and protected.
(5) No person shall lead, ride, tie or fasten any goat, horse, cow, sheep, swine or similar animal in such a manner as to permit it to remain on or go along any parking strip, sidewalk area or public pathway.
(6) It shall be unlawful for any person to ride, drive, or operate upon any public sidewalk within the limits of the City of Bend any motorcycle, automobile, buggy, wagon, hack, or other vehicle or conveyance; provided, however, that this ordinance shall not apply to the use of baby carriages, or perambulators upon sidewalks.

Section 15. Boats on Deschutes River. It shall be unlawful for any unauthorized person to operate any motorboat or steam propelled boat upon the Deschutes River within the limits of the City of Bend.

Offenses Involving Morals

Section 16. Animals.

(1) No person shall torture, abandon, mutilate, or needlessly kill any animal or bird; nor shall any person transport or permit to be transported any animal in a cruel and inhumane manner.
(2) No person shall fail to provide any animal in his custody with food, drink and protection from the elements.
(3) No person shall place or distribute any poison or other substance with the intent of poisoning any animal, except those animals commonly recognized as pests or rodents.

Section 17. Burglars' Tools. No person shall possess any burglars' tools, or implements of any kind commonly used by burglars in breaking or entering, unless it is shown that such possession is innocent or for a lawful purpose.

Section 18. Disorderly Houses.

(1) No person shall establish, maintain or aid in the establishment or maintenance of a disorderly house as that term is defined in subsection (2) of this section.

(2) "Disorderly house" shall mean any house or place kept or maintained for the purpose of prostitution, fornication, lewdness, gambling or other immoral purposes, including any place, room or building used for the consumption, sale or disposition of narcotic drugs or barbiturates contrary to law.
(3) No person shall knowingly visit or frequent any disorderly house.
(4) No person shall knowingly lease any building under his control for the purpose of permitting the establishment of a disorderly house. Any person whose property has been leased and is used as a disorderly house shall, upon learning of its use, immediately take appropriate action to oust the occupants thereof.
(5) No person shall solicit or entice another person to visit or enter a disorderly house.

Section 19. Gambling.

(1) No person shall participated in, operate, or assist in

operating any gambling game or activity, including a lottery.
(2) The term "gambling" shall mean the use or possession of any game, machine or device, whether played for money, check, credit or other representative of value in which the element of chance is controlling, and all machines and contests in which a charge is made to participate and in which the winner is selected primarily on the basis of chance.
(3) No person shall have in his possession any property, instrument or device designed or adapted for use in any type of gambling activity. Any such property, instrument or device is a nuisance and may be summarily seized by any police officer. Property so seized shall be placed in the custody of the chief of police. Upon conviction of the person owning or controlling such property for a violation of this section, the municipal judge shall order such property confiscated and destroyed.

Section 20. Immoral Practices.

(1) No person shall willfully and indecently expose his person in any public place or any place in which other persons might be offended thereby, or make any exhibition of himself to public view in such a manner as to be offensive or designed to excite vicious or lewd thoughts.
(2) No person shall with knowledge of the character of the material:

(a) Import, print, publish, sell, lend, give, distribute, or show or have in his possession any lewd, obscene, or indecent book, magazine, pamphlet, newspaper, picture, drawing, photograph or other instrument or article of an obscene or indecent character.

(b) Draw, write or otherwise deface the interior or exterior walls, doors, or windows of any building used by the public with any obscene or immoral writing, printed matter, paper, picture, drawing or photograph.

(c) Permit any obscene or lewd or immoral writing, printed matter, paper, picture or photograph to remain on any interior or exterior wall of any building, street, sidewalk, or other structure viewed or used by the public which is under his control or supervision.

(d) Permit any show, play, exhibition, entertainment or motion picture which is of an indecent, lewd or immoral character in or at any place under his control or supervision.

(3) No man and woman not married to each other shall cohabit together in a lewd or lascivious manner.
(4) No person shall produce or take part in or witness any show, play, exhibition, entertainment or motion picture which is of an indecent, lewd or immoral character.
(5) No person shall bathe or swim in any lake, river, stream, pond, slough or creek or in any public natatorium or swimming pool where such facilities are simultaneously used by both sexes, without wearing suitable bathing attire. "Suitable bathing attire" shall mean that attire which is generally used, recognized and accepted by the public and which is not offensive to public morals and which does not expose the bather or swimmer indecently.
(6) No person shall make improper advances or indecent remarks to another person. No male person shall impertinently seek to attract the attention of any female person upon the streets or in public places.
(7) No female person shall frequent, loiter or be employed in any tavern, cabaret or night club for the purpose of soliciting

a male person to purchase drinks. No proprietor of any such establishment shall allow the presence in such establishment of any person who violates the provisions of this subsection. Provided, however, that this section shall not apply to female persons regularly employed as barmaids and waitresses.
(8) Except for the lawful occupant of property, no person shall look into or loiter around or within view of any window or door of an occupied residence with the intent of invading the privacy of another.

Section 21. Prostitution.

(1) No woman shall, with or without remuneration, engage in the practice of prostitution.
(2) No woman shall in any manner solicit any person for the purpose of prostitution.
(3) No person shall knowingly transport or offer to transport any other person to any place or building for the purpose of prostitution.
(4) No person shall bring together, offer to bring together, or aid in bringing together in any manner, two or more persons for the purpose of prostitution.
(5) No person shall solicit, request, entice or attempt to entice any female person to become a prostitute or to enter a place of prostitution.
(6) In all prosecutions under this section common fame or reputation shall be competent evidence.

Section 22. Defrauding of Innkeepers.

(1) No person shall order or obtain food, drink or lodging from any restaurant, motel, or hotel without the ability to pay and without paying or tendering payment.

Section 23. Lodging Accommodations.

(1) No person shall write or cause to be written, or knowingly permit to be written, in any register in any hotel, lodginghouse, rooming house or other place offering accommodations, any other or different name than the true name or designation of the person so registered, or the name by which such person is generally known.
(2) No proprietor, manager or other person in charge of a hotel, lodginghouse, rooming house or other place where transients are accommodated shall:

(a) Rent or assign rooms for joint and private occupancy by persons of the opposite sex unless such persons shall be registered as husband and wife, or as parent and minor child.
(b) Rent or assign rooms for joint and private occupancy by persons of the opposite sex if, notwithstanding the lawful appearance of the registration, he has reasonable cause to believe such transients are not husband and wife or parent and minor child.

Section 24. Bad Checks. No person shall make, draw, utter, or deliver to any other person, firm, corporation, partnership or other business entity a check, draft or order on a bank or other depository which shall not be honored at said bank or other depository by reason of not sufficient funds, no account or for some other reason that indicates an intent to defraud.

Section 25. Occult Arts.

(1) No person shall for hire or profit engage in any practice of occult arts, either public or private, as that term is described and defined in subsection (2) of this section.
(2) The term "occult art" means the use or practice of fortune-telling, astrology, phrenology, palmistry, clairvoyance, mesmerism, spiritualism or to conduct any spiritualistic readings or exhibitions of any character, provided, however, this section shall not prohibit any person from conducting or carrying on any of the above-mentioned arts, if duly licensed so to do under any ordinance of the city.

Section 26. Vagrancy.

(1) No person shall be a vagrant as that term is defined in subsection (2) of this section.
(2) "Vagrant" shall mean:
(a) Any person having no lawful means of employment and having no lawful means of support realized solely from lawful occupations or sources; or, any person who lives idly and without visible means of support.
(b) Any person wandering abroad and begging; or any person who goes about from door to door of private homes or commercial and business establishments, or places himself in or upon any public way or public place to beg or receive alms for himself.
(c) Every idle or dissolute person, or associate of known criminals, who wanders about the streets or highways at late or unusual hours of the night, or who lodges in any place other than such as is kept for lodging purposes, without the permission of the owner or party entitled to the possession thereof.
(d) Every lewd or dissolute person who lives in or about a disorderly house, as defined by this ordinance.
(e) Every prostitute.
(f) Every person upon whom or in whose possession shall be found any implement that is usually employed or that reasonably may be inferred to have been designed to be employed in the commission of any felony, misdemeanor or ordinance violation, and who shall fail to have a lawful purpose for the possession of the same.
(g) Every person who by the common law is classified as a vagrant whether included in the foregoing classification or not.
(h) Any person who is not enrolled as a student or who is not employed by the public or private school and who, without a lawful purpose therefor, willfully loiters about any public or private school building or the public premises adjacent thereto, or who conducts himself in a violent, riotous or disorderly manner, or uses any abusive or obscene language in any street, or highway, house or place whereby the peace and quiet of the neighborhood or vicinity may be disturbed.

Offenses Against Property

Section 27. Trespass. No person shall wrongfully go or trespass upon any real or personal property belonging to the city or any person within the city.

Section 28. Larceny. No person shall steal the property of another and if the property stolen shall not exceed the value of $75.00

the Municipal Court of the City of Bend shall have jurisdiction to hear and punish such offense as a violation of this ordinance.

Section 29. Destruction of Official Notices and Signs. No unauthorized person shall deface, alter, remove or tear down any official notice or bulletin or any official sign or signal posted or placed in conformity with the laws.

Section 30. Removal of Barricades. No person shall remove, alter or damage any danger notice or barricade erected or maintained by authority of the city in, around, across or along any sidewalk or roadway. For the purposes of this section any danger sign or barricade lawfully erected by a contractor in connection with the work of paving or improving any sidewalk or roadway under contract with the city for such improvement shall be deemed to be erected by authority of the city.

Section 31. Protection of Asphalt. No person shall spill or permit to be spilled or otherwise to come in contact with any pavement composed wholly or in part of asphalt or similar substance, any liquid petroleum product, acid, or other liquid substance that may, if deposited on such pavement, tend to disintegrate or injure the same; nor shall any person burn anything on said pavement.

Section 32. Travel Over New Street Improvements. No person shall walk or ride or cause a vehicle to be operated, or cast any object, along or upon any pavement, walk, curb or other surface of any hard surface street improvement within the city before that portion of pavement, walk, curb or other surface has been opened for public travel by the city.

Section 33. Injury to or Removal of Property.

(1) No unauthorized person shall cut, remove, deface, tamper with or in any manner injure or damage real or personal property of the city within or without the corporate limits.
(2) No unauthorized person shall deface, injure, tamper with, break or destroy any property, real or personal, belonging to or under the control of another.

Section 34. Taking, Retention or Mutilation of Public Records.

(1) No person shall without proper authority take or remove any public record, document, book, paper or personal property of any kind owned by the city.
(2) No person without proper authority shall mutilate or destroy any public record, document, book or paper on file or kept on record in any public office of the city.
(3) No person shall retain any public record, document, book or paper after lawful demand has been made for the return thereof.

Offenses Against the Public Health

Section 35. Stench Bombs. No person other than a peace officer acting in line of duty shall in any manner deposit upon the person or property of another any liquid, gaseous or solid substance which is injurious to person or property. No person shall attempt or aid in the attempt or commission of any such prohibited act.

Section 36. Children Confined in Vehicles. No person who has under his control or guidance any minor child under eight years of age shall at any time lock or confine, or permit to be locked or confined, or leave unattended, such child in any automobile, stage, coach, bus, or

other vehicle or place upon the streets, alleys, or ways for a period of time longer than 30 minutes. It shall be lawful and the duty of any policeman or other peace officer, finding a child or children confined in violation of the terms of this ordinance, to enter such automobile, stage, coach, bus or other vehicle and remove such child, such officer having the right, if necessary, to break the doors or windows of such vehicle in order to save the life of such child or to save such child from great mental or physical suffering.

Section 37. Minors, Employment in Certain Places. No person shall employ a minor in or about any cardroom, poolroom, billiard room, or shooting gallery where intoxicating beverages are consumed.

Section 38. Minors, Employment in Liquor Establishment. A person who operates an establishment licensed under the laws of the state of Oregon to vend or distribute intoxicating liquor shall not employ or permit any minor to handle, distribute, or sell any intoxicating liquor.

Penalties

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

General

Section 40. Extraterritorial Effect. All police and penal ordinances of the city enacted to protect property and preserve peace and order, including the penalties of fine and imprisonment, now or hereafter enacted and applicable within the city limits, shall apply with equal force and effect to all lands owned or controlled by the city located out side the boundaries of the city and used for park purposes and the right to make arrests and serve process shall likewise apply.

Section 41. Fines, Payment Enforced. If any person shall neglect or refuse to pay any fine imposed upon conviction of a violation of this ordinance he shall be confined to the city jail one day for each $5.00 of such fine.

Section 42. Separate Violations. Each day's violation of a provision of this ordinance is a separate offense.

Section 43. Severability. The sections and subsections of this ordinance are hereby declared severable. The invalidity of any one section or subsection shall not affect the validity of the remaining sections or subsections.

Section 44. Ordinances number NS-429, NS-363, NS-531, NS-229, NS-278, NS-95, NS-117, NS-382, NS-494, and NS-583, are repealed.

Read for the 1st time the 6th day of July, 1966.

Read for the 2nd time the 20th day of July, 1966.

Placed upon its passage the 20th day of July, 1966.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 20th day of July, 1966.

Charles B. Hinds Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-738

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 DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> That portion of the Northwest Quarter of the Northeast Quarter (NW 1/4, NE 1/4) of Section Six (6), Township Eighteen (18) South, Range Twelve (12), East of the Willamette Meridian, lying west of Century Drive, and which area is to be further identified as NORTH CENTURY DRIVE FIRST ADDITION.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 7th day of September, 1966, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

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 effective upon the passage hereof.

NOW, THEREFORE an emergency is hereby declared to exist and this ordinance shall take effect immediately after its enactment and approval.

Read for the first time the 20th day of July, 1966.

Read for the second time the 3rd day of August, 1966.

Placed upon its passage the 3rd day of August, 1966.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 4th day of August, 1966.

Charles B. Hindsley
Mayor

ATTEST:

Recorder of the City of Bend

NS-738

ORDINANCE NO. NS-739

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR CERTAIN AREAS BY AMENDING THE ZONING DISTRICT MAP.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-651 is repealed.

Read for the first time the 3rd day of August, 1966.

Read for the second time the 17th day of August, 1966.

Placed upon its passage the 17th day of August, 1966.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 17th day of August, 1966.

Charles B. Hinds
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-739

ORDINANCE NO. NS-740

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR CERTAIN AREAS BY AMENDING THE ZONING DISTRICT MAP.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 4.1 of Ordinance No. NS-546 is amended by changing the Zoning District Map as follows:

Lots 1 and 2, Block 40, Northwest Townsite Company's Second Addition are changed from "C-1" Commercial District to "C-2" Commercial District.

Read for the first time the 3rd day of August, 1966.

Read for the second time the 17th day of August, 1966.

Placed upon its passage the 17th day of August, 1966.

YEAS: 6 NAYS: 0

Charles B. Hindsley, Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-740

ORDINANCE NO. NS-741

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR CERTAIN AREAS BY AMENDING THE ZONING ORDINANCE MAP.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 4.1 of Ordinance No. NS-546 is amended by changing the Zoning District Map as follows:

Lots 1, 2, 3, and 4, Block 46; All of Block 47; and Lots 9, 10, 11, 12, 13, 14, 15, and 16, in Block 48, Riverside Addition are changed from R-2 One-Family Dwelling District to M-1 Light Industrial District.

Read for the first time the 3rd day of August, 1966.

Read for the second time the 17th day of August, 1966.

Placed upon its passage the 17th day of August, 1966.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 17th day of August, 1966.

Charles B. Hindley
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-741

ORDINANCE NO. NS- 742

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-733 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 17th day of August, 1966, at the hour of 7:30 p.m. o'clock in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

A parcel of land located in the Northeast Quarter of the Northwest Quarter (NE 1/4, NW 1/4) of Section Three (3), Township Eighteen (18) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, described as follows:

Beginning at a point whence the Southwest corner of the NE 1/4, NW 1/4 of Section 3 bears South 0°18'00" W 30 feet and South 89°41'00" West 264 feet; thence North 89°41'00" East 102 feet; thence North 0°18'00" East 92.95 feet; thence South 89°41'00" West 102 feet; thence South 0°18'00" West 92.95 feet to the point of beginning.

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

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

Read for the first time the 17th day of August, 1966.

Read for the second time the 7th day of September, 1966.

Placed upon its passage the 7th day of September, 1966.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 7th day of September, 1966.

Charles B. Hindz
Mayor

ATTEST:

Recorder of the City of Bend

NS-742

ORDINANCE NO. NS- 743

AN ORDINANCE VACATING A PORTION OF LOT 12, BLOCK 37, RIVERSIDE ADDITION IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

THE CITY COMMISSION OF THE CITY OF BEND, on the 6th day of July, 1966, on its own motion, having adopted a resolution initiating proceedings for the vacation of the following described real property:

> A portion of Lot Twelve (12), Block Thirty-seven (37), Riverside Addition in the City of Bend, Deschutes County, Oregon, more particularly described as follows:
>
> Beginning at the Southwest corner of said Lot 12, Block 37, Riverside Addition; thence North 19°39'13" East for 148.66 feet to the Northeast corner of Lot 12, Block 37; thence West 50' to the Northwest corner of said Lot 12; thence due South for 140' to the point of beginning.

and the Recorder for the City of Bend having heretofore caused the following notice:

> NOTICE OF PUBLIC HEARING ON VACATION OF PUBLIC PROPERTY
>
> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend to vacate the following described location at a regular Commission meeting held on the 6th day of July, 1966:
>
> A portion of Lot Twelve (12), Block thirty-seven (37), Riverside Addition; thence North 19°39', 13" East for 148.66 feet to the Northeast corner of Lot 12, Block 37; thence West 50 feet to the Northwest corner of said Lot 12; thence due South for 140 feet to the point of beginning.
>
> The City Commission of the City of Bend, Oregon, has fixed the 17th day of August, 1966, at the hour of 7:30 p.m., in the City Hall in the City of Bend as the time and place for hearing upon the said vacation proceedings at which time the City Commission will receive and hear any and all objections to the said proceedings.
>
> Julia S. Johnson
> Recorder of the City of Bend

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

NOW, THEREFORE, IT IS HEREBY ORDERED that the above-described real property be and the same hereby is vacated, and is made a matter of record.

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

Read for the first time the 17th day of August, 1966

Read for the second time the 7th day of September, 1966

Placed upon its passage the 7th day of September, 1966

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 7th day of September, 1966.

Charles B. Hindley
Mayor

Recorder of the City of Bend

NS-743

ORDINANCE NO. NS-744

Amended by NS-1013, NS-1081, Amended by NS-1340, repealed 8-4-82 NS-1361

AN ORDINANCE DEFINING NUISANCES, PROVIDING FOR THEIR ABATEMENT, PRESCRIBING PENALTIES, AND REPEALING ORDINANCES NO. NS-544, NS-653, Sections 1 and 4 of NS-120, NS-470, NS-284, NS-443, NS-125, NS-414, NS-96, NS-420, NS-370, NS-487, NS-174, NS-283, and NS-491.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Definitions

Section 1. Definitions. As used in this ordinance, the singular includes the plural and the masculine includes the feminine, and except where the context indicates otherwise, the following shall mean:

(1) Person in charge of property: Any owner, agent, lessee, contract purchaser, or other person having possession or control of property.

(2) City: The City of Bend.

(3) Commission: The governing body of the city.

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

(5) Public place: Any building, place or accommodation, whether public or privately owned, open and available to the public.

Animals

Section 2. Dog Control. It shall be unlawful for any person to suffer, permit or allow any dog in his possession or control to run at large, regardless of its age, within the corporate limits of the city at any time.

Section 3. Animals Damaging Property. No person shall permit any animal owned or controlled by him to cause damage or injury to any property belonging to another person or to the city.

Section 4. Care of Animals and Fowl. Animals and fowl shall be kept in a sanitary, healthful, clean manner and free of offending odors to neighbors or persons within the immediate vicinity, and 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. Feed for animals and fowl shall be kept in rodent-proof containers. No person shall keep or maintain any animal or fowl which shall create or make loud, unusual or disturbing noise to neighbors or persons within the immediate vicinity of the place where the animals or fowl are kept.

Section 5. Removal of Carcasses. No person shall permit any carcass owned by him or under his control to remain upon a public place or exposed on private property for a period of time longer than is reasonably necessary to remove and dispose of it.

Nuisances Affecting the Public Health

Section 6. Nuisances Affecting the Public Health. The following are hereby declared to be nuisances affecting the public health and may be abated in the manner prescribed by Sections 19 to 23 of this ordinance.

(1) Privies. Any open vault or privy maintained within the city, except those privies used in connection with construction projects and constructed in accordance with the Oregon State Board of Health regulations.

(2) Debris on private property. All accumulations of debris, rubbish, manure and other refuse located on privately owned real property or sidewalks abutting said property, and which has not been removed within a reasonable time.

(3) Weeds, brush and overhanging limbs. All weeds, grass, bushes, brush, overhanging limbs and shrubbery growing on private property or upon public rights-of-way abutting said property not cut and removed and endangering the health, safety and welfare of the public.

(4) Stagnant water. Any pool of water which is without a proper inlet or outlet and which, if not controlled, will be a breeding place for mosquitos or other insect pests.

(5) Water pollution. The pollution of any body of water or stream or river by sewage, industrial waste or other substances placed in or near such water in a manner that will cause harmful material to pollute the water.

(6) Food. All decayed or unwholesome food which is offered for human consumption.

(7) Odor. Any premises which are in such state or condition as to cause a noisome or offensive odor or which are in an unsatisfactory condition.

Section 7. Noxious Weeds. No person in charge of property within the city shall permit any Russian thistle, Canadian thistle, Chinese thistle, white mustard, Jim Hill mustard, or any other noxious weed to grow upon said property.

Nuisances Affecting the Public Safety

Section 8. Abandoned Iceboxes. No person shall leave in any place accessible to children any abandoned, unattended or discarded icebox, refrigerator or similar container which has an airtight door with a snap lock or lock or other mechanism which may not be released for opening from the inside without first removing such snap lock or door from such icebox, refrigerator or similar container.

Section 9. Attractive Nuisances.

(1) No owner or person in charge of any premises shall permit:

(a) Any machinery, equipment or other device on such premises which is attractive and dangerous to children and which is accessible to children.

(b) The piling of any lumber, logs or piling in such a manner as to be attractive and dangerous to children and which is accessible to children.

(c) Any excavation to remain open for an unreasonable length of time without erecting proper safeguards or barriers to prevent such excavation from being used by children.

(2) The provisions of this section shall not apply to authorized construction projects provided that during the course of construction reasonable safeguards are maintained to prevent injury or death to playing children.

(3) Any nuisance as described in this section may be abated as provided in Section 19 to 23 of this ordinance.

Section 10. Snow and Ice Removal. No person in charge of any property, improved or unimproved, abutting upon any public sidewalk, shall permit:

(1) Any snow to remain on such sidewalk for a period longer than the first five hours of daylight after the snow has fallen.

(2) Any such sidewalk to be covered with ice. It shall be the duty of such person to remove any ice accumulating on such sidewalk or to properly cover it with sand, ashes or other suitable material to insure safe travel within the first five hours of daylight after the ice has formed.

(3) Any icicle to remain on an eave overhanging public property or a public way for a period longer than the first five hours of daylight after the icicle has formed.

Section 11. Scattering Rubbish. No person shall throw, dump or deposit upon any street, alley or other public place, any injurious or offensive substance or any sort of rubbish, trash, debris or refuse, or any substance which would mar the appearance, create a stench or detract from the cleanliness or safety of such public place, or would be likely to injure any animal, vehicle or person traveling upon such public way.

Section 12. Sifting or Leaking Loads.

(1) No person shall drive or move a vehicle on any street unless it is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom.

(2) It shall be the duty of any person driving a vehicle from which the contents have escaped to remove any escaped substance or material from the street.

(3) Any escaped substance or material as set forth in this section is hereby declared to be a nuisance and may be abated as provided in Sections 19 to 23 of this ordinance.

Section 13. Fences.

(1) No person shall construct or maintain any barbed-wire fence or allow barbed wire to remain as part of any fence, unless such wire is placed not less than six inches above the top of a non-barbed-wire fence which is not less than six feet high.

(2) No person shall install, maintain or operate a wire fence charged with electrical current within the city.

Section 14. Surface Waters, Drainage.

(1) No person in charge of any property shall suffer or permit water, ice or snow to fall from any building or structure on said property onto any street or sidewalk or to flow across such sidewalk; and every such person in charge of property shall at all times keep and maintain in a proper state of repair adequate drain pipes or drainage system so that any overflow water accumulating on the roof or about such building or structure will not be carried across or upon any sidewalk.

(2) Improper drainage contrary to paragraph (1) is hereby declared to be a nuisance and may be abated as provided in Sections 19 to 23 of this ordinance.

Section 15. Woodyards. No person shall erect, maintain or operate a woodyard within Fire Zone No. 1 of the city.

Nuisances Affecting the Public Peace

Section 16. Unnecessary Noise.

(1) No person shall make, assist in making, or permit any loud, disturbing or unnecessary noise which either annoys, disturbs, injures or endangers the comfort, repose, health, safety or peace of others.

(2) The following acts are declared to be loud, disturbing and unnecessary noises in violation of this section, but this enumeration shall not be construed as exclusive:

(a) The keeping of any animal or fowl which by causing frequent or long-continued noises shall disturb the comfort and repose of any person in the vicinity.

(b) The attaching of any bell to any animal or allowing a bell to remain on any animal which is disturbing to any person in the immediate vicinity.

(c) The use of any vehicle or engine, either stationary or moving, so operated as to create a loud or unnecessary grating, grinding, rattling or other noise.

(d) The sounding of any horn or signaling device on any vehicle on any street, public or private place, except as a necessary warning of danger.

(e) The blowing of any steam whistle attached to any stationary boiler, except to give notice of time to begin or stop work, or as a warning of danger, or upon the request of the proper city authorities.

(f) The use of any mechanical device operated by compressed air, steam or otherwise, unless the noise thereby created is effectively muffled.

(g) The erection, including excavation and demolition, alteration, or repair of any building in residential districts, other than between the hours of 7:00 a.m. and 9:00 p.m. except upon special permit granted by the City Commission.

(h) The use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicles.

(i) The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court of justice while the same are in use, or adjacent to any hospital or institution for the care of the sick or infirmed, which unreasonably interferes with the operation of such institution, or which disturbs or unduly annoys patients.

(j) Discharge in the open air of the exhaust of a steam engine, internal combustion engine, motor boat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke.

(k) The use or operation of any automatic or electric piano, phonograph, radio, television, loudspeaker or any instrument for sound producing or any sound-amplifying device so loudly as to disturb

persons in the vicinity thereof or in such a manner as renders the use thereof a nuisance; provided, however, that upon application to the City Commission permits may be granted to responsible persons or organizatqons to broadcast programs of music, news, speeches, or general entertainment.

(l) The making of any noise by crying, calling or shouting or by means of any whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument or other device for the purpose of advertising goods, wares or merchandise or of attracting attention of inviting patronage of any person to any business whatsoever; provided that newsboys may sell newspapers and magazines by public outcry, and persons having a valid permit to do so under the ordinances of the city may vend merchandise in the streets by public outcry.

(m) The conducting, operating or maintaining of any business operation within 100 feet of any private residence, apartment, rooming house or hotel in such manner as to unreasonably cause loud or offensive noises to be emitted therefrom between the hours of 11:00 p.m. and 7:00 a.m.

Section 17. Notices and Advertisements.

(1) No person shall, either as principal or agent, place or cause to be placed any placard, bill, advertisement or poster on any real or personal property, public or private, without first securing permission from the owner or proper public authority. This section shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the city regulating the use of and the location of signs and advertising.

(2) No person shall, either as principal or agent, distribute, circulate, or pass to or among persons along or upon any street, alley, park, or other public place in the city, or place in or upon any automobile or other vehicle on or along any public street, alley, park, or other public place in the city, any advertising, paper, handbill, dodger, circular, booklet, or other form of commercial advertising. Provided, however, that nothing herein contained shall prohibit the distribution or delivery of any newspaper which is capable of being entered as second-class matter under the provisions of the United States Postal Regulations; provided, further, that nothing herein contained shall be deemed to prohibit or otherwise regulate the delivery of any such matter by the United States Postal Service; provided, further, nothing herein contained shall be deemed to prohibit the delivery of any such matter on the porch or stoop of any occupied residence provided such matter is enclosed within an addressed envelope.

(3) It shall be unlawful for any person to hand out or distribute any non-commercial handbill in any public place to any person unless such non-commercial handbill shall have printed on it the name and address of the following:

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

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

Section 18. General Nuisance. In addition to those nuisances specifically enumerated within this ordinance, every other thing, substance or act which is determined by the City Commission to be injurious or detrimental to the

public health, safety or welfare of the city is hereby declared to be a nuisance and may be abated as provided in Sections 19 to 23 of this ordinance.

Abatement Procedures

Section 19. Abatement Notice.

(1) Upon determination of the City Commission that a nuisance as defined in this ordinance exists, the City Commission shall forthwith cause a notice to be posted on the premises liable for the abatement directing the removal of such nuisance.

(2) At the time of posting, the City Recorder-Treasurer shall cause a copy of such notice to be forwarded by registered or certified mail, postage prepaid, to the owner of the property, or his agent, at the last known address.

(3) The notice to abate shall contain:

(a) A description of the real property, by street address or otherwise, on which such nuisance exists.

(b) A direction to remove the nuisance within thirty days from the date of the notice.

(c) A description of the nuisance.

(d) A statement that unless such nuisance is removed the city will remove the nuisance and the cost of removal shall be a lien against the property.

(e) A statement that the owner of the property, or his agent, may protest the action by giving notice to the City Recorder-Treasurer within ten days from the date of the notice.

(4) The person posting and mailing the notice provided herein shall, upon completion of the posting and mailing, execute and file a certificate stating the date and place of such mailing and posting.

(5) An error in the name or address of the person in charge of the property or the use of a name other than that of such person shall not make the notice void and in such a case the posted notice shall be deemed sufficient.

Section 20. Abatement by the Owner.

(1) Within 30 days after the posting and mailing of the notice as provided in Section 19, the owner of the property, or his agent, shall remove and abate the nuisance or show that no nuisance exists.

(2) The owner or his agent protesting that no nuisance in fact exists shall file with the City Recorder-Treasurer a written statement which shall specify the basis for contending that no nuisance exists.

(3) The statement shall be referred to the City Commission as a part of the City Commission's regular agenda at its next succeeding meeting. At the time set for the consideration of the abatement, such person may appear and be heard by the City Commission and the City Commission shall thereupon determine whether a nuisance in fact exists and such a determination shall be entered in the official minutes of the City Commission. City Commission determination shall be required only in those cases where a written statement has been filed as provided herein.

(4) Upon City Commission determination that a nuisance does in fact exist, the owner of the property, or his agent, shall within thirty days after such City Commission determination remove or abate such nuisance.

Section 21. Abatement by the City.

(1) If within the time fixed, as provided in this ordinance, the nuisance has not been abated by the owner of the property, or his agent, the City Commission shall cause the nuisance to be abated.

(2) The City Recorder-Treasurer shall maintain an accurate record of the costs incurred by the city in abating the nuisance.

(3) The total costs shall thereupon be assessed to the property as hereinafter provided.

Section 22. Assessment of Costs.

(1) The notice of the assessment shall be forwarded by certified mail, postage prepaid, to the owner of the property, or his agent, by the City Recorder-Treasurer. The notice shall contain:

(a) The total costs of abatement.

(b) A statement that the costs as indicated will become a lien against the property unless paid within 60 days.

(c) A statement that if the owner of the property, or his agent, objects to the cost of the abatement as indicated, he may file a notice of objection with the City Recorder-Treasurer within 30 days from the date of the notice.

(2) Upon the expiration of 30 days after the date of the notice, objections to the proposed assessment shall be heard and determined by the City Commission in its regular course of business.

(3) An assessment for the cost of abatement as determined by the City Commission shall be made by resolution of the City Commission and shall thereupon be entered in the docket of city liens, and upon such entry being made, it shall constitute a lien upon the property from which the nuisance was removed or abated.

(4) The lien shall be collected in the manner as liens for street improvements are collected, and shall bear interest at the rate of 6 per cent per annum. Such interest shall commence to run 30 days after the entry of the lien in the lien docket.

(5) An error in the name of the person in charge of the property shall not void the assessment nor will a failure to receive the notice of the assessment render the assessment void, but it shall remain a valid lien against the property.

Section 23. Summary Abatement. The procedure provided by this ordinance is not exclusive but is in addition to procedures provided by law. The Chief of the Fire Department and the police officers of this city may proceed summarily to abate a nuisance defined by this ordinance which unmistakably exists and from which there is imminent danger to human life or property.

General

Section 24. Penalties. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by imprisonment for a period not to exceed 90 days, or by a fine not to exceed $300, or both.

Section 25. Separate Violations.

(1) Each day's violation of a provision of this ordinance shall constitute a separate offense.

(2) The abatement of a nuisance as herein provided shall not constitute a penalty for a violation of this ordinance, but shall be in addition to any penalty imposed for a violation of the ordinance.

Section 26. Severability. The sections and subsections of this ordinance are hereby declared severable. The invalidity of any one section or subsection shall not affect the validity of the remaining sections or subsections.

Section 27. Repealed. Ordinances No. NS-544, NS-653, Sections 1 and 4 of NS-120, NS-470, NS-283, NS-284, NS-443, NS-125, NS-414, NS-96, NS-420, NS-370, NS-487, NS-174, and NS-491 are hereby repealed.

Read for the first time the 5th day of October, 1966.
Read for the second time the 19th day of October, 1966.
Placed upon its passage the 19th day of October, 1966.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 19th day of October, 1966.

Charles B. Hinds Jr.
Mayor

ATTEST:

Julian S. Johnson
Recorder of the City of Bend

NS-744

ORDINANCE NO. NS-745

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR CERTAIN AREAS BY AMENDING THE ZONING DISTRICT MAP.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 4.1 of Ordinance No. NS-546 is amended by changing the Zoning District Map as follows:

Lots Nine (9) and Ten (10), Block Thirty-six (36)
Lots Fifteen (15) and Sixteen (16), Block Thirty-seven (37)
Lots Seven (7) and Eight (8), Block Forty-one (41); all in Northwest Townsite Company's Second Addition from C-1 Commercial District to C-2 Commercial District; and

Lots Eleven (11) to Sixteen (16), inclusive, Block Thirty-Six (36)
Lots Thirteen (13) and Fourteen (14), Block Thirty-seven (37)
Lots Three (3), Four (4), Thirteen (13), Fourteen (14), Fifteen (15) and Sixteen (16), Block Forty (40)
Lots One (1) to Six (6), inclusive; and Lots Nine (9) to Sixteen (16), inclusive, Block Forty-one (41); all in Northwest Townsite Company's Second Addition in the City of Bend, Oregon from R-2 One-Family Dwelling District to C-2 Commercial District.

Read for the first time the 5th day of October, 1966

Read for the second time the 19th day of October, 1966

Placed upon its passage the 19th day of October, 1966

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 19th day of October, 1966

Charles B. Hundley Jr.
Mayor

ATTEST:

Lucia S. Johnson
Recorder of the City of Bend

NS-745

ORDINANCE NO. NS- 746

NS-746 repealed by NS-1497 passed 7-19-89

AN ORDINANCE PRESCRIBING THE METHODS AND PROCEDURES FOR INITIATING, ACQUIRING, AND DEVELOPING OFF-STREET MOTOR VEHICLE PARKING FACILITIES AND ASSESSING THE COST TO BENEFITED PROPERTIES.

WHEREAS, ORS 223.805 to 223.845 gives cities the authority to establish, operate and finance off-street motor vehicle parking facilities; and

WHEREAS, ORS 223.387 to 223.401 gives cities the authority to make local assessments upon benefited property for off-street motor vehicle parking facilities and requires the City Commission to prescribe the procedure to be followed in making local assessments for property specially benefited by an off-street motor vehicle parking facility;

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. INITIATION OF PROCEEDINGS AND REPORT.

(1) The City of Bend may acquire and/or develop an off-street motor vehicle public parking facility either upon its own motion or upon the petition of the owners of one-half of the area of property which will be specially benefited by such a project. For purposes of determining the property area to be considered in a petition to initiate such a project property which is actually used for public parking purposes or for customer (but not employee) parking shall not be included.

(2) If the proposed off-street motor vehicle parking facility is to be paid for in whole or in part by special assessment according to its benefits, then the City Commission may, by motion, direct the City Manager or a committee appointed for the purpose to make a written report for the project and file it with the City Recorder-Treasurer. The report may contain, when applicable, the following matters:

a. A map or plat showing the general nature, location and extent of the proposed off-street motor vehicle parking facility and the land to be assessed for the payment of any part of the cost thereof.

b. General plans and estimates of the work to be done.

c. An estimate of the probable cost of the project, including any legal, administrative and engineering costs.

d. A recommendation as to the method of assessment to be used and an estimate of the cost to be assessed to each of the specially benefited properties.

e. The description and assessed value of each lot, parcel of land, or portion thereof, to be specially benefited by the off-street motor vehicle parking facility, with the names of the record owners or contract purchasers.

f. A statement of outstanding assessments against each property to be assessed.

Section 2. COMMISSION'S ACTION ON REPORT. After the report is filed with the City Recorder-Treasurer, the Commission may by motion approve the report; modify the report and approve it as modified; require additional or different information for the project; or it may abandon the project.

NOV 21 1966

NS-746

Section 3. RESOLUTION AND NOTICE OF HEARING.

(1) If the City Commission approves the report, it shall declare its intention to establish an off-street motor vehicle parking facility by resolution. The resolution shall designate the project, provide the manner and method of carrying out the project and describe the boundaries of the district to be assessed for the project.

(2) The City Recorder-Treasurer shall give notice to record owners of property within the district which is proposed to be assessed for the project by mail at least 15 days before the date set for hearing of objections to the project. Notice shall also be published in a newspaper of general circulation within the City of Bend at least once a week for two consecutive weeks, with the last publication to be published at least 10 days before the date set for the hearing.

(3) The notice shall recite:

a. That the report is on file in the office of the Recorder-Treasurer for public examination.

b. That the Commission will hold a public hearing on the proposed off-street parking facility on a specified date; that objections to the project will be heard by the Commission at the hearing; and that if prior to the hearing there shall be presented to the Recorder-Treasurer written objections by more than one-half of the owners of property proposed to be assessed, based either upon percentage of area or upon the percentage of assessed valuation within the proposed assessment area, then the improvement will be abandoned for at least one year.

c. A description of the district proposed to be assessed; the total estimated cost of the project; the total estimated cost of the project to be paid for by special assessments; the record owner's description of each property to be assessed; and an estimate of the amount to be assessed against each property within the district.

Section 4. REMONSTRANCE, HEARING.

(1) If prior to the time set for the hearing one-half of the record owners of property proposed to be assessed, based either upon area to be assessed or assessed valuation according to the current records of the Deschutes County Assessor within the area to be assessed, object to the project in writing filed with the Recorder-Treasurer, then the project will be abandoned for at least one year.

(2) If less than one-half of the owners of property proposed to be assessed object in writing, the City Commission shall hear and consider objections at the hearing but may in its discretion proceed with the project according to its resolution of intent, modify the project and amend the resolution of intent without further hearings or it may abandon the project.

Section 5. MANNER OF DOING WORK. The work may be done in whole or in part by the City, by contract, by any other governmental agency or by any combination thereof.

Section 6. CALL FOR BIDS. The Commission may, in its discretion,

direct the City Recorder-Treasurer to advertise for bids for construction of all, or any part of the project, provided, however, that no contract shall be let until after the public hearing has been held to hear objections to the proposed off-street parking facility. In the event that any part of the work of the project is to be done under contract, then the Commission shall determine the time and manner of advertisement for bids and the terms and conditions of the contract.

Section 7. METHOD OF ASSESSMENT. The Commission in adopting a method of assessment of the costs of the off-street parking facility may:

(1) Use any fair and reasonable method of determining the properties specially benefited by the project and the extent of their benefit.

(2) Use any fair and reasonable method of apportioning the sum to be assessed between the properties determined to be specially benefited.

(3) Authorize the City to pay any part or all of the project.

(4) Not include property which is actually used for public parking purposes or for customer (but not employee) parking in the property to be assessed for the cost of the project.

Section 8. NOTICE OF PROPOSED ASSESSMENT.

(1) Prior to any assessment for an off-street motor vehicle parking facility the City Commission shall cause the City Recorder-Treasurer to give Notice of Proposed Assessment to each property owner of record affected by the proposed assessment.

(2) The Notice of Proposed Assessment shall contain a description of the project; the total actual cost if the work is already done, or total estimated cost based upon the contract award, or estimated City departmental cost of the project; that part of the project's cost to be assessed against the property specially benefited; the record owner of each parcel of property to be assessed; the description of each parcel of property to be assessed and the amount of each assessment. The notice shall also specify the time and place at which objections to the proposed assessment may be made and that all objections to the proposed assessments must be filed with the City Recorder-Treasurer prior to the time set for hearing objections.

(3) The Notice of Proposed Assessment shall be mailed to the record owner for each parcel of property sought to be assessed at least 15 days before the time set for hearing objections.

(4) The Notice of Proposed Assessment shall be published at least once giving 15 days notice of the time and place at which objections to the proposed assessment may be made.

(5) The Notice of Proposed Assessment shall be posted at three public places within the City of Bend at least 15 days before the time at which objections to the proposed assessment may be made.

Section 9. ASSESSMENT BY THE CITY COMMISSION.

(1) At the time and place specified in the Notice of Proposed Assessment the City Commission shall consider all objections timely filed to the proposed assessment. The Commission may adopt, correct, modify or revise the proposed assessments and shall determine the amount of assessment to be charged against each property to be assessed

according to the special and peculiar benefits accruing thereto from the project and shall by ordinance spread the assessments. The ordinance spreading the assessment may be passed either before or after the actual work on the project is done.

(2) Upon passage of the ordinance spreading the assessment the City Recorder-Treasurer shall enter the assessment in the docket of City Liens at which time the assessment shall become a lien upon the property assessed superior to any other lien as provided by law. The entry in the docket of City Liens must contain the description of each property liable for the assessed cost of the project, the name of the record owner, or the reputed owner thereof, or that the name of the owner is unknown, together with the sum assessed upon the property and the day of entering the same into the docket.

Section 10. NOTICE OF ASSESSMENT. Within 10 days after the Ordinance spreading the assessments has been passed and entry in the Docket of City Liens, the City Recorder-Treasurer shall publish and mail a Notice of Assessment to the record owners of the assessed property. The Notice of Assessment shall recite the date of the assessment ordinance and shall state that upon the failure of the owner of the property assessed to make application to pay the assessment in installments within 10 days from a certain date, which shall be the date of publication, as provided by the provisions of Section 223.205 to 223.300, (entitled Bancroft Bonding Act) or upon the failure of the owner to pay the assessment in full within 20 days from the date of the assessment ordinance, then interest will commence to run on the assessment and the property assessed will be subject to foreclosure; and said notice shall further set forth a description of the property assessed, the name of the owner of the property and the amount of each assessment.

Section 11. METHOD AND EFFECT OF GIVING NOTICE.

(1) Whenever any notice by mail is required by this ordinance it may be sent by either registered or certified mail and if directed to the record owner of real property shall be sent to the record owner's address as shown on the records of the Deschutes County, Oregon, Assessor. Recorded land contract purchasers shall receive notice in the same manner. Notice to any agent of the record owner or recorded land contract purchaser shall be considered notice to the principal.

(2) Any mistake, error, omission or failure with respect to such mailing shall not be jurisdictional or invalidate the assessment proceedings, but there shall be no foreclosure or legal action to collect until notice has been given by personal service upon the property owner, or, if personal service cannot be had, then by publication once a week for two successive weeks in a newspaper of general circulation in the city where such property is located.

(3) Publication of notice shall be done in a newspaper of general circulation within the City of Bend.

Section 12. FORECLOSURE. Any assessment pursuant to this ordinance not paid within 20 days after it is entered in the docket of City liens, or which has not been bonded pursuant to ORS 223.205 to ORS 223.300 (Bancroft Bonding Act) may be foreclosed as provided in section 5.18 of the Amended Charter of the City of Bend and as otherwise provided by law.

Section 13. ERRORS IN ASSESSMENT CALCULATIONS. Claimed errors in the calculation of assessments shall be directed to the City Recorder-

Treasurer, who shall determine whether there has been an error in fact. If the Recorder-Treasurer shall find that there has been an error in fact, he shall recommend to the Commission an amendment to the assessment ordinance to correct such error, and upon enactment of such amendment, the City Recorder-Treasurer shall make the necessary correction in the Docket of City Liens and send a correct Notice of Assessment by mail.

Section 14. DEFICIT ASSESSMENT. In the event that an assessment shall be made before the total cost of the project is ascertained and if it is found that the amount of the assessment is insufficient to pay the actual cost of the project, the Commission may by ordinance declare and assess the deficit. Notice of proposed assessment for the deficit shall be given as provided in Section 8 of this ordinance. There shall be a hearing on objections to the proposed deficit assessment as provided in Section 9 of this ordinance. The deficit shall be assessed as provided in Sections 9 and 10 of this ordinance.

Section 15. REBATES. If upon the completion of the project it is found that the assessment previously made is more than sufficient to pay the costs of the project, or at the end of any fiscal year in which the project is operated there is any net income after the payment of the operating costs, then the Commission must ascertain and declare the same by resolution, and when so declared, the excess amounts must be entered on the Lien Docket as a credit upon the appropriate assessments and shall be apportioned and credited to the respective property owners on the same basis and according to the same formula as the original assessment. In the event that an assessment has been paid, the person who paid it, or his legal representative or assign, shall be entitled to the rebate.

Section 16. ABANDONMENT OF PROCEEDINGS. The Commission shall have full power and authority to abandon and rescind proceedings for off-street motor vehicle parking facilities under this ordinance at any time prior to the final completion of the project.

Section 17. CURATIVE PROVISIONS. No assessment by this ordinance shall be rendered invalid by reason of a failure of the report to contain all of the information required by Section 1 of this ordinance, or by reason of a failure to have all of the information required to be in the resolution of intent, the assessment ordinance, the Lien Docket or notices required to be published and mailed, nor by the failure to list the name of, or mail notice to, the record owner of any property as required by this ordinance, or by reason of any other error, mistake, delay, omission, irregularity, or other act, jurisdictional or otherwise, in any of the proceedings or steps herein specified, unless it appears that the assessment is unfair or unjust in its effect upon the person complaining; and the City Commission shall have the power and authority to remedy and correct all such matters by suitable action and proceedings.

Section 18. REASSESSMENT. Whenever any assessment, deficit or reassessment for any off-street motor vehicle parking facility made by the City has been, or will be, set aside, annulled, declared or rendered void, or its enforcement restrained by any Court of this state, or any Federal Court having jurisdiction thereof, or when the City Commission shall be in doubt as to the validity of any assessment, deficit assessment, or reassessment, or any part thereof, then the City Commission may make a reassessment in the manner provided by the laws of the State of Oregon.

Section 19. APPLICATION. The procedures described in this Ordinance shall be applicable to either the development by the City of an off-street

parking facility or to the purchase and/or financing of an existing off-street parking facility.

Section 20. SEVERABILITY. It is hereby declared to be the intent of the City Commission that each of the provisions of this Ordinance shall be deemed independent to the end that if any provision hereof shall be declared invalid, by any Court of competent jurisdiction, all of the other provisions hereof shall remain in full force and effect, and that if any section, subsection, provision clause or paragraph of this ordinance shall be adjudged or declared by any Court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this ordinance.

Section 21. EMERGENCY CLAUSE. This ordinance being necessary for the immediate preservation of the public peace, health and safety because of existing traffic congestion and lack of public off-street motor vehicle parking facilities, an emergency is declared to exist, and this ordinance shall take effect upon its passage.

Read for the first time the 2nd day of November, 1966.

Read for the second time the 16th day of November, 1966.

Placed upon its passage the 16th day of November, 1966.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 16th day of November, 1966.

Charles B. Hinds Jr.
Mayor

ATTEST:

Irene L. Johnson
Recorder of the City of Bend

NS-746

ORDINANCE NO. NS-747

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF CITY OF BEND WATER BONDS IN THE SUM OF ONE HUNDRED FORTY THOUSAND AND NO/100 ($140,000) DOLLARS FOR THE PURPOSE OF PROVIDING FUNDS FOR IMPROVEMENTS TO THE CITY'S WATER SYSTEM; AND DECLARING AN EMERGENCY.

WHEREAS at an election duly called and held in the City of Bend, Oregon, on the 8th day of November, 1966, the Commission of said City was duly authorized and empowered to issue and sell bonds in the sum of One Hundred Forty Thousand and no/100 ($140,000) Dollars to procure funds to construct a new reservoir, distribution mains and to do other things necessary to provide water service to the proposed new Junior High School on the northerly side of Pilot Butte outside the City of Bend, Oregon; the proposed addition to Bear Creek Elementary School in the City of Bend, Oregon; adjacent areas; and otherwise improve the City's water system,

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 One Hundred Forty Thousand ($140,000) Dollars par value in amount, said bonds to be in denominations of One Thousand Dollars ($1,000) each, numbered from 1 to 140, inclusive, to be dated February 15, 1967, and to mature serially in numerical order as follows:

$5,000 on February 15, 1968
$6,000 on February 15, 1969
$7,000 on February 15, 1970
$8,000 on February 15, 1971
$9,000 on February 15, 1972
$20,000 on February 15, 1973
$20,000 on February 15, 1974
$20,000 on February 15, 1975
$20,000 on February 15, 1976
$25,000 on February 15, 1977

said bonds to bear interest at the rate of not to exceed six percent (6%) per annum, payable semiannually on the 15th 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 semiannual 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 1967".

SECTION 2. That the said City of Bend Water Bonds, Series 1967 and the coupons attached thereto shall be in substantially the following form:

No. _____ $1,000

UNITED STATES OF AMERICA
STATE OF OREGON
DESCHUTES COUNTY
CITY OF BEND WATER BONDS SERIES 1967

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

ONE THOUSAND DOLLARS

on the 15th day of February, 19___, with interest thereon at the rate of ___% (__) per annum, payable semiannually on the fifteenth day 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 One Hundred Forty Thousand Dollars ($140,000) par value in amount, authorized by an amendment to the Charter of said City, duly submitted to and approved by the legal voters of said City at an election held for said purpose on the 8th day of November, 1966, 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 construct a new reservoir, distribution mains and to do other things necessary to provide water service to the proposed new Junior High School on the northerly side of Pilot Butte outside the City of Bend, Oregon; the proposed addition to Bear Creek Elementary School in the City of Bend, Oregon, adjacent areas; and otherwise improve the City's water system. 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 is 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 15th day of February, 1967.

_____
Mayor

Countersigned:

_____
Recorder

COUPON

No. _____ $_____

On the 15th 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 1967, dated February 15, 1967, No. ___.

_____
Mayor

Countersigned:

_____
Recorder

SECTION 3. The City is authorized and directed to place annually in a sinking fund from the unobligated revenues from the City water system an amount sufficient to pay each year's principal and interest of the City of Bend Water Bonds, Series 1967, as they become due.

SECTION 4. The Recorder is hereby instructed to advertise the aforesaid bonds for sale at the Commission meeting to be held on the 1st day of February, 1967, at the Commission Chambers in the City of Bend, by publishing a notice of sale in the Bulletin once each week for two successive weeks before the said date of sale.

SECTION 5. It is necessary that the bonds be sold to provide funds for the projects contemplated which must be started at the earliest possible time for the preservation of the peace, health and safety of the City.

AN EMERGENCY IS HEREBY DECLARED TO EXIST and this ordinance shall take effect immediately upon its passage and approval.

Read for the first time December 7, 1966
Read for the second time December 21, 1966.
Placed upon its passage December 21, 1966.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 21st day of December, 1966.

Charles B. Hinds Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder

NB-747

ORDINANCE NO. NS-748

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF CITY OF BEND GENERAL OBLIGATION BONDS IN THE SUM OF SIXTY-SIX THOUSAND SEVEN HUNDRED FIFTY AND NO/100 ($66,750) DOLLARS TO FINANCE THE CITY'S 25% SHARE OF THE TOTAL COST OF WIDENING AND IMPROVING EAST GREENWOOD AVENUE BETWEEN EAST THIRD STREET AND THE EAST CITY LIMITS BY THE STATE HIGHWAY DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS at an election duly called and held in the City of Bend, Oregon, on the 8th day of November, 1966, the Commission of said City was duly authorized and empowered to issue and sell bonds in the sum of Sixty-Six Thousand Seven Hundred Fifty and no/100 ($66,750) Dollars to procure funds to pay the City's 25% share of the total cost of widening and improving East Greenwood Avenue between East Third Street and the East City Limits by the State grading, paving, curbing, installing drainage facilities and doing all other things necessary to effect the proposed improvement.

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 Sixty-Six Thousand Seven Hundred Fifty Dollars ($66,750) par value in amount, said bonds to be in denominations of One Thousand Dollars ($1,000) each, with the exception that the last bond shall be in the amount of Seven Hundred Fifty Dollars ($750), numbered from 1 to 67, inclusive, to be dated February 15, 1967, and to mature serially in numerical order as follows:

$6,000 on February 15, 1968
$6,000 on February 15, 1969
$6,000 on February 15, 1970
$6,000 on February 15, 1971
$7,000 on February 15, 1972
$7,000 on February 15, 1973
$7,000 on February 15, 1974
$7,000 on February 15, 1975
$7,000 on February 15, 1976
$7,750 on February 15, 1977

provided that all bonds which mature after February 15, 1972, shall be subject to call and redemption on February 15, 1972, 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 15th 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 semiannual interest coupons attached thereto bearing the facsimile signatures of said Mayor and Recorder, which said bonds shall be known as "City of Bend Greenwood Avenue Improvement Bonds, Series 1967," and the coupons attached thereto shall be in substantially the following form:

No._____ $1,000

UNITED STATES OF AMERICA
STATE OF OREGON
DESCHUTES COUNTY
CITY OF BEND GREENWOOD AVENUE IMPROVEMENT BONDS
Series 1967

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

ONE THOUSAND DOLLARS

on the 15th day of February, 19__, with interest thereon at the rate of ____% (___) per annum, payable semiannually on the fifteenth day

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 Sixty-six Thousand Seven Hundred Fifty Dollars ($66,750) 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 8th day of November, 1966, 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 pay the City's 25% share of the total cost of widening and improving East Greenwood Avenue between East Third Street and the East City Limits by the State grading, paving, curbing, installing drainage facilities and doing all other things necessary to effect the proposed improvement.

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 is 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 15th day of February, 1967.

_____
Mayor

Countersigned:

_____
Recorder

On the face of all bonds which mature after 1972, there shall be added a paragraph to read as follows:

"This bond is subject to call and redemption on February 15, 1972, and on any interest-paying date thereafter."

COUPON

No. _____ $_____

On the 15th 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 Greenwood Avenue Improvement Bond Series 1967, dated February 15, 1967, No. ____

_____
Mayor

Countersigned:

_____
Recorder

At the end of all coupons coming due after February 15, 1972, 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 2. The Commission shall each year make a tax levy in an amount which, with other available funds, shall be sufficient to pay the principal and interest on said bonds as they become due.

SECTION 3. The Recorder is hereby instructed to advertise the aforesaid bonds for sale at the Commission meeting to be held on the 1st day of February, 1967, at the Commission Chambers in the City of Bend, by publishing a notice of sale in the Bulletin once each week for two successive weeks before the said date of sale.

Section 4. The aforesaid bonds have been heretofore authorized at an election and it is necessary that the City be able to proceed with this improvement as soon as practicable for the preservation of the peace, health and safety of the City.

AN EMERGENCY IS HEREBY DECLARED TO EXIST and this ordinance shall take effect immediately upon its enactment and approval.

Read for the first time December 7, 1966

Read for the second time December 21, 1966

Placed upon its passage December 21, 1966.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 21st day of December, 1966.

Charles B. Hindsley
Mayor

ATTEST:

Julia S. Johnson
Recorder.

NS-748

ORDINANCE NO. NS- 750

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 DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

IN TOWNSHIP 17 SOUTH, RANGE 12 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON:

Section 28: That portion of the SE¼SE¼, lying South of Penn Avenue-Neff Road:

Section 33: A parcel of land lying in the NE¼NE¼ described as follows:

Beginning at the Northeast corner of said Section 33; thence south along the East line of said Section, 660 feet; thence West parallel to the South line of said NE¼NE¼, 630 feet, more or less, to a line which is parallel to and 687 feet East of the West line of said NE¼NE¼; thence South, parallel to said West line, 317 feet, more or less, to a line which is parallel to and 300 feet North of the South line of said NE¼NE¼; thence West parallel to said South line 687 feet to the West line of said NE¼NE¼; thence North along said West line to the Northwest corner of said NE¼NE¼; thence East along the North line of said NE¼NE¼ to the point of beginning; EXCEPT that portion lying in Neff County Road;

Section 34: The N½NW¼NW¼ EXCEPT the Easterly 330 feet, EXCEPT that portion lying in Neff Road.

SECTION 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 15th day of February, 1967, at the hour of 7:40 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

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 effective upon the passage hereof,

NOW, THEREFORE, an emergency is hereby declared to exist and this ordinance shall take effect immediately after its enactment and approval.

Read for the first time the 4th day of January, 1967
Read for the second time the 18th day of January, 1967
Placed upon its passage the 18th day of January, 1967

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 18th day of January, 1967.

Charles B. Hinds Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend.

NS-750

ORDINANCE NO. NS-751

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 DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

IN TOWNSHIP 18 SOUTH, RANGE 12 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON:

Section 5: A portion of the SE¼NE¼ described as follows: Beginning at a point which is located South 89°35'57" West, 517.32 feet and South 696.65 feet from the Northeast corner of the SE¼NE¼ of Section 5; thence East 463.03 feet; thence Southerly on a 27°29' curve to the right, 43.41 feet; thence south 0°49'36" East, 560.97 feet; thence South 89°27'03" West, 476.14 feet; thence North608.56 feet to the point of beginning.

SECTION 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 15th day of February, 1967, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

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 effective upon the passage hereof,

NOW, THEREFORE an emergency is hereby declared to exist and this ordinance shall take effect immediately after its enactment and approval.

Read for the first time the 4th day of January, 1967

Read for the second time the 18th day of January, 1967

Placed upon its passage the 18th day of January, 1967

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 18th day of January, 1967

Charles B. Hinds Jr.
Mayor

ATTEST:

Julie S. Johnson
Recorder of the City of Bend.

NS-751

ORDINANCE NO. NS-749

AN ORDINANCE REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, USE, HEIGHT, AREA, LOCATION AND MAINTENANCE OF ALL SIGNS AND/OR SIGN STRUCTURES PROJECTING INTO PUBLIC PLACES OR STREET OR SIDEWALK AREAS, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES AND PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

CHAPTER 1--TITLE, SCOPE, AND ENFORCEMENT

Sec. S-101. This ordinance shall be known as the "Uniform Sign Code," may be cited as such, and will be referred to herein as "this Code."

Sec. S-102. The purpose of this Code is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, construction, location, electrification, and maintenance of all signs and sign structures not located within a building.

No sign shall be erected in such a manner as to confuse or obstruct the view or interpretation of any official traffic sign, signal, or device.

The regulations of this Code are not intended to permit any violation of the provisions of any other lawful ordinance.

The area affected by this Code is the whole City of Bend.

Sec. S-103. (a) Authority. The Building Official is hereby authorized and directed to enforce all the provisions of this Code.

(b) Right of Entry. Upon presentation of proper credentials the Building Official or his duly authorized representatives may enter at reasonable times any building, structure, or premises in the city to perform any duty imposed upon him by this Code.

(c) Board of Appeals. The Board of Appeals appointed pursuant to the provisions of the Uniform Building Code is authorized to determine a reasonable interpretation of this Code.

(d) Violation and Penalties. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or structure in the city, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Code.

Any person, firm or corporation violating any of the provisions of this Code shall be guilty of a misdemeanor, and each such person 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 Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than $300.00, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

Repealed by Ord NS-968

(e) Abatement. If any sign shall appear to have been abandoned for a period of two years or more, the City Commission may declare such sign to be a public nuisance and abate it as such.

CHAPTER 2--DEFINITIONS AND ABBREVIATIONS

Sec. S-201. For the purpose of this Code, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this Chapter. Words used in the singular include the plural, and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.

Sec. S-202. APPROVED PLASTICS. Approved plastic materials shall be those specified in U.B.C. Standard No. 52-1-64 which have a flame-spread rating of 225 or less and a smoke density not greater than that obtained from the burning of untreated wood under similar conditions when tested in accordance with U.B.C. Standard No. 42-1-64 in the way intended for use. The products of combustion shall be no more toxic than the burning of untreated wood under similar conditions. (See Chapter 4.)

Sec. S-203. BILLBOARD. Billboard shall be treated as a ground sign or roof sign, in accordance with the definitions thereof.

BUILDING OFFICIAL. Building Official is the officer or other person charged with the administration and enforcement of this Code or his duly authorized deputy.

Sec. S-204. CURB LINE. Curb line shall be the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the City Engineer. (See Legal Setback.)

Sec. S-205. DISPLAY SURFACE. Display surface is the area made available by the sign structure for the purpose of displaying the advertising message.

Sec. S-206. ELECTRIC SIGN. "Electric sign" shall mean any sign containing electrical wiring.

Sec. S-207. FIN SIGN. "Fin sign" shall mean a sign which is supported wholly by a one-story building of an open-air business or by poles placed in the ground or partly by such a pole or poles and partly by a building or structure.

FLASHING SIGN. A "flashing sign" shall mean an electric sign any part of which flashes or pulsates or illuminates intermittently. Any electric sign, any illuminated portion of which does not shine continuously, shall be considered a flashing sign.

Sec. S-208. GROUND SIGN. "Ground sign" shall mean a billboard or similar type of sign which is supported by one or more uprights, poles, or braces in or upon the ground other than a combination sign, fin sign or pole sign, as defined by this Code.

Sec. S-209. INCOMBUSTIBLE MATERIAL. Incombustible material is any material which will not ignite at, or below, a temperature of 1200° F. during an exposure of five minutes, and which will not continue to burn or glow at that temperature. Tests shall be made as specified in U.B.C. Standard No. 4-1-64.

13

Sec. S-210. LEGAL SETBACK LINE. Legal setback line is a line established by ordinance beyond which no building may be built. A legal setback line may be a property line.

14

Sec. S-211. MARQUEE. Marquee is a permanent roofed structure attached to and supported by the building and projecting over public property.

15

Sec. S-212. NONSTRUCTURAL TRIM. Nonstructural trim is the molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways which are attached to the sign structure.

16

Sec. S-213. PLASTIC MATERIALS. Plastic materials are those made wholly or principally from standardized plastics listed and described in Uniform Building Code Standard No. 52-1-64. (See Approved Plastics.)

POLE SIGN. Pole sign shall mean a sign wholly supported by a sign structure in the ground.

PORTABLE DISPLAY SURFACE. A portable display surface is a display surface temporarily fixed to a standardized advertising structure which is regularly moved from structure to structure at periodic intervals.

PROJECTING SIGN. Projecting sign shall mean a sign other than a wall sign, which projects from and is supported by a wall of a building or structure.

PROJECTION. Projection means the distance by which a sign extends over public property.

17

Sec. S-214. ROOF SIGN. Roof sign shall mean a sign erected upon or above a roof or parapet of a building or structure.

18

Sec. S-215. SIGN. Sign is any medium including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes other than paint on the surface of a building.

SIGN STRUCTURE. A sign structure is any structure which supports or is capable of supporting any sign as defined in this Code. A sign structure may be a single pole and may or may not be an integral part of the building.

STRUCTURE. Structure is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner.

19

Sec. S-216. TEMPORARY SIGN. Temporary sign shall include any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames; intended to be displayed for a limited period of time only.

20

Sec. S-217. UNIFORM BUILDING CODE. Uniform Building Code is the 1964 Edition of the Uniform Building Code, Volume I, published by the International Conference of Building Officials.

U.B.C. STANDARDS. U.B.C. Standards is the 1964 Edition of the Uniform Building Code Standards, Volume III, published by the International Conference of Building Officials.

Sec. 21 S-218. WALL SIGN. Wall sign shall mean any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

CHAPTER 3--PERMITS, FEES AND INSPECTION

Sec. 22 S-301. No sign shall hereafter be erected, re-erected, constructed, altered, or maintained, except as provided by this Code and a permit for the same has been issued by the Building Official. A separate permit shall be required for a sign or signs for each business entity, and/or a separate permit for each group of signs on a single supporting structure. In addition, electrical permits shall be obtained for electric signs.

Sec. 23 S-302. Application for a sign permit shall be made in writing upon forms furnished by the Building Official. Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the owner and the sign contractor or erector. The Building Official may require the filing of plans or other pertinent information where in his opinion such information is necessary to insure compliance with this Code. Standard plans may be filed with the Building Official.

Sec. 24 S-303. The following signs shall not require a sign permit. These exceptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this Code or any other law or ordinance regulating the same.

1. The changing of the advertising copy or message on a painted or printed sign only. Except for theater marquees and similar signs specifically designed for the use of replaceable copy, electric signs shall not be included in this exception.

2. Painting, repainting, or cleaning of an advertising structure or the changing of the advertising copy or message thereon shall not be considered an erection or alteration which requires sign permit unless a structural change is made.

3. Signs less than six feet (6') above grade.

Sec. 25 S-304. A sign permit fee shall be paid at the time a permit is issued. Permit fees shall be the same as provided in the Uniform Building Code as adopted by the City of Bend.

Sec. 26 S-305. All signs, together with all of their supports, braces, guys, and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.

Sec. 27 S-306. All signs for which a permit is required shall be subject to inspection by the Building Official.

Footing inspections may be required by the Building Official for all signs having footings.

All signs containing electrical wiring shall be subject to the provisions of the governing electrical code and the electrical components used shall bear the label of an approved testing agency.

The Building Official may order the removal of any sign that is not maintained in accordance with provisions of Section S-305.

All signs may be reinspected at the discretion of the Building Official.

CHAPTER 4--DESIGN AND CONSTRUCTION

28

Sec. S-401. (a) General. Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this Section. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such manner as not to overstress any of the elements thereof.

The overturning moment produced from lateral forces shall in no case exceed two-thirds of the dead-load resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead-load resisting moment. Such earth shall be carefully placed and thoroughly compacted.

(b) Wind Loads. Signs and sign structures shall be designed and constructed to resist wind forces as specified in Chapter 23 of the 1964 Edition of the Uniform Building Code.

(c) Seismic Loads. Signs and sign structures shall be designed and constructed to resist seismic forces as specified in Chapter 23 of the 1964 Edition of the Uniform Building Code.

(d) Combined Loads. Wind and seismic loads need not be combined in the design of signs or sign structures; only that loading producing the larger stresses need be used.

Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with the wind or seismic loads.

(e) Allowable Stresses. The design of wood, concrete, or steel members shall conform to the requirements of Chapters 25, 26, and 27, of the 1964 Edition of the Uniform Building Code, Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in Chapter 28 of the 1964 Edition of the Uniform Building Code.

The working stresses of wire rope and its fastenings shall not exceed 25 per cent of the ultimate strength of the rope or fasteners.

Working stresses for wind or seismic loads combined with dead loads may be increased as specified in Chapter 23 of the 1964 Edition of the Uniform Building Code.

29

Sec. S-402. (a) General. The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed, and erected in conformance with the requirements of this Code.

(b) Materials. Materials of construction for signs and sign structures

shall be of the quality and grade as specified for buildings in the 1964 Edition of the Uniform Building Code.

In all signs and sign structures the materials and details of construction shall, in the absence of specified requirements, conform with the following:

1. Structural steel shall be of such quality as to conform with U.B.C. Standard No. 27-1-64. Secondary members in contact with or directly supporting the display surface may be formed of light gauge steel, provided such members are designed in accordance with the specifications of the design of light gauge steel as specified in U.B.C. Standards Nos. 27-9-64 and 27-10-64 and in addition shall be galvanized. Secondary members, when formed integrally with the display surface, shall be not less than No. 24 gauge in thickness. When not formed integrally with the display surface, the minimum thickness of the secondary members shall be No. 12 gauge. The minimum thickness of hot-rolled steel members furnishing structural support for signs shall be one-fourth inch (1/4") except that if galvanized, such members shall be not less than one-eighth inch (1/8") thick. Steel pipes shall be of such quality as to conform with U.B.C. Standard No. 27-1-64. Steel members may be connected with one galvanized bolt provided the connection is adequate to transfer the stresses in the members.

2. Anchors and supports when of wood and embedded in the soil, or within six inches (6") of the soil, shall be of all heartwood of a durable species or shall be pressure-treated with an approved preservative. Such members shall be marked or branded by an approved agency.

Amended by NS 953

(c) Restrictions on Combustible Materials. All signs and sign structures erected in Fire Zone No. 1 shall have structural members of incombustible materials.

Ground signs may be constructed of any material meeting the requirements of this Code, except as provided above.

Combination signs, roof signs, wall signs, projecting signs, and signs on marquees shall be constructed of incombustible materials, except as provided in Subsection (d) of this Section. No combustible materials other than approved plastics shall be used in the construction of electric signs.

(d) Nonstructural Trim. Nonstructural trim and portable display surfaces may be of wood, metal, approved plastics, or any combination thereof.

(e) Anchorage. Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed the safe values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pull-out amounting to a force 25 per cent greater than the required resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than that of the frost line.

Portable ground signs supported by frames or posts rigidly attached to the base shall be so proportioned that the weight and size of the base will be adequate

to resist the wind pressure specified in Chapter 4.

Signs attached to masonry, concrete, or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied.

No wooden blocks or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing.

No anchor or support of any sign shall be connected to, or supported by, an unbraced parapet wall, unless such wall is designed in accordance with the requirements for parapet walls specified in Section 2314 of the 1964 Edition of the Uniform Building Code.

TABLE NO. 4-A--SIZE, THICKNESS AND TYPE OF GLASS PANELS IN SIGNS

MAXIMUM SIZE OF EXPOSED GLASS PANEL		MINIMUM THICKNESS OF GLASS (In Inches)	TYPE OF GLASS
ANY DIMENSION (In inches)	AREA (In square inches)		
30	500	1/8	Plain, Plate or Wired
45	700	3/16	Plain, Plate or Wired
144	3600	1/4	Plain, Plate or Wired
Over 144	Over 3600	1/4	Wired Glass

(f) Display Surfaces. Display surfaces in all types of signs may be made of metal, glass or approved plastics.

Glass thickness and area limitations shall be as set forth in Table No. 4-A.

Sections of approved plastics on wall signs shall not exceed one hundred and fifty square feet (150 sq. ft.) in area.

EXCEPTIONS: 1. In Fire Zone No. 3 the area may be increased by 50 per cent.

2. Sections of approved plastics on signs other than wall signs may be of unlimited area if approved by the Building Official.

Sections of approved plastics on wall signs shall be separated three feet (3') laterally and six feet (6') vertically by the required exterior wall construction.

EXCEPTION: Sections of approved plastics on signs other than wall signs may not be required to be separated if approved by the Building Official.

(g) Approved Plastics. The Building Official shall require that sufficient technical data be submitted to substantiate the proposed use of any plastic material and, if it is determined that the evidence submitted is satisfactory for the use intended, he may approve its use.

30
Sec. S-403. (a) General. All types of signs shall conform to the clearance and projection requirements of this Section.

(b) Clearance from High Voltage Power Lines. Signs shall be located not less than six feet (6') horizontally or twelve feet (12') vertically from overhead electrical conductors which are energized in excess of 750 volts. The term "overhead conductors" as used in this Section means any electrical conductor, either bare or insulated, installed above the ground except such conductors as are enclosed in iron pipe or other material covering of equal strength.

(c) Clearance from Fire Escapes, Exits or Standpipes. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe.

(d) Obstruction of Openings. No sign shall obstruct any openings to such an extent that light or ventilation is reduced to a point below that required by this Code.

Signs erected within five feet (5') of an exterior wall in which there are openings within the area of the sign shall be constructed of incombustible material or approved plastics.

(e) Projection over Alleys. No sign or sign structure shall project into any public alley below a height of fourteen feet (14') above grade, nor project more than twelve inches (12") where the sign structure is located fourteen feet (14') to sixteen feet (16') above grade. The sign or sign structure may project not more than thirty-six inches (36") into the public alley where the sign or sign structure is located more than sixteen feet (16') above grade.

CHAPTER 5--FIN SIGNS

31
Sec. S-501. Fin signs shall be constructed of incombustible material except as provided in Chapter 4.

32
Sec. S-502. All supports of fin signs shall be placed upon private property and shall be securely built, constructed and erected to conform with requirements specified in Chapter 4.

33
Sec. S-503. (a) General. Fin signs may project beyond the property or legal setback line in accordance with projections specified in Chapter 10.

(b) Clearance. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe. No sign shall obstruct any window to such an extent that any light or ventilation is reduced to a point below that required by any law or ordinance.

CHAPTER 6--POLE SIGNS

34
Sec. S-601. Pole signs shall be constructed of incombustible material except as provided in Chapter 4.

35
Sec. S-602. All supports of pole signs shall be placed upon private property and shall be securely built, constructed and erected to conform with requirements specified in Chapter 4.

36
Sec. S-603. Projection of pole signs shall conform to the requirements of Chapters 9 and 10.

CHAPTER 7--GROUND SIGNS

37
Sec. S-701. Ground signs may be constructed of any material meeting the requirements of this Code, except as provided in Chapter 4.

38
Sec. S-702. Ground signs shall be designed in accordance with the requirements specified in Chapter 4.

39
Sec. S-703. Ground signs shall not project over public property or beyond a legal setback.

40
Sec. S-704. Ground signs may have display surfaces of combustible materials except in Fire Zone No. 1 with further exceptions as provided in Chapter 4.

CHAPTER 8--ROOF SIGNS

41
Sec. S-801. Roof signs shall be constructed of incombustible materials except as specified in Chapter 4.

42
Sec. S-802. Roof signs shall be thoroughly secured and anchored to the frame of the building over which they are constructed and erected, and shall be designed in accordance with the requirements specified in Chapter 4.

43
Sec. S-803. (a) Projection. Roof signs shall not project over public property, sidewalks or streets.

(b) Clearance and Access. Passage clear of all obstructions shall be left under or around, and immediately adjacent to, all signs exceeding a height of four feet (4') above the roof thereunder. Such passages shall be not less than three feet (3') wide and four feet (4') high and shall be at parapet or roof level.

There shall be one such passage or access opening as follows:

1. For each roof sign upon a building.

2. An access opening for every fifty lineal feet (50') of horizontal roof sign extension.

3. Within twenty feet (20') of walls and parapets when roof signs are at right angles to a face of the building.

CHAPTER 9--WALL SIGNS

44
Sec. S-901. Wall signs shall be constructed of incombustible material, except as provided in Chapter 4.

45
Sec. S-902. Wall signs shall be designed in accordance with the requirements specified in Chapter 4.

46
Sec. S-903. No wall sign shall have a projection over public property or beyond a legal setback line greater than the distances set forth in Table No. 9-A, nor shall extend above any adjacent parapet or roof of the supporting building. No sign or sign structure shall project into a public alley, except as provided in Section S-403 (e).

CHAPTER 10--PROJECTING SIGNS

47
Sec. S-1001. Projecting signs shall be constructed of incombustible materials,

except as specified in Chapter 4.

TABLE NO. 9-A--PROJECTION OF SIGNS

CLEARANCE	MAXIMUM PROJECTION
Less than 8'	Not Permitted
8' or over	2'

48
Sec. S-1002. Projecting signs shall be designed in accordance with the requirements specified in Chapter 4.

49
Sec. S-1003. Projection. Signs may project over public property or a legal setback line a distance determined by the clearance of the bottoms thereof above the level of the sidewalk or grade immediately below, as set forth in Table No. 9-A.

No sign or sign structure shall project into a public alley, except as provided in Sec. S-403 (e).

Projecting signs may project over public property or beyond a legal setback line as set forth in Table No. 9-A.

These projection requirements shall apply only to the C-4 Central Commercial District, the north 1/2 of Block 25 and all of Block 24, Bend. [Amended by NS-882]

CHAPTER 11--NONCONFORMING EXISTING SIGNS

50
Sec. S-1101. Removal Date. The provisions of this Code shall not apply to any sign legally and safely constructed and installed prior to the enactment of this ordinance; provided, that the same shall be removed prior to February 4, 1972, if said sign does not comply with the provisions hereof, and no existing sign which does not comply with the provisions of this ordinance shall be permitted to remain in existence after February 4, 1972.

51
Sec. S-1102. Barber Poles. The provisions of this Code shall not apply to unlettered barber poles less than eight feet (8') above the sidewalk level attached to the side of the building and not extending into the street or sidewalk area more than fifteen inches (15") from the side of the building; provided the same are safely and legally installed.

CHAPTER 12--MARQUEES AND STRUCTURAL PROJECTIONS

52
Sec. S-1201. General. For the purpose of this chapter a marquee or structural projection shall include any object or decoration attached to or a part of said marquee or structural projection except a sign erected pursuant to Sec.-1206.

53
Sec. S-1202. Projection Clearance. A marquee shall not project more than two-thirds of the distance from the property line to the curb line.

The bottom of a marquee shall be not less than eight feet (8') above the ground or pavement below.

A roof shall not project more than two feet (2') over public property.

A nonconforming existing roof may be continued indefinitely, but no building permit nor alteration nor reconstruction of such roof may be permitted which does not bring the roof into conformity with this Code.

54
Sec. S-1203. Thickness. The maximum height or thickness of a marquee measured vertically from its lowest to its highest point shall not exceed one foot (1').

55
Sec. S-1204. Construction. A marquee shall be supported entirely from the building and constructed as specified under Types of Construction in the Uniform Building Code, and shall be of incombustible material or, when of Type V construction, of not less than one-hour-resistive construction.

The roof or any part thereof may be a skylight, provided wire glass is used not less than one-fourth inch (1/4") thick with no single pane more than eighteen inches (18") wide.

Every roof and skylight of a marquee shall be sloped to down spouts which shall conduct any drainage from the marquee under the sidewalk to the curb.

56
Sec. S-1205. Location. Every marquee shall be so located as not to interfere with the operation of any exterior standpipe or to obstruct the clear passage of stairways or exits from the building or the installation or maintenance of electroliers.

57
Sec. S-1206. Signs. A sign may be attached on the underside of a marquee or structural projection.

Such signs shall not exceed six square feet in area, and must have at least seven feet (7') clearance between the bottom of the sign and the sidewalk. The location of such signs shall be limited to business entrance ways only.

CHAPTER 13--ELECTRIC AND FLASHING SIGNS

58
Sec. S-1301. Electric signs shall be constructed of incombustible materials, except as specified in Chapter 4.

The enclosed shell of electric signs shall be watertight, excepting that service holes fitted with covers shall be provided into each compartment of such signs.

59
Sec. S-1302. (a) Installation. Electrical equipment used in connection with display signs shall be installed in accordance with local ordinances regulating electrical installations.

(b) Erector's Name. Every electric sign projecting over any street or alley or public place shall have painted on the surface of the sign the name of the sign erector and date of erection. Such name and date shall be of sufficient size and contrast to be readable from a reasonable distance. Failure to provide such name and date shall be grounds for rejection of the sign by the Building Official.

60
Sec. S-1303. Flashing Signs. Flashing signs shall not be constructed.

61
Sec. S-1304. Exterior Illumination. Signs constructed so as to be lighted by exterior illumination shall so direct such exterior light source that the light does not shine directly into common vehicular or pedestrian ways.

CHAPTER 14--TEMPORARY SIGNS

62

Sec. S-1401. No temporary sign shall exceed one hundred square feet (100 sq. ft.) in area. Temporary signs of rigid material shall not exceed twenty-four square feet (24 sq. ft.) in area, or six feet (6') in height, nor shall any such sign be fastened to the ground.

Temporary signs may remain in place for a period not exceeding 60 days.

63

Sec. S-1402. (a) Support. Every temporary cloth sign shall be supported and attached with wire rope of three-eighths-inch (3/8') minimum diameter. No strings, fiber ropes, or wood slats shall be permitted for support or anchorage purposes. Cloth signs and panels shall be perforated over at least 10 per cent of their area to reduce wind resistance.

EXCEPTION: Temporary cloth signs over private property not exceeding sixty square feet (60 sq. ft.) shall be supported and attached with wire rope which will meet the requirements of Chapter 4 of this Code.

(b) Projection. Cloth signs may extend over public property. Such signs, when extended over a public street, shall maintain a minimum clearance of twenty feet (20').

(c) Clearance. Cloth signs may extend across a public street only by permission of the governing body, and shall be subject to all related laws and ordinances.

Temporary signs, other than cloth, when eight feet (8') or more above the ground, may project not more than six inches (6") over public property or beyond the legal setback line.

CHAPTER 15

64

Sec. S-1501. Sec. 4505 of the Uniform Building Code is repealed.

65

Sec. S-1502. The invalidity of any section or part of this Ordinance shall not invalidate any other section or part thereof.

Read for the first time the 21st day of December, 1966.

Read for the second time the 4th day of January, 1967.

Placed upon its passage the 4th day of January, 1967.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 4th day of January, 1967.

Charles B. Hinds Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder

ORDINANCE NO. NS-752

AN ORDINANCE REGULATING THE OPERATION OF BUSSES; PROVIDING FOR FRANCHISES; PROVIDING PENALTIES; REPEALING CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

Amended by NS-1327

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. DEFINITIONS. "Bus" and "bus service" means the operation of a vehicle transporting the public for hire over regular routes and on regular schedules in intra-city transportation within the City of Bend, Oregon; and does not include vehicles which are licensed by the City of Bend as taxi cabs.

"Person" includes any person, firm, partnership or corporation.

Section 2. FRANCHISE REQUIRED. No person shall operate a bus service as defined in this ordinance within the City of Bend without first having applied for and obtained a franchise.

Section 3. GRANTING OF FRANCHISES. Bus service franchises shall be for a term not to exceed five years. Franchises shall be granted by the City Commission to the person or persons whom it determines will best serve the City of Bend. Franchise holders shall perform their franchise according to their terms and conditions and according to the terms and conditions of this ordinance. Franchises may not be sold, assigned or otherwise transferred without the express consent and approval of the City Commission.

Section 4. FRANCHISE FEE. The City Commission may but is not required to charge a fee to each franchise holder.

Section 5. RATES. Franchise holders may charge reasonable rates for their services. Prior to the granting of a franchise the applicant shall submit to the City Recorder-Treasurer a schedule of rates which must be approved by the City Commission before the operation of any bus service by the franchise holder. The schedule of rates filed may not be changed without prior express written consent of the City Commission.

Section 6. ROUTES AND SCHEDULES. Bus service by franchise holders shall be on established and reasonable routes and schedules. Franchise holders may establish and change routes and schedules without prior consent of the City Commission but all routes and schedules shall be subject to the approval of the City Commission. Franchise holders shall file all routes and schedules with the City Recorder-Treasurer. Franchise holders shall not vary or depart from the routes and schedules as filed with the City Recorder-Treasurer except that franchise holders may service special events of community-wide interest where a substantial segment of the community may desire bus transportation.

Section 7. OBLIGATIONS OF FRANCHISE HOLDER.

(1) Franchise holders shall operate their franchises in strict compliance with all applicable laws, rules and regulations

of the United States of America, the State of Oregon, their agencies and political subdivisions, including ordinances of the City of Bend.

(2) INSURANCE. Franchise holders shall indemnify and hold the City of Bend harmless from any liability arising from any activity in connection with the operation of their franchises. Each franchise holder shall furnish the City of Bend with a certificate of insurance certifying the franchise holder as the named insured under an automobile liability policy of insurance with a reputable insurer, with minimum policy limits of $100,000/$300,000 bodily injury and $25,000 property damage.

(3) BOOKS. Franchise holders shall keep usual books of account and the City of Bend may examine said books of account and any income statements and balance sheets at any reasonable time.

(4) EQUIPMENT. Franchise holders shall at all times maintain and operate equipment in a safe condition. All driver personnel shall be capable of safe operation of equipment.

Section 8. TERMINATION OF FRANCHISE. If the franchise holder at any time fails, refuses or neglects to comply with the terms and conditions of this ordinance or the terms and conditions of his franchise after 15 days notice in writing by the City Commission reciting the noncompliance, then the City Commission may terminate the franchise and all rights and privileges accruing to the franchise holder.

Section 9. PENALTIES. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and any such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of this ordinance is committed, continued or permitted, and upon conviction of any such violation such person shall be punishable by fine of not more than $300 or by imprisonment of not more than 30 days, or by both such fine and imprisonment.

Section 10. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

Section 11. REPEAL OF CONFLICTING ORDINANCES. Ordinances No. NS-298, NS-478, and NS-571 are repealed and all other ordinances or parts thereof in conflict with this ordinance are repealed.

Section 12. EMERGENCY CLAUSE. This ordinance is necessary for the immediate preservation of the public peace, health and safety by reason of an existing need for public bus transportation within the City of Bend. Therefore an emergency is declared to exist and this ordinance shall become effective immediately upon its passage.

752

Read for the 1st time the 1st day of February, 1967.

Read for the 2nd time the 15th day of February, 1967.

Placed upon its passage this 15th day of February, 1967.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 15th day of February, 1967.

Charles B. Hinds Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-753

AN ORDINANCE GRANTING A BUS FRANCHISE TO GILBERT W. FASSETT AND GERTRUDE FASSETT, HUSBAND AND WIFE, AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Repealed by NS-1042

Section 1. The City of Bend hereby grants to Gilbert W. Fassett, Husband and Wife, the nonexclusive franchise to operate a bus service, as that term is defined in Ordinance No. NS-752, within the City of Bend.

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

Section 3. There shall be no fee for this franchise.

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

Read for the 1st time the 1st day of February, 1967.

Read for the 2nd time the 15th day of February, 1967.

Placed upon its passage this 15th day of February, 1967.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 15th day of February, 1967.

Charles B. Hinds Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-753

9-105-55

ORDINANCE NO. NS-754

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR CERTAIN AREAS BY AMENDING THE ZONING DISTRICT MAP.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 4.1 of Ordinance No. NS-546 is amended by changing the Zoning District Map as follows:

Lots 1 and 2, Block 28; Boulevard Addition
Lots 3 and 4, Block 19; Boulevard Addition
Lots 1, 2 and 3, Block 2; Lots 4, 5, and 6, Block 3; and Lots 18, 19, and 20, Block 6; Highland Addition, in the City of Bend, Oregon from C-1 Commercial District to C-3 Commercial District.

Read for the first time the 1st day of February, 1967.

Read for the second time the 15th day of February, 1967.

Placed upon its passage the 15th day of February, 1967.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 15th day of February, 1967.

Charles B. Hinds Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-~~753~~ 754

ORDINANCE NO. NS-755

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Under the provisions of Ordinance NS-750 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 15th day of February, 1967, at the hour of 7:40 p.m. o'clock in the City Commission Chambers of the City Hall, Bend, Oregon as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

IN TOWNSHIP 17 SOUTH, RANGE 12 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON:

Section 28: That portion of the SE¼SE¼, lying south of Penn Avenue-Neff Road.

Section 33: A parcel of land lying in the NE¼NE¼ described as follows:

Beginning at the Northeast corner of said Section 33, thence south along the east line of said Section 660 feet; thence west parallel to the south line of said NE¼NE¼ 630 feet, more or less to a line which is parallel to and 687 feet east of the west line of said NE¼NE¼; thence South, parallel to said west line, 317 feet, more or less, to a line which is parallel to and 300 feet north of the south line of said NE¼ NE¼; thence west parallel to said south line 687 feet to the west line of said NE¼NE¼; thence north along said west line to the northwest corner of said NE¼NE¼; thence east along the north line of said NE¼NE¼ to the point of beginning; EXCEPT that portion lying in Neff County Road;

Section 34: The N½NW¼NW¼ EXCEPT the Easterly 330 feet, EXCEPT that portion lying in Neff Road.

SECTION 3. That prior to the time of the aforesaid public hearing at least 2/3 of the landowners who own or who also own at least 2/3 of the land in the area and of real property therein representing at least 2/3 of the assessed value of all real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

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

Read for the first time the 15th day of February, 1967

Read for the second time the 1st day of March, 1967

Placed upon its passage the 1st day of March, 1967

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 1st day of March, 1967.

Charles B. Hinds Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend,

ORDINANCE NO. NS-756

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Under the provisions of Ordinance NS-751 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 15th day of February, 1967, at the hour of 7:30 p.m. o'clock in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

IN TOWNSHIP 18 SOUTH, RANGE 12 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON:

Section 5: A portion of the SE¼NE¼ described as follows: Beginning at a point which is located South 89°35'57" West, 517.32 feet and South 696.65 feet from the Northeast corner of the SE¼NE¼ of Section 5; thence east 463.03 feet; thence southerly on a 27°29' curve to the right, 43.41 feet; thence south 0°49'36" east, 560.97 feet; thence south 89°27'03" west, 476.14 feet; thence north 608.56 feet to the point of beginning.

SECTION 3. That prior to the time of the aforesaid public hearing at least 2/3 of the landowners who own or who also own at least 2/3 of the land in the area and of real property therein representing at least 2/3 of the assessed value of all real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

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

Read for the first time the 15th day of February, 1967.
Read for the second time the 1st day of March, 1967.
Placed upon its passage the 1st day of March, 1967.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 1st day of March, 1967.

Charles B. Hinds
Mayor

ATTEST:

Recorder of the City of Bend.

NS-756

ORDINANCE NO. NS- 757

AN ORDINANCE VACATING THE ALLEY IN BLOCK 48, RIVERSIDE ADDITION IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

A petition having been presented to the Bend City Commission on the 1st day of February, 1967, requesting that the following described property be vacated:

> THE ALLEY in Block 48, Riverside Addition in the City of Bend, Descutes County, Oregon, (being the alley between East Fourth Street and East Fifth Street, north of Xerxes Avenue)

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

> NOTICE OF PUBLIC HEARING
> ON THE VACATION OF PUBLIC PROPERTY
>
> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on petition filed by Skinner & White Properties, said vacation proceedings to vacate the following described alley location:
>
> The Alley in Block 48, Riverside Addition in the City of Bend, Deschutes County, Oregon, (being the alley between East Fourth Street and East Fifth Street, north of Xerxes Avenue)
>
> The City Commissioners of the City of Bend, Oregon have fixed the first day of March at 7:30 p.m., in the City Hall in the City of Bend as the time and place for hearing upon the said vacation proceedings at which time the City Commission will receive and hear any and all objections to the said vacation proceedings.
>
> Julia S. Johnson
> Recorder-Treasurer
> City of Bend.

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

NOW, THEREFORE, IT IS HEREBY ORDERED that the above-described real property be, and the same hereby is, vacated and made a matter of record.

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

Read for the first time this 1st day of March, 1967.
Read for the second time this 15th day of March, 1967.
Placed upon its passage this 15th day of March, 1967.
YEAS: 6 NAYS: 0
Submitted to and approved by the Mayor this 15th day of March, 1967.

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

Mayor

NS-757

ORDINANCE NO. NS-758

AN ORDINANCE ASSESSING THE COST OF OFF-STREET MOTOR VEHICLE PARKING FACILITY TO BENEFITED PROPERTY, SPREADING THE ASSESSMENTS AND DECLARING AN EMERGENCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Pursuant to the petition of more than one-half of the owners of property which would be specially benefited by a proposed off-street motor vehicle parking facility the Bend City Commission appointed a committee which prepared an Off-Street Parking Report dated December 30, 1966, which was approved by the City Commission.

Section 2. By Resolution No. 877, as amended by Resolution No. 890, the Bend City Commission declared its intention on January 6, 1967, to establish an off-street motor vehicle parking facility and provided the manner and method of carrying out the project and designated the boundaries of the district to be assessed by the project as Off-Street Motor Vehicle Parking District No. 1. This Resolution directed a public hearing be held February 1, 1967, on the project.

Section 3. City Recorder-Treasurer gave notice of Resolution No. 877 to record owners of the property within the district proposed to be assessed for the project by certified mail on January 13, 1967. Notice of Resolution No. 877 was also published in The Bulletin, a newspaper of general circulation within the City of Bend, on the 14th day of January, 1967 and the 21st day of January, 1967.

Section 4. At the public hearing held on February 1, 1967, less than one-half of the owners of the property proposed to be assessed objected to the project.

Section 5. The City Recorder-Treasurer gave Notice of Proposed Assessment to each property owner of record affected by the proposed assessment by certified mail on February 27, 1967. March 15, 1967, was set in said notice for hearing objections to the proposed assessment. The Notice of Proposed Assessment was published on the 27th day of February, 1967, in The Bulletin. The Notice of Proposed Assessment was posted in the Bend City Hall, the Bend Post Office and the Deschutes County Courthouse, three public places within the City of Bend, on the 27th day of February, 1967.

Section 6. On March 15, 1967, the Bend City Commission heard and considered all objections timely filed to the proposed assessment for the off-street motor vehicle parking facility.

Section 7. The Bend City Commission hereby declares the following property in Off-Street Motor Vehicle Parking District No. 1 to be specially benefited by the project and hereby assesses the estimated City departmental cost of the project as follows:

TAX LOT NO.	RECORD OR REPUTED OWNER:	LOT(S)	BLOCK OF BEND	AMOUNT OF ASSESSMENT
4500	Frances Farnham	S.15' 5	2	$ 927.63
4600	Maren Gribskov & Eleanor Becken	6	2	3,092.10
4700	Ben E. & Maurine M. Whisenand	1	3	555.47
6500	Charles A. & Verna A. Rice	S.35' 7	3	6,366.30
6600	Kenneth G. & Elsie CruickshankN.15'	7	3	
		8	3	10,910.98
6700	Jack N. & Martha C. Vogt	9	3	
		S1/2 10	3	11,247.68
6800	Marjorie E. Smith	N1/2 10	3	2,796.35
6900	Harry E. & Janet E. Mackey	11	3	5,592.70
7000	Harry E. & Janet E. Mackey	12	3	4,053.45
5600	Fred L. Hartman (Less 12 1/2'x65')	8	4	5,387.68
5700	Clyde M. & Olive E. McKay NE12 1/2'x65'	8	4	978.60
5800	John Beck & Alethea Beck	9 & 10	4	9,094.70
5900	Guy Edmond & Doris Claypoos	11 & 12	4	9,094.71
6000	B. A. & Ruth C. Stover	13	4	4,547.35
6100	Inland Land Company	14 & 15	4	9,094.71
6200	Kenneth & Aila J. Hodkinson	16 & 17	4	9,094.70
6300	Omer H. & Mary E. Summers; & Alfred L. & Dorothy Schatz	18 & 19	4	7,367.31
6400	Maud A. Wetle	20 & 21	4	9,094.70
1300	J. C. & Harriet D. Vandevert	1	5	8,671.21
1900	Bend Garage Company	7 & 8	5	7,667.12
5100	Phillips Petroleum Oil Co.	1 & 2	8	6,783.49
5200	1st National Bank of Oregon & U. S. National Bank of Oregon	3	8	4,578.21
5300	Harry E. & Janet E. Mackey	N 1/2 4	8	2,289.11
5400) 5500)	Walter G. & Leta S. Coombs	S 1/2 4	8	4,472.33
100	E. W. Williamson	E.50' 1	9	1,256.95
200	C. J. Lindh S.25' W.65' & the E.15' of W.75' of	1	9	1,849.18
300	Vance T. Coyner N.25' W.65'of	1	9	1,472.09
400	Mid-Oregon Corporation	2	9	4,578.21
500	Reuel B. & Frances M. O'Leary	N-1/2 3	9	2,289.11
600	Craig C. & Betty L. Coyner	S-1/2 3	9	2,289.11
700	Reuel B. & Frances M. O'Leary	4	9	4,578.21
800	Pacific Power & Light Company	N-1/2 5	9	2,289.11
900	1st National Bank of Oregon	S-1/2 5	9	3,798.47
5100	1st National Bank of Oregon	W-1/2 1		
		W-1/2 N-1/2 2	10	3,486.59
5300	1st National Bank of Oregon	S-1/2 2		
		3	10	1,844.75
5400	Healy Corporation	4	10	4,578.21
5500	Houk-Van Allen Home & Auto Supply	5	10	4,578.21
5600	Joe F. Burich	6	10	4,578.21
				$187,225.00

Section 8. This ordinance shall spread these assessments of record and the City Recorder-Treasurer shall enter these assessments in the Docket of City Liens and they shall become a lien upon the property assessed superior to any other lien as provided by law.

Section 9. Persons, firms or corporations wishing to bond the amount of their assessments under the Bancroft Bonding Act may make application to pay their assessment in 40 semi-annual installments.

Section 10. The sections and parts of this ordinance are hereby declared severable. If any section or part of this ordinance is declared invalid by any court having jurisdiction such invalidity shall not effect the validity of any other section or part.

Section 11. This ordinance is necessary for the immediate preservation of the public peace, health and safety by reason of an existing need for an off-street motor vehicle parking facility in the downtown area of Bend, the necessity for the City of Bend to exercise its option to acquire the property for this off-street motor vehicle parking project as required by the terms of the option and the necessity to proceed with the work during the available construction season. Therefore, an emergency is declared to exist and this Ordinance shall become effective immediately upon its passage.

Read for the first time March 15, 1967.
Read for the second time April 5, 1967.

Placed upon its passage the 5th day of April, 1967.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 5th day of April, 1967.

Charles B. Hindsley
Mayor

ATTEST:

Julie S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-759

AN ORDINANCE DECLARING THE COSTS OF ABATING DANGEROUS BUILDINGS A LIEN AGAINST THE PROPERTY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Structures on Lot 5, Block 17 PARK ADDITION to the City of Bend were declared dangerous buildings by City of Bend Resolution No. 870 passed August 3, 1966, after report, notice of hearing and public hearing as required by Ordinance No. NS-176.

Section 2. It was necessary to remove the structures on said real property because neither the owners of record nor any other person made any effort to correct or relieve the dangerous condition of said structures as required by Ordinance No. NS-176.

Section 3. The removal of said structures and the abatement of the dangerous condition represented by said structures were accomplished according to law in all respects pursuant to Ordinance No. NS-176, and the unpaid costs of doing the work in the amount of $190.30 are hereby declared a lien against Lot 5 of Block 17 PARK ADDITION to the City of Bend.

Section 4. The City Recorder-Treasurer is directed to enter this lien in the docket of City Liens and to thereafter enforce and collect it in the same manner as other city liens as provided in the Amended Charter of the City of Bend.

Read for the 1st time the 5th day of April, 1967.

Read for the 2nd time the 19th day of April, 1967.

Placed upon its passage the 19th day of April, 1967.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 19th day of April, 1967.

Charles B. Hindley
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

~~758~~ 759

ORDINANCE NO. NS-760

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF BEND IMPROVEMENT BONDS IN THE SUM OF $158,900; 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 City of Bend has established Off-Street Motor Vehicle Parking District No. 1 in said city, and has duly assessed the cost of an off-street motor vehicle parking facility in said district to the property within the district specially benefited according to law, and

WHEREAS owners of the property within Off-Street Motor Vehicle Parking District No. 1 representing $158,900 of the total assessment have made application under the Bancroft Bonding Act to pay their assessments in installments, and each application stated that the applicant waived all irregularities or defects, jurisdictional or otherwise, in the proceedings to cause the off-street motor vehicle parking facility project which is the subject of assessment to be constructed or made for which the assessment is levied and in the apportionment of the cost thereof, and

WHEREAS no application was received or filed where the amount remaining unpaid upon the assessment together with the unpaid balance of any previous assessments for improvements against the same property equaled or exceeded double the adjusted assessed valuation of the property as shown by the last Deschutes County tax roll, and

WHEREAS the Recorder-Treasurer has kept all such applications in convenient form for examination and the applications received for this off-street motor vehicle parking facility improvement have been kept separate; and

WHEREAS the Recorder-Treasurer has entered in a book kept for that purpose under separate heading for the off-street motor vehicle parking facility improvement the date of filing of each application, the name 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 the assessments for said improvement by installments as provided by law, the Recorder-Treasurer did enter in a docket kept for that purpose, under separate heading, 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 the improvement, the name of the owner and the amount of such unpaid assessment, and

WHEREAS everything necessary to be done to issue and sell these bonds has been done according to law and it is necessary to sell the bonds now, therefore

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the City of Bend shall issue its bonds in the amount of $158,900, in denominations of $1,000 each, and one at $900, numbered consecutively from One (1) to One Hundred Fifty-nine(159) both numbers inclusive, said bonds to bear date of July 1, 1967, to be signed by the Mayor and countersigned by the Recorder-Treasurer of the City of Bend with the corporate seal of the City to be affixed thereto. Said bonds shall, by the terms thereof, mature serially at the rate of $8,000 on the first day of July, in each of the years 1968 to 1986, inclusive and $6,900 on the 1st day of July in 1987. All of said bonds which mature after July 1, 1977, shall be subject to call and redemption on January 1, 1978, and on any semi-annual interest paying date thereafter. All bonds shall bear interest at the rate of not to exceed six percent (6%) per annum and interest shall be payable semi-annually, on the 1st of January and the 1st of July. The bonds' interest shall be evidenced by coupons attached to the bonds, and the coupons shall have facsimile signatures of the Mayor and of the Recorder-Treasurer of the City of Bend thereon. The bonds, together with the interest thereon, shall be payable at the office of the Recorder-Treasurer of the City of Bend, and shall be known as City of Bend Off-Street Motor Vehicle Parking District No. 1 Bonds.

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

FOR OFF-STREET MOTOR VEHICLE PARKING DISTRICT NO. 1

The City of Bend, Deschutes County, Oregon, for value received, hereby promises to pay to 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 July, 19__, without grace, with interest thereon, at the rate of ___ percent per annum, payable semi-annually on the 1st day of January and July of each year on the presentation and surrender of the proper coupons attached hereto. Principal and interest shall be payable at the office of the Recorder-Treasurer of the City of Bend, Oregon.

This bond is one of an issue of like date and tenor, except as to maturities, aggregating $158,900 par value in amount and authorized

by the Bancroft Bonding Act, Oregon Revised Statutes 223.205 to 223.300, and the Charter and ordinances of the City of Bend which established Off-Street Motor Vehicle Parking District No. 1. It is hereby certified that every requirement of law relating to the issue of this bond has been duly complied with and that this bond is within every debt or other limit prescribed by the Constitution or laws of the State of Oregon or the Charter and Ordinances of the City of Bend. For the punctual payment of the principal and interest of this bond the full faith and credit of the City of Bend is 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-Treasurer under the corporate seal of said City, and the interest coupons attached bear the facsimile signatures of said Mayor and Recorder-Treasurer, this 1st day of July, 1967.

_____
Mayor

Countersigned:

_____
Recorder-Treasurer

On the face of all bonds maturing after July 1, 1977, add a paragraph reading:

> This bond is subject to call and redemption on January 1, 1978, and on any semi-annual interest paying date thereafter.

(COUPON)

No. _____ $ _____

The CITY OF BEND, STATE OF OREGON, will pay to bearer on the first day of JANUARY/JULY 19___

_____DOLLARS

in lawful money of the United States at the office of the Recorder-Treasurer of the City of Bend, for six months' interest on Off-Street Motor Vehicle Parking District No. 1 Bond, No. _____.

_____
Mayor

Countersigned:

_____
Recorder-Treasurer

On all coupons maturing after July 1, 1977, add the following:

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

SECTION 3. The Recorder-Treasurer is hereby instructed to advertise the aforesaid bonds for sale at the Commission meeting to be held on the 7th day of June, 1967, at the Commission Chambers in the City of Bend, by publishing a notice of sale in the Bulletin once each week for two successive weeks before the said date of sale.

SECTION 4. It is necessary that the bonds be sold to provide funds for the project contemplated which must be started at the earliest possible time for the preservation of the peace, health, and safety of the City.

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 May, 1967.

Read for the second time the 17th day of May, 1967.

Placed upon its passage the 17th day of May, 1967.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 17th day of May, 1967.

Charles B. Hinds Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-761

AN ORDINANCE AMENDING NO. NS-258, THE ORDINANCE PROVIDING A SYSTEM OF CIVIL SERVICE FOR PAID FIRE FIGHTERS, BY AMENDING THE RESIDENCE AND APPOINTMENT PROVISIONS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 9 of Ordinance No. NS-258 is amended to read:

"Section 9. RESIDENCE. All paid fire fighters subject to this Ordinance must reside either within the City of Bend or within three miles of the Bend City limits and their residence must be within the effective and actual communicating range of the radio alerting system used by the Bend City Fire Department."

Section 2. Section 13 of Ordinance No. NS-258 is amended by adding thereto the following paragraph:

"If applicants for a position as paid fire fighter in the City of Bend have equal qualifications, preference shall be given to persons who reside within the City of Bend."

Read for the first time the 3rd day of May, 1967.

Read for the second time the 17th day of May, 1967.

Placed upon its passage the 17th day of May, 1967.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 17th day of May.

Charles B. Hudson
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

Repealed by ORD. NO. NS-1399

NS-761

To The League

ORDINANCE NO. NS-762

AN ORDINANCE providing for the issuance of City of Bend Improvement Bonds in the sum of $58,000.00; 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 the said City; and

WHEREAS the owners of the property so assessed for such street improvements in the sum of Twenty-five Dollars ($25.00) or more, aggregating in all the sum of Fifty-eight Thousand Dollars ($58,000), have filed with the City Recorder of the said City, written applications to pay said assessments in installments, each and all of which written applications did state that said applicant and property owner does thereby waive all irregularities or defects, jurisdictional or otherwise, in the proceedings to improve the street for which said assessment is levied, and in the apportionment of the 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; and

WHEREAS the City Recorder has kept all such applications in convenient form for examination; that is to say all 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 for each application, and the names of the applicant, a description of the property and the amount of the assessment as shown in the application, and

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

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the City of Bend shall issue bonds in the name of and under the corporate seal of said City in the amount of Fifty-Eight Thousand ($58,000) Dollars, in the denomination of One Thousand ($1,000) Dollars each, numbered consecutively from 1 to 58,

NS-762

both numbers inclusive, said bonds to bear date of August 1, 1967, to be signed by the Mayor and countersigned by the Recorder of the City of Bend and the corporate seal of said City shall be affixed thereto and said bonds shall, by the terms thereof, mature serially at the rate of Five Thousand ($5,000) Dollars on the first day of August in each of the years 1968 and 1969, and Six Thousand Dollars ($6,000) on the first day of August in the years 1970 to 1977, inclusive. All of said bonds which mature after August 1, 1972, shall be subject to call and redemption on August 1, 1972, and on any semi-annual interest paying date thereafter. Bonds shall bear interest at the rate of not to exceed Six per cent (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 12.

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

No._____ $_____

UNITED STATES OF AMERICA

STATE OF OREGON

COUNTY OF DESCHUTES

CITY OF BEND IMPROVEMENT BOND

SERIES 12

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 August, 19__, without grace, with interest thereon at the rate of __ percent (__%) per annum, payable semi-annually on the 1st days of February and August of each year on the presentation and surrender of the proper coupons hereto annexed, principal and interest payable at the office of the Treasurer of the City of Bend, Oregon.

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

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

IN WITNESS WHEREOF this bond has been signed by the Mayor and countersigned by the Recorder of the City of Bend, and the corporate seal of said City hereto affixed this 1st day of August, 1967.

_____
Mayor

Countersigned:

_____
Recorder

On the face of all bonds maturing after August 1, 1972, add a paragraph reading:

"This bond is subject to call and redemption on August 1, 1972, 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 FEBRUARY / AUGUST 19___

_____ DOLLARS

in lawful money of the United States at the office of the Treasurer of the City of Bend, being six months' interest on Improvement Bond No. ____, Series 12.

Countersigned: _____
Mayor

_____
Recorder

On all coupons maturing after August 1, 1972, 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 July, 1967, 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 the 17th day of May, 1967
Read for the second time the 7th day of June, 1967
Placed upon its passage the 7th day of June, 1967.

YEAS: 7 NAYS: 0

NS-762

Submitted to and approved by the Mayor the 7th day of June, 1967

Charles B. Hindsley
Mayor

ATTEST:

Julia S. Johnson
Recorder

762

ORDINANCE NO. NS- 763

AN ORDINANCE VACATING THE ALLEY IN BLOCK 16, KENWOOD ADDITION IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

A petition having been presented to the Bend City Commission on the 5th day of April, 1967, requesting that the following described property be vacated:

> The Alley in Block Sixteen, Kenwood Addition in the City of Bend

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

> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on petition filed by James Lance, said vacation proceedings to vacate the following described alley location:
>
> The Alley in Block Sixteen (16), Kenwood Addition (being the alley in the block bounded on the east by West Sixth Street, on the south by Portland Avenue and on the northwest by Quincy Avenue)
>
> The City Commissioners of the City of Bend, Oregon, have fixed the seventeenth day of May at 7:30 p.m., in the City Hall in the City of Bend as the time and place for hearing upon the said vacation proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings.

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

NOW, THEREFORE, IT IS HEREBY ORDERED that the above-described real property be, and the same hereby is, vacated and made a matter of record.

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

Read for the first time the 7th day of June, 1967.
Read for the second time the 21st day of June, 1967.
Placed upon its passage the 21st day of June, 1967.
YEAS: 6 NAYS: 0
Submitted to and approved by the Mayor the 21st day of June, 1967.

/s/ Charles B. Hinds, Jr.
Mayor

ATTEST:
/s/ Julia S. Johnson
Recorder of the City of Bend

NS-763

ORDINANCE NO. NS- 764

AN ORDINANCE VACATING A PORTION OF THE ALLEY IN BLOCK 22, PARK ADDITION IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

A petition having been presented to the Bend City Commission on the 5th day of April, 1967, requesting that the following described property be vacated:

> A portion of the alley in Block 22, Park Addition in the City of Bend

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

> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on petition filed by Deschutes County Court, said vacation proceedings to vacate the following described alley location:
>
> That portion of the Alley through Block 22, Park Addition to the City of Bend, from the north line of Idaho Avenue northerly 125 feet to a point at the center of Lots 3 and 8 of said Block 22, (otherwise identified as the alley west of the Deschutes County Library.)
>
> The City Commissioners of the City of Bend, Oregon, have fixed the seventeenth day of May, 1967, at 7:30 p.m., in the City Hall in the City of Bend as the time and place for hearing upon the said vacation proceedings at which time the City Commission will receive and hear any and all objections to the said vacation proceedings.

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

NOW, THEREFORE, IT IS HEREBY ORDERED that the above-described real property be, and the same hereby is, vacated and made a matter of record.

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

Read for the first time the 7th day of June, 1967.
Read for the second time the 21st day of June, 1967.
Placed upon its passage the 21st day of June, 1967.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 21st day of June, 1967.

/s/ Charles B. Hinds, Jr.
Mayor

ATTEST:

/s/ Julia S. Johnson
Recorder of the City of Bend

NS-764

ORDINANCE NO. NS-765

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 DECLARING AN EMERGENCY

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> The West Half of the Southwest Quarter of the Southwest Quarter (W 1/2 SW 1/4 SW 1/4) of Section Thirty-four (34), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative Body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 4th day of October, 1967, at the hour of 7:30 o'clock P.M., in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may appear and be heard on the said question.

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

Section 4. This Ordinance being necessary for the immediate preservation the public peace, health and safety, an emergency is declared to exist, and this ordinance shall take effect upon its passage.

Read for the first time the 16th day of August, 1967

Read for the second time the 6th day of September, 1967

Placed upon its passage the 6th day of September, 1967

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor the 6th day of September, 1967.

/s/ Charles B. Hinds, Jr.
Mayor

ATTEST:

/s/ Julia S. Johnson
Recorder of the City of Bend

NS-765

ORDINANCE NO. 766

NUMBER NOT USED

NS-766

ORDINANCE NO. NS-767

AN ORDINANCE VACATING THE ALLEYS IN BLOCKS 132 AND 133 IN SECOND ADDITION TO BEND PARK, CITY OF BEND, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

A petition having been presented to the Bend City Commission on the 16th day of August, 1967, requesting that the following described property be vacated:

The Alleys in Blocks 132 and 133 in Second Addition to Bend Park

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

> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on petition filed by Gene E. Lynn and Associates, said vacation proceedings to vacate the following described alley locations:
>
> The Alleys in Blocks 132 and 133 in Second Addition to Bend Park, further described as the Blocks bounded on the north by Wilson Avenue, on the south by Taft Avenue, on the west by Division Street, and on the east by South Second Street.
>
> The CityCommissioners of the City of Bend, Oregon, having fixed the eighteenth day of October, 1967, at 7:30 p.m., in the City Hall in the City of Bend as the time and place for hearing upon the said vacation proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings.

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

NOW, THEREFORE, IT IS HEREBY ORDERED that the above-described real property be, and the same hereby is, vacated and made a matter of record.

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

Read for the first time the 18th day of October, 1967.

Read for the second time the 1st day of November, 1967.

Placed upon its passage the 1st day of November , 1967

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 1st day of November, 1967.

ATTEST:

Lucia R. Lyman
Recorder of the City of Bend.

Charles B. Hudson
Mayor

NS-767

ORDINANCE NO. NS-768

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-765 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 4th day of October, 1967, at the hour of 7:30 o'clock P.M., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

> The West Half of the Southwest Quarter of the Southwest Quarter (W½ SW¼ SW¼) of Section Thirty-four (34), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian.

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

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

Read for the first time this 4th day of October, 1967.

Read for the second time this 18th day of October, 1967.

Placed upon its passage this 18th day of October, 1967.

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 18th day of October, 1967.

ATTEST:

Recorder of the City of Bend

Charles B. Hindman Jr.
Mayor

NS-768

ORDINANCE NO. NS-769

AN ORDINANCE VACATING THE ALLEY IN BLOCK 12 CENTER ADDITION TO BEND, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN as follows:

The City Commission for the City of Bend at its regular meeting held September 20, 1967, having directed that proceedings be initiated for the vacation of the following described property in the City of Bend, County of Deschutes, State of Oregon:

The alley in Block 12 CENTER ADDITION
to Bend

and the City Recorder-Treasurer having caused notice of the vacation and hearing to be published four consecutive weeks in The Bulletin pursuant to ORS 271.110; the Recorder-Treasurer having caused a copy of said notice of vacation and hearing to be posted pursuant to ORS 271.110; the hearing having been held at the time specified in said notice and the City Commission having determined that the owners of a majority of the area affected had not objected in writing; the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and the property should be vacated; and all proceedings having been done according to law,

NOW, THEREFORE, IT IS HEREBY ORDERED that the above-described real property be, and the same hereby is, vacated upon the following condition: An easement for ingress and egress in favor of the owner of Lot 9, Block 12, CENTER ADDITION to Bend, Deschutes County, Oregon, from the garage on the northerly portion of said lot to East Hawthorne Street shall be granted and recorded within 90 days from the effective date of this vacation or this vacation shall be void and of no effect.

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

This ordinance is necessary for the immediate preservation of the public peace, health and safety by reason of the economic development and general improvement of the area adjacent to the vacated alley and the City of Bend. Therefore an emergency is declared to exist and this ordinance shall become effective immediately upon its passage.

Read for the 1st time the 4th day of October, 1967.
Read for the 2nd time the 18th day of October, 1967.
Placed upon its passage this 18th day of October, 1967.
YEAS: 5 NAYS: 0
Submitted to and approved by the Mayor this 18th day of October, 1967.

ATTEST:

Recorder

Charles B. Hudson
Mayor

NS-769

ORDINANCE NO. NS- 770

AN ORDINANCE ESTABLISHING ZONING DESIGNATION OF CERTAIN UNZONED PROPERTY WITHIN THE CITY OF BEND.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 4.1 of Ordinance No. NS-546 is amended by changing the Zoning District Map to include the following:

That portion of the SE¼ NW¼, Section 32, Township 17, South, Range 12, E.W.M., Deschutes County, Oregon, beginning at a point 180 feet South 62°28'40" East of the Southwesterly corner of Lot 25, Block 10 of River Terrace, according to the official plat thereof on file in the office of the County Clerk of Deschutes County, Oregon; thence Northeasterly at right angles to the Northerly boundary of Newport Avenue, as presently constituted at said place, a distance of 150 feet; thence at right angles in a Southeasterly direction parallel to the Northerly boundary of Newport Avenue as presently constituted at said location a distance of 135 feet; thence at right angles in a Southwesterly direction to the Northern Boundary of Newport Avenue as presently constituted 184.94 feet, more or less; thence at right angles in a Northwesterly direction along the Northern boundary line of Newport Avenue as presently constituted a distance of 135 feet; thence at right angles a distance of 34.94 feet, more or less, to the point of beginning;

which above described area is hereby designated an

R-3 Multiple-Family Dwelling District.

Read for the first time the 4th day of October, 1967

Read for the second time the 18th day of October, 1967

Placed upon its passage the 18th day of October, 1967

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor the 18th day of October, 1967

ATTEST:

Helen S. Johnson
Recorder of the City of Bend

Charles B. Hudson
Mayor

NS-770

3-3a2-N

ORDINANCE NO. NS-771

AN ORDINANCE AMENDING ORDINANCE NO. NS-469 BY REGULATING PARKING IN MUNICIPALLY OWNED PARKING LOTS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 11 of Ordinance No. NS-469 is amended by adding a new paragraph (f) to read:

> (f) any vehicle anywhere on a municipally owned parking lot for longer than 2 consecutive hours in any 24 hour period except where the parking space has been leased to the owner of the vehicle or where otherwise regulated. The regulations of this paragraph shall include municipally owned parking lots leased and operated by private persons, firms or corporations;and representatives of private parking lot lessees authorized by the lessees shall have full authority to issue the notice provided in Section 26 of this ordinance for violations of the regulations contained in this paragraph the same as if issued by a regular City of Bend Police Officer.

Read for the first time the 3rd day of January, 1968.

Read for the second time the 17th day of January, 1968.

Placed upon its passage the 17th day of January, 1968

Submitted to and approved by the Mayor this 17th day of January, 1968.

/s/ Leon E. Devereaux, Jr.
Mayor

ATTEST:

/s/ Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-772

AN ORDINANCE TO REGULATE THE MAKING OF CUTS IN STREETS AND SIDEWALKS; DESCRIBING PENALTIES FOR ITS VIOLATION AND REPEALING PRIOR ORDINANCES.

NS-772 repealed by NS-1497, passed 9-19-89

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Definition of terms.

(a) Person. A natural person, firm, co-partnership, association or corporation.

(b) Street. A way or place open as a matter of right to the use of the public, including sidewalks and alleys.

(c) Excavation. A hole, tunnel or other cavity in, through, across or under a street, not including the driving or forcing of pipes through the ground, or the placement of utility poles.

Section 2. Prohibition. No person shall cut, break, dig up, excavate, damage in any manner, undermine or tunnel under any street without first making an application to the City of Bend Superintendent of Public Works and obtaining a permit as provided in this ordinance. This shall not apply to sidewalk surface repair.

Section 3. Application for permit.

(a) Application for permits shall be made to and on a form prescribed by the Superintendent of Public Works. Permits may be issued on an annual basis or for a limited time and shall specify the extent of the authority granted by the permit.

(b) The application shall specify the applicant's name and address, the date the work is to start, the date the work is to be completed, the location of the work, the nature of the street involved, the purpose of the work and the size and nature of the work.

(c) The applicant shall agree to deposit as security for his performance a bond or other security required by the provisions of this ordinance, undertaking to save the City of Bend, its property and its employees harmless from any injury or damage which may result from the acts of the applicant, and to file a report of the work done within two working days of completion.

(d) The application shall be accompanied by the permit fee required by this ordinance.

Section 4. Security.

(a) Before the issuance of any permit, the applicant shall file with the Superintendent of Public Works either a performance bond with a sufficient corporate surety or cash or certified check in an amount equal to the estimate of the cost of repairing the street to be excavated, including the cost of re-excavating and refilling with proper materials, if necessary, as determined by the Superintendent of Public Works.

(b) If a performance bond is submitted, it should undertake to secure performance of the work in accordance with all the provisions of this ordinance, to be effective for a period of one year after completion

of the work, and to reimburse the City of Bend for any work it is required to do in order to place the excavation in the necessary condition according to the terms of this ordinance.

(c) No security shall be required for the excavation of unimproved streets unless, in the opinion of the Superintendent of Public Works, security is necessary for the protection of the public interest.

Section 5. Insurance. Each applicant shall submit with his application a certificate of insurance designating him as the named insured under a policy of public liability insurance with policy limits of $50-100,000 for bodily injury and $25,000 for property damage, together with an endorsement for completed operations.

Section 6. Liability. Each applicant shall submit with his application his agreement to pay, save and hold the City of Bend harmless from any liability of any kind resulting from or in connection with his activities in excavating any street as provided in this ordinance. Any person who excavates or obstructs a street as defined in this ordinance shall be responsible for injury to any person or property where such obstruction or excavation is the proximate cause of the injury.

Section 7. Permit. When the Superintendent of Public Works is satisfied that the excavation applied for is feasible and proper, and that the application is in accordance with the terms of this ordinance, he may issue a permit which shall designate the name and address of the person to whom the permit is granted, the date the permit is issued, the date the work is to begin, the date the work is to be completed, and such other conditions or restrictions as may be required, including but not limited to the following:

(a) Requiring that access to fire hydrants be available at all times;

(b) Requiring that the actual work be confined to the hours of 7 A.M. to 9 P.M., unless otherwise specified, or to certain days;

(c) Setting forth the maximum lengths of breaks or excavation to be opened at any one time;

(d) Requiring that access to driveways be maintained;

(e) Requiring that the permitee reimburse the City of Bend for the cost of relocating or re-establishing city monuments, and the giving of notice where the work will interfere with monuments;

(f) Requiring that provision be made for routing and protection of traffic;

(g) Relating to the care and disposition of excavated material during construction;

(h) Making provision for water courses during excavation;

(i) Setting forth minimum or maximum depths of excavation or structures;

(j) Providing for control of noise, dust and debris during excavation;

(k) Prescribing acceptable methods and materials for securing proper backfill and pavement resurfacing, including temporary surfacing if necessary.

Section 8. Conduct of Work.

(a) Work shall be done in conformity with the provisions of this ordinance and the terms of the application and permit, shall be prosecuted diligently to completion, shall be done in a manner approved by the Superintendent of Public Works, shall not interfere with access to fire hydrants, and shall not interfere with city or public utilities.

(b) Upon completion of the work, any excavation shall be filled, compacted and the street surface restored to as good or better condition than before the work and in conformity with city standards for the particular street surface. Cold mix asphalt patching will only be allowed as a temporary measure during adverse weather conditions, and the permanent patching shall be placed as soon as weather permits.

(c) Traffic signs or signals or other signs shall be returned to their prior location and condition, unless otherwise directed.

Section 9. Abandoned materials. Any materials abandoned by any person in or on a street may be removed by the city at the expense of the person who abandoned the materials.

Section 10. Inspection by Superintendent of Public Works and maintenance of excavation. The permitee shall notify the Superintendent of Public Works within 48 hours after completion of the work and it shall be inspected and approved by the Superintendent of Public Works or his representative. The permitee shall be required to maintain the area worked upon for a period of one year from its completion, and any repairs necessitated by the work within one year of its completion may be made by the city, after notice to the permitee and paid from permitee's security deposit.

Section 11. Compliance. No work shall be undertaken other than as specified in the application and permit, and failure to comply with all the terms of the application, permit and the ordinance shall be cause for revocation of the permit and the immediate termination of the work. In such event, if permitee does not promptly restore the street service, the city may do so at permitee's expense.

Section 12. Barricades. Whenever any person, under authority of this ordinance or otherwise, places obstructions in the street or makes any excavation therein for any purpose, it shall be his duty to keep the obstruction or excavation properly safeguarded by substantial barricades and the display of lighted red lanterns or other lights or flares or other warning devices approved by the city from dusk until daylight. Whenever the public safety requires that obstructions or excavations require constant supervision the permitee shall be responsible for furnishing such constant supervision.

Section 13. Notification of work. Each permitee shall notify the City of Bend Police and Fire Departments, abutting owners and owners of other public utilities affected, of the proposed work. Permitee shall also submit maps, when required by the Superintendent of Public Works, indicating all utility lines placed in any street by permitee.

Section 14. City work. The provisions of this ordinance shall not apply to any work by the city to be performed by its employees or by persons operating under contract with the city.

Section 15. Permit fees. The fee for a permit shall be $3 for each 100 feet of work or fraction thereof, or $50 for an annual permit unless otherwise provided for by franchise ordinance or other agreement. In addition there shall be a penalty of five times the repair costs for any work in a newly-paved street made within the first year of paving, four times the repair cost for work within the second year of paving, three times the repair cost for work within the third year of paving, and twice the repair cost for work within the fourth year of paving. This penalty provision shall apply only to streets paved after the effective date of this ordinance.

Section 16. Emergencies. An excavation may be made in a street in the event of an emergency affecting the public safety or welfare, providing that a report of such excavation shall be made to the Superintendent of Public Works within 48 hours and all provisions of this ordinance are complied with as though making application for an original permit.

Section 17. Penalty. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not to exceed $500, or by imprisonment in the City Jail for a period not to exceed 100 days, or by both.

Section 18. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Read for the first time the 3rd day of January, 1968.

Read for the second time the 17th day of January, 1968.

Placed upon its passage the 17th day of January, 1968.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 17th day of January, 1968.

/s/ Leon E. Devereaux, Jr.
Mayor

ATTEST:

/s/ Julia S. Johnson
Recorder-Treasurer

NS-772

ORDINANCE NO. NS-773

BUSINESS LICENSING CODE OF THE CITY OF BEND

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Article I

Amended by: NS-1101, NS-1104, NS-1132 Repeal

Section 1. It shall be unlawful for any person, firm, partnership, corporation or association to engage in any of the following businesses without obtaining a license from the City of Bend and payment of the fee provided by this article:

Auctioneers	$25 per day or $50 per calendar year
Billiard, Card and Poolrooms	
Tables used for pinochle only, each	$ 6 per calendar year
All other card tables, each	$12 per calendar year
Billiard or Pool tables, each	$12 per calendar year
Bowling Alleys, each alley	$12 per calendar year
Card Tables (See Billiard, Card and Poolrooms)	
Carnivals, Circuses, Dramatic, Mechanical or Operatic Shows	
Carnivals	$150 per day
Circuses	$150 per performance
Dramatic, Mechanical or Operatic Shows	$ 20 per day
Cigarette Vending Machines, Juke Boxes, and Mechanical Amusement Devices, each machine	$24 per calendar year
Circuses (See Carnivals)	
Dramatic Shows (See Carnivals)	
Electrical Contractors	$100 per year, initial $ 50 per year, renewal
Exterminators	$ 50 per year
Food Establishments	$ 10 per calendar year
Hotels, Lodging Houses, & Rooming Houses	$ 15 per calendar year
Juke Boxes (See Cigarette Vending Machines)	
Junk Dealers	$ 40 per calendar year
Junk and Secondhand Dealers	$ 40 per calendar year
Lodging Houses (See Hotels)	
Mechanical Amusement Devices (See Cigarette Vending Machines)	
Mechanical Shows (See Carnivals)	

Motion Picture Theaters	$0.20 per theater seat per calendar year
Occult Arts	$100 per day
Operatic Shows (See Carnivals)	
Peddlers	$ 5 per day
Pest Exterminators (See Exterminators)	
Plumbing Contractors	$ 40 per year
Poolrooms (See Billiard, Card and Poolrooms)	
Rooming Houses (See Hotels)	
Secondhand Dealers	$ 20 per calendar year
Sewer, Septic Tank and Cesspool Maintenance	$12.50 per calendar year
Skating Rinks	$ 60 per calendar year
Taxicabs	
With Street Stand, each	$ 25 per calendar year
Without Street Stand, each	$ 15 per calendar year
Transfer Vehicles	$ 15 per calendar year
Tree Topping and Removal	$ 25 per calendar year

Article II
Definitions and Regulations

Section ~~1~~ 2. Auctioneers.

(a) An "auctioneer", for the purposes of this section, shall be any person who, as principal or agent, offers for sale at public outcry any article of merchandise or property to the highest bidder.

(b) This section shall not apply to: any sale under any valid order, decree or judgment of any court; to residents of the City of Bend when selling their own house or property; or to educational, religious, charitable, fraternal service or other organizations of a non-commercial nature, any of whose objects of holding said auction sale are religious, charitable, fraternal or intended to benefit the community.

Section 3. Billiard, Card, and Poolrooms.

(a) A "billiard, card or poolroom", for the purposes of this section, shall be deemed to be any place where one or more billiard, card or pool tables are maintained, whether or not a charge is made for the use thereof; provided, however, that such rooms when operated and owned by a fraternal organization and conducted on the premises of such organization, and all such rooms maintained in private homes and not open to use by the general

public shall be exempt from the provisions of this section.

(b) Every billiard, card or poolroom licensed under this section shall be located upon the ground floor and conveniently clear public view thereof shall be possible from the outside of the building housing the same.

(c) The proprietor of any billiard, card or poolroom licensed under this section shall not permit any of the following:

(1) Any form of gambling therein with cards, dice or any other contrivance whatsoever;

(2) Any person under the influence of intoxicating liquor in such room;

(3) To keep open such billiard, card or poolroom later than 12:00 o'clock p.m. every day or to open the same earlier than 7:00 o'clock a.m. every day;

Section ~~3~~ 4. Bowling Alleys.

A "bowling alley", for the purpose of this ordinance, shall be every place or building open to the general public wherein balls are rolled towards pins in connection with any form of the sport commonly known as bowling.

Section ~~4~~ 5. Cigarette Vending Machines, Juke Boxes and Mechanical Amusement Devices.

(a) The term "cigarette vending machine", for purposes of this section shall mean any automatic vending machine used for sale of any tobacco product and controlled by the insertion of a coin or coins. The term "juke box" shall mean any music vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc, or key into any opening, or by the payment of any price, operates or may be operated for the emission of songs, music or similar amusement. The term "mechanical amusement device" shall mean any machine, which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public for use as a game, entertainment or amusement, whether or not registering a score. It shall include such devices as skill ball, mechanical grab machines, shuffleboards, shufflebowlers and all games, operations, or transactions similar to those defined herein under whatever name they may be indicated.

(b) The license required by this section shall be obtained by the person, firm, co-partnership, corporation or association in whose place of business any such machine is placed for use by the public.

(c) A licensee under this section shall not permit any of the following:

(1) Operation of any gambling devices whatsoever.

(2) Persons under twenty-one (21) years of age to play or operate any cigarette vending machine or mechanical amusement device licensed under this section;

Section ~~5~~ 6. Carnivals, Circuses, Dramatic, Mechanical or Operatic Shows.

(a) For the purposes of this ordinance a "carnival", "circus", "dramatic, mechanical or operatic show" shall be any type of entertainment, performed under canvas or in open spaces, whether or not an admission fee is charged. The license fee for this activity may be waived to $1 by the City Commission for shows put on by educational, religious, charitable, fraternal, service or other organizations of a non-commercial nature whose objects of holding said show are religious, charitable, fraternal and intended to benefit the community.

Section ~~6~~ 7. Electrical Contractors.

(a) For the purposes of this ordinance, "electrical contracting" shall be engaging in any work governed by Ordinance No. NS-480.

(b) Before any license shall be issued under this section, the applicant shall present satisfactory evidence that he is licensed to do such work by the State of Oregon.

(c) Nothing in this ordinance shall be construed to prohibit an owner from doing his own wiring without a license.

(d) The fee for this license shall cover the period ending one year from date of issue and any renewal shall be had on or before thirty (30) days after date of expiration; otherwise, the applicant shall be considered an initial applicant and the $100 fee shall apply.

Section ~~7~~ 8. Exterminators.

(a) For the purposes of this ordinance, an "exterminator" shall be anyone who engages for hire in the business of exterminating, killing or ridding any place of pests and/or vermin.

(b) Before any license shall be issued under this section, the applicant shall present satisfactory evidence that he is experienced and qualified in the business of pest extermination.

Section ~~8~~ 9. Food Establishments.

(a) The term "food establishments" as used in this section, shall mean and include hotels, restaurants, cafeterias, boarding houses, delicatessens, drive-in restaurants, and any other place where meals are publicly served to more than five persons.

(b) No license shall be issued under this section until such establishment has been inspected and found to be in compliance with any and all City ordinances and State of Oregon and United States government public health regulations.

Section ~~9~~ 10. Hotels, Lodging Houses, and Rooming Houses

(a) A "hotel", "lodging house", or "rooming house", for the purposes of this section, shall be any building equipped with sleeping accommodations for four or more persons which are generally rented for periods of less than one month.

(b) Before any license shall be issued under this section there shall be presented to the City Manager evidence that the resident manager of such establishment is a person of good moral character.

(c) Before any license shall be issued under this section, the premises shall be inspected and approved and no license shall be issued unless such premises are in compliance with all City ordinances and any laws or regulations of the State of Oregon or the United States government regarding such establishments and present no unreasonable danger of fire.

(d) Every person to whom a license shall have been issued to conduct a hotel, lodging house, or rooming house shall at all times keep a standard hotel register in which shall be inscribed the names of all guests or persons renting or occupying rooms in such house, which register shall be signed by the person renting a room or rooms, or by someone under his direction. Such registration must be made and after the name or names so inscribed or registered, the manager of the house or his agent shall write the number of the room or rooms which such guest or person is to occupy, together with the time when such room is rented, all of which shall be done before such person is permitted to occupy such room or rooms. Such register shall be at all times open to inspection by any guest of such house and to any executive or peace officer of said city or the State of Oregon. Each sleeping room or apartment in such an establishment shall be numbered in a plain and conspicuous manner, number to be placed on the outside of the door of each room and no two doors shall bear the same number.

Section ~~10~~ 11. Junk and Secondhand Dealers.

(a) The term "junk dealer", means any person who purchases or deals commercially in any kind of material for re-fabrication. The term "second-hand dealer" means any person who purchases or deals commercially in any kind of material for further use without re-fabrication.

(b) Every junk dealer and every second hand dealer shall keep a register, in form approved by the City Manager of the City of Bend, in which shall be entered in the English language, in legible writing, a complete description of each article of personal property purchased, including the number or numbers, if any, on each of said articles, whether new or used; the name and residence, including street number, of the person from whom such property was purchased; the signature of the person from whom purchased together with a complete description of such person; the date of the purchase; and the amount paid therefor. The record in the register shall be made in duplicate, the first copy of which shall be deposited with the Chief of Police of the City of Bend before 12:00 o'clock noon of the next legal business day following the purchase. When any article of junk or second hand goods is purchased from any person under the age of twenty-one (21) years of age, the dealer shall require a written statement from the parent or guardian of such minor, in which it shall be stated that the minor is the owner of the property, and in case the minor has purchased the articles of personal property, then the statement of the parent or guardian shall also give the name and residence address of the party from whom purchased, together with the date of the purchase. No junk or second hand dealer shall be required to furnish the description of property which he purchases from manufacturing, wholesale, or retail dealers having an established place of business, in the City of Bend. Sale of such goods must be accompanied by a bill of sale, however, or other evidence of legitimate purchase, which must be shown to the Chief of Police or other peace officer of the City of Bend, upon demand therefor.

(c) No junk or second hand goods purchased by a dealer, for which a description is required by (b) hereof, shall be resold without the dealer making a written record of such sale, including description of property sold, date and name and address of purchaser. No such resale or other disposition of such junk or second hand goods shall be had within three (3) days after the purchase thereof by the dealer.

(d) It shall be unlawful for any junk or second hand dealer to sell or otherwise dispose of any article of personal property within fifteen (15) days after notice by the Chief of Police or other peace officer of the City of Bend to hold the same, unless sooner released by such officer; provided, however, that such hold order shall not continue more than thirty (30) days from the date of first notice except by order of a court of competent jurisdiction.

(e) Any junk or second hand dealer shall permit the examination at reasonable hours by any peace officer of the City of Bend, of his register of purchases, his record of sales and any or all articles of junk or second hand goods kept at his place of business or any other place. Refusal to permit such examination shall be deemed a violation of this ordinance.

Section ~~11~~ 12. Motion Picture Theaters.

(a) For the purpose of this section, a "motion picture theater" shall be any place where moving pictures are shown for which an admission fee is charged.

(b) Before any license shall be issued under this section, the premises to be licensed shall be inspected and no license shall be issued unless the premises are found to be structurally sound, with a suitable number of exits, and with no unreasonable risk of fire.

(c) This section shall not apply to shows put on by educational, religious, charitable, fraternal, service or other organizations of a non-commercial nature whose objects of holding said shows are religious, charitable, fraternal, or intended to benefit the community.

Section ~~12~~ 13. Occult Arts.

For the purposes of this section, "occult art" means use or practice of fortune telling, astrology, phrenology, palmistry, clairvoyance, mesmerism, spiritualism, or to the conduct of any spiritualistic reading or exhibition of any character.

Section ~~13~~ 14. Peddlers.

(a) The term "peddler" for the purpose of this section, shall be construed to include all persons, co-partnerships, or corporations, either principals or agents, who go from place to place, or store to store, carrying for sale and offering for sale or exposing for sale, either at wholesale or retail, goods, wares, and merchandise, or offering for sale or exposing for sale any goods, wares, or merchandise from any doorway, recess, vacant lot, or other place facing on a street and not within a building. This section shall not apply to peddlers of agricultural, horticultural, or farm products which they grow or raise, or those vending books, periodicals, or newspapers, or to delivery of goods upon a bona fide order placed prior to the time such goods leave the place of

business of the seller, specifying the exact kind and quantity of goods to be delivered, and further that this ordinance shall not apply to representatives of manufacturers or wholesalers whose business is limited to calling upon retail or wholesale outlets for the purpose of selling goods to be resold through such retail or wholesale outlets.

(b) No peddler shall follow that business occupation within the C-4 Central Commercial District of the City of Bend.

Section ~~14~~ 15. Plumbing Contractors.

(a) For the purpose of this section, the business of "plumbing contracting" shall be defined as that business covered by Ordinance No. NS-702. Nothing in this section shall be construed to apply to any person doing plumbing work on his own property or to persons, firms, partnerships or corporations operating under a contract with the City of Bend.

(b) Application for license under this section must be accompanied by satisfactory evidence of the individual's capacity to conduct said business in conformance with the ordinances of the City of Bend and the laws of the State of Oregon and proof that the applicant has a license as a plumber from the State of Oregon.

Section ~~15~~ 16. Sewer, Septic Tank and Cesspool Installations and Maintenance.

(a) Any person, firm, partnership, corporation or association engaged in or conducting the business of installing, repairing or maintaining sewers, septic tanks, indoor cesspools, sewer connecting, sewer construction, or the excavation of trenches for sewer pipes, water pipes, or other plumbing for sewer purposes in the City of Bend shall be required to obtain a license under this section; provided, however, that the provision of this article shall not apply to persons, firms, partnerships, corporations or associations operating under a contract with the City of Bend. This section shall not be construed to apply to those holding a license as a plumber.

(b) Application for license under this section must be accompanied by satisfactory evidence of the individual's capacity to conduct said business in conformance with the ordinance of the City of Bend and the laws of the State of Oregon.

Section ~~16~~ 17. Skating Rinks.

(a) For the purposes of this section, any building or outdoor area where the general public or members of an organization are invited for the purposes of roller skating shall be considered a skating rink.

(b) Before any such license shall be issued under this section, the premises wherein the skating rink is being conducted shall be inspected. No license shall be issued for any premises found to be structurally unsound, presenting a fire hazard, or not having a suitable surface for the purpose of skating.

Section ~~17~~ 18. Taxicabs.

(a) "Taxicab" for the purpose of this section shall mean a motor vehicle transporting the public for hire in intra-city transportation

within the City of Bend, not over regular routes and not on regular schedules, and not including those vehicles commonly known as buses and vehicles operating on a fixed route and U-Drive-For-Rent cars.

(b) In addition to the information required on the standard license application form, any applicant must supply the following information:

(1) Description of vehicles and registration for each as evidence of ownership, which registration shall be returned to the company as soon as the necessary information is obtained therefrom.

(2) The names and addresses of the individuals who comprise the company and whether such individuals are owner, lessees or other employees of said company.

(3) The name of the manager if different from owner or employees of the company.

(4) A statement setting forth the number of taxicabs that will be kept available for service in the event such a need arises.

(5) The number and location of proposed stands.

(6) Any changes in the above information shall be reported to the Chief of Police within two (2) working days prior to such change.

(c) Every taxicab hereinafter newly placed in service by the company shall have signs either painted or applied on each side and on the rear thereof in letters and/or numerals at least two (2) inches high and one-half (1/2) inch in width the following information: The company name and the cab number.

(d) Application for telephone standards shall be made to and through the Chief of Police and must be approved by the City Commission. As a condition of approval of telephone standards it is understood that all police officers shall have free use of and access to said phone boxes mounted on said standards. All and existing telephone standards are herewith ratified as being approved subject to the free use and access by police officer.

(e) Drivers of taxicabs operated by taxicab companies herein set forth shall be clean and neat and it shall be the responsibility of the company to see that this section is not violated.

(f) Every chauffeur or driver of a taxicab as defined herein shall, before entering on such duties, make application to the Chief of Police for an identification card and badge with corresponding number placed on each. The applicant shall furnish two pictures of not less than 2 x 2-1/2 inches and also provide finger prints on the application. The application shall contain sufficient information for identification and shall be kept on file in the office of the Chief of Police. Upon receipt of said application together with a fee of $2 to cover the administrative cost, the Police Chief may in his discretion issue an identification card and the badge to the applicant. Said card and badge shall not be transferable and the card shall have thereon a picture of the applicant. Said card shall be placed in the vehicle the driver is operating and shall be readily accessible to view by passengers therein. The badge shall be worn on the cap or uniform

of the operator. Neither the card or badge shall be transferable and must be returned to the Chief of Police upon the individual driver ceasing the occupation of taxicab driver.

(g) The identification card and badge as provided for above shall be in the nature of a permit to operate as a taxicab driver and said permit shall be revocable in the discretion of the Chief of Police for cause of incompetency or impropriety of conduct. Upon such revocation or suspension the Chief of Police shall submit a report thereon to the City Commission and the driver affected thereby may appeal such revocation of permit to the City Commission in writing within ten (10) days from the date of suspension or revocation.

(h) It shall be unlawful to use a taxicab for any of the following:

(1) For immoral purposes or to aid in procuring women for immoral purposes;

(2) For any driver of any taxicab to use profane or abusive language in the presence of passengers or prospective passengers;

(3) For driver to loudly solicit passengers on the streets or in the vicinity of the taxicab stands as provided for herein.

(4) To use or cause to be used a taxicab provided for the transportation of alcoholic liquor to unlicensed premises or to engage in handling, delivering, or supplying such alcoholic liquor to unlicensed premises.

(i) No license shall be issued under this section until the applicant shall provide and file with the Recorder of the City of Bend evidence of liability insurance coverage against liability of whatever nature arising from the operation of the taxicabs in the minimum amounts of $25,000 property damage, $100,000 personal injury damage, $300,000 coverage for each accident.

Section ~~18~~ 19. Transfer Vehicles.

(a) For the purposes of this section, the term "transfer vehicles" shall mean any vehicle, which shall be used for the conveyance of garbage, freight, baggage, packages, wares, or merchandise of any kind from place to place within the City of Bend for hire, operating upon the streets or alleys of the City of Bend; provided, however, that any owner, operator, or driver of handcarts and vehicles used by merchants, dealers, and manufacturers moving their own property and used exclusively for the delivery of their goods, wares, and merchandise to their customers, and public utility vehicles operating under a franchise shall be exempt from the provisions of this article.

Section ~~19~~ 22. Tree Topping and Removal.

(a) Any person, firm, partnership, corporation or association engaged in the business of topping or removal of trees within the City of Bend is required to have a license under this section.

(b) Before any license shall be issued under this section, the applicant shall furnish satisfactory evidence showing his experience and/or training to the end that the applicant has the ability to engage in

such business without detrimental effect to the City of Bend and inhabitants thereof and proof of financial responsibility, in the form of liability insurance coverage with limits of $50,000/100,000/25,000 minimum for each occurrence, and shall provide a copy of such insurance policy to be filed with the City Recorder.

Article III
Application for Licenses

Section 1. All applications for licenses under this ordinance, shall be made in writing to the City Recorder-Treasurer upon the City of Bend standard business license application form.

Section 2. In addition, the application shall contain any specific information required by any other provisions of this ordinance.

Section 3. All licenses issued under this ordinance shall be posted in plain sight within the business premises or, if issued for a vehicle, be displayed within plain view within said vehicle.

Section 4. No license issued under this ordinance shall be assignable or transferable to any other object requiring a license or to any other person, co-partnership, firm or corporation without the approval of the City Commission.

Section 5. Any error in classification or return made by any officer or employee of the City of Bend shall not preclude the City from collecting the full amount of the license fee due under this ordinance.

Section 6. All licenses shall be subject to any regulations now or hereafter imposed by the City of Bend and shall at all times be subject to revocation by the City Commission, for any violation of this ordinance or any other law of the City of Bend, the State of Oregon, or the United States.

Section 7. Any person who advertises or otherwise holds himself out to the public as engaged in any business, profession, trade or calling for which a license is required shall, for the purposes of licensing, be presumed to be so engaged and shall be liable for the license fee as herein provided.

Section 8. Initial license fees only may be prorated on a one-half year basis if the application is made after June 30th of any given year. There shall be no proration upon termination of a license.

Article IV
Revocation of Licenses

Section 1. All licenses shall be subject to the regulations now or hereafter imposed by the City of Bend, and nothing in this ordinance shall be construed to create the vested right in any person to a license in the first instance or to the assignment, renewal, reissuance, or continuance of any license, and the right shall be and remain at all times vested in the commission; and the commission may refuse to grant any license or may revoke and cancel any license procured by any misrepresentation or for a violation of any of the provisions of this or any other ordinance of the City of Bend, or any State or Federal statute, or for any conduct or act of the licensee or employee when permitted by him, or when committed on

the premises where such business is conducted, or in connection therewith, tending to render such business, or the premises where the same is conducted, a public menace, or a menace to the health, business, or general welfare of said City of Bend, or whenever in the judgment of the Commission the public interest demands they refuse to grant a requested license or may revoke any such license already issued.

30
Section 2. Whenever the Commission desires to investigate any license, it shall notify or cause to be notified, in writing, the licensee of the time and place of the hearing or investigation, such notice to be served not less than twenty-four (24) hours before such hearing or investigation. Such hearing or investigation shall be informal and nothing shall prevent the Commission from considering any evidence developed during such hearing or investigation touching upon or concerning the fitness of the licensee to retain such license. If, on such hearing or investigation, the Commission shall find that cause exists for the revocation of such license, the same shall be revoked by a majority vote of the Commission on the motion entered in the minutes.

31
Section 3. Whenever the Commission revokes the license of any person, firm, or corporation holding a license under this ordinance or any of its provisions or for any other reason, it may at the same time also revoke any other license or licenses which such person, firm, or corporation may have for the carrying on of any other business required to be licensed under this or any other ordinance of the City of Bend. Whenever a license to continue any business has been revoked by the Commission, no further license shall be granted or reissued to the same person for the same or a different business without the approval of all members of such Commission; provided, however, that such approval shall not be made until the applicant has filed with the City Recorder of said City of Bend a surety company bond in the penal sum of One Thousand Dollars ($1,000), or deposit a like sum in cash with the City Recorder of said City of Bend, which bond or cash shall be forfeited to the City of Bend in the event that such person is thereafter convicted of a violation of any ordinance of the City of Bend or State or Federal statute for which such license might be revoked; and the bond for the term of which the license is granted shall not be suspended or cancelled during the life of such reissued license or a renewal thereof.

Article V
Penalty

Section 32. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding $300, or by imprisonment in the City Jail for a period not exceeding ninety (90) days or by both such fine and imprisonment.

Article VI
Severability

33
Section 1. The sections and subsections of this ordinance are hereby declared severable. The invalidity of any one section or subsection shall not affect the validity of the remaining sections or subsection.

34
Section 2. Ordinances No. NS-287, NS-288, NS-291, NS-302, NS-307, NS-309, NS-317, NS-336, NS-357, NS-365, NS-376, NS-379, NS-390, NS-398, NS-400, NS-401, NS-415, NS-421, NS-434, NS-473, NS-527, NS-557, and NS-604 are hereby repealed.

Read for the first time the 3rd day of January, 1968.

Read for the second time the 17th day of January, 1968.

Placed upon its passage the 17th day of January, 1968.
YEAS: 6 NAYS: 0
Submitted to and approved by the Mayor this 17th day of January, 1968.

/s/ Leon E. Devereaux, Jr.
Mayor

ATTEST:

/s/Julia S. Johnson
Recorder of the City of Bend

3-30

ORDINANCE NO. NS- 774

RELATING TO TRAFFIC CONTROL; ENACTING PROVISIONS OF THE STATE OF OREGON MOTOR VEHICLE LAWS; AMENDING ORDINANCE NO. NS-469; AND REPEALING ORDINANCES NO. NS-548 and NS-703

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance NS-469 is amended to read:

"Section 1. (a) The following sections of the State of Oregon motor vehicle laws, as amended by Oregon Laws 1967, are hereby adopted by reference the same as if fully set out herein:

ORS 481.015. "County highway," "dealer," "department" and "farm tractor" defined.

ORS 481.020. "Highway" defined.

ORS 481.030. "Motor bus" defined.

ORS 481.040. "Motor vehicle," "nonresident," "operator," "owner" and "pneumatic tire" defined.

ORS 481.050. "State," "state highway" and "taxicab" defined.

ORS 481.055. "Tractor trailer" defined.

ORS 481.060. "Trailer" defined.

ORS 481.070. "Used vehicle" and "vehicle" defined; weights and measures.

ORS 481.075(2) Purposes and application of chapter; exclusions.

ORS 481.080. Applicability of chapter to foreign consuls.

ORS 481.155. Nonresidents' privileges; registration of foreign vehicles operated for profit; reciprocity.

ORS 481.230(4) Fastening of registration card to vehicle.

ORS 481.255. Display of license plates required.

ORS 481.260. Issuance and display of temporary permits.

ORS 481.370. Conduct of wrecking business.

ORS 482.010. "Canceled," "chauffeur," "department," "farm tractor," "highway," "motor vehicle" and "license" defined.

ORS 482.020. "Nonresident," "operator," "owner" and "renewal" defined.

ORS 482.030. "Revocation," "school bus," "suspension" and "vehicle" defined.

ORS 482.040. License required to operate motor vehicle; surrender of prior valid licenses.

ORS 482.050. Nonresident's use of home state license.

ORS 482.060. Exemptions from license.

ORS 482.300(2) Licensee required to possess license.

ORS 482.610. Misuse of license; fraud in securing license.

ORS 482.620. Causing or permitting illegal driving.

ORS 482.630. Minors prohibited from driving school and passenger busses.

ORS 482.640. Employment of unlicensed chauffeur.

ORS 482.650. Driving while license revoked or suspended.

ORS 483.002. "Authorized emergency vehicle," "axle," "business district" and bus trailer" defined.

ORS 483.004. "Chauffeur" defined.

ORS 483.006. "Combination of vehicles," "combined weight," "commission" and "crosswalk" defined.

ORS 483.008. "Department," "driver" or "operator," "farm tractor" and "gross weight" defined.

ORS 483.010. "Group of axles," "highway," "road" and "street" defined.

ORS 483.012. "Implement of husbandry," "intersection," "local authorities" and "metal tires" defined.

NS-774

ORS 483.014. "Motor bus," "motorcycle," "motor truck" and "motor vehicle" defined.

ORS 483.016. "Official traffic signs and signals" and "owner" defined.

ORS 483.018. "Pneumatic tire," "pole or pipe dolly or pole trailer," "pole trailer" and "private road or driveway" defined.

ORS 483.020. "Residence district," "right of way," "road tractor," "roadway" and "safety zone" defined.

ORS 483.022 "School bus" and "semitrailer" defined.

ORS 483.024. "Sidewalk," "sled," "solid rubber tire," "solid tire," "solid-tired vehicle," "streetcar" and "tandem axles" defined.

ORS 483.026. "Tire," "tire width" and "total tire width" defined.

ORS 483.028. "Traffic," "traffic control signal" and "trailer" defined.

ORS 483.030. "Tread," "trolley bus," "truck tractor" and "vehicle" defined.

ORS 483.032. Applicability of chapter to government vehicles and persons, vehicles working on a street or highway, and farm vehicles.

ORS 483.034. Application of chapter to bicyclists and to persons riding, driving or leading animal.

ORS 483.038. Effect of chapter on permissive use of private roadway.

ORS 483.046. Permitting vehicle to be unlawfully operated.

ORS 483.048. Duty to obey traffic officers; uniform or badge required.

ORS 483.050. Unlawful to drive defectively or unlawfully equipped vehicle.

ORS 483.102. Basic speed rule.

ORS 483.104. Maximum speeds, exceeding which is prima facie evidence of violation.

ORS 483.112. Designation of speed in complaint; speed trap evidence not admissible; use of radar; arrest without warrant in radar cases.

ORS 483.114. Minimum speed regulation.

ORS 483.116. Speed of motor trucks and busses and of vehicles equipped with solid or metal tires.

ORS 483.118. Speed on public bridge, causeway or viaduct.

ORS 483.120. Application of speed regulations and traffic signs and signals to emergency vehicles; warning devices.

ORS 483.121. Record required when ambulance used; preservation.

ORS 483.122. Speed races prohibited on public ways; publishing or advertising results.

ORS 483.126. Signals for starting, stopping or turning on highway.

ORS 483.128. Duty to obey traffic signs and signals.

ORS 483.130. Effect of "Go," "Caution" and "Stop" signals.

ORS 483.132. Turning vehicles at intersections when signal is "Go" or "Stop."

ORS 483.134. Effect of "Walk" and "Wait" or "Don't Walk" signals.

ORS 483.136. Effect of flashing signals.

ORS 483.138. Certain signs prohibited along highways.

ORS 483.140. Damaging or removing sign or signal.

ORS 483.202. Right of way at intersections.

ORS 483.204. Stop signs or markers at entrances to main or through highways or at intersections.

ORS 483.206. Vehicles entering highway from private road.

ORS 483.208. Stopping to permit emergency vehicle to pass.

ORS 483.210. Rights of pedestrian when no traffic signals.

ORS 483.212. Pedestrian's rights when there are traffic officers.

ORS 483.214. Rights of blind pedestrian with white cane or dog guide; use of white canes restricted.

ORS 483.216. Crossing on right half of crosswalk.

ORS 483.218. Standing in roadway to solicit ride.

ORS 483.222. Stopping before driving onto sidewalk from alley, driveway or building.

ORS 483.224. Stopping at railroad crossings upon signal of approach of train.

ORS 483.226. Stop signs at dangerous railroad crossings.

ORS 483.228. Busses, and trucks carrying inflammables or explosives, required to stop at railroad crossings.

ORS 483.230. Moving heavy equipment over railroad tracks.

ORS 483.302. Duty to drive on right half of the highway.

ORS 483.304. Normal position of vehicles when highway divided into lanes.

ORS 483.306. Passing vehicles proceeding in opposite direction.

ORS 483.308. When passing is permitted.

ORS 483.310. Method of passing.

ORS 483.312 Proper distance when following other vehicles.

ORS 483.314. Passing horses or other animals.

ORS 483.316. Turns at intersections.

ORS 483.318. U-turns prohibited.

ORS 483.326. Stopping for streetcars and busses.

ORS 483.328. Driving or crossing in front of streetcars.

ORS 483.330. Following fire apparatus or parking in vicinity of fire.

ORS 483.332. Driving vehicle or streetcar over fire hose.

ORS 483.334. Driving through or over safety zones.

ORS 483.336. Coasting upon down grade.

ORS 483.402. When lights are required to be on; application of visibility and height provisions.

ORS 483.403. Driving with parking lights lighted prohibited when head lights required.

ORS 483.404. Head lights required; lighting equipment on bicycles.

ORS 483.406. Tail lights required.

ORS 483.408. Rear reflectors required.

ORS 483.410. Reflectors, clearance and marker lamps, and stop lights on various vehicles.

ORS 483.412. Color of lamps and reflectors; when certain lamps need not be lighted.

ORS 483.414. Mounting reflectors and clearance lamps.

ORS 483.416. Visibility of reflectors, clearance and marker lamps, and stop lights.

ORS 483.418. Lighting required for a combination of vehicles.

ORS 483.420. Lights required on parked vehicles.

ORS 483.422. Lights required on miscellaneous vehicles.

ORS 483.423. Warning lights.

ORS 483.424. Intensity and distribution requirements for head lamps.

ORS 483.426. Light indicator visible to driver.

ORS 483.428. Distribution and intensity of head lights when on road and when meeting vehicle.

ORS 483.430. Requirements when single distribution used.

ORS 483.432. Limitations on lights at front of vehicles or equipment.

ORS 483.434. Spot, auxiliary driving, stop, signal, fender, running board and back-up lamps permitted.

ORS 483.436. Approval of lamps by Department of Motor Vehicles.

ORS 483.444. Brakes required.

ORS 483.445. Specifications for hydraulic brake fluid.

ORS 483.446. Horns and other sound equipment.

ORS 483.448. Mufflers; unnecessary noise prohibited.

ORS 483.450. Rearview mirror.

ORS 483.452. Obstruction of windows prohibited; windshield wiper required.

ORS 483.458. Fenders or covers on motor vehciles.

ORS 483.460. Construction of vehicle fenders.

ORS 483.470. Limitations on use of television viewers in motor vehicles.

ORS 483.472. Binders on log loads.

ORS 483.474. Minimum clearance from roadway for passenger motor vehicles.

ORS 483.502. Application of size and wight provisions; violators liable for damages.

ORS 483.504. Restrictions on width, height and length of vehicles.

ORS 483.506. Maximum axle, wheel and gross weights for vehicles.

ORS 483.508. Restrictions on number of vehicles in a combination; coupling devices.

ORS 483.510. Sifting or leaking loads.

ORS 483.512. Sleds prohibited except with permit.

ORS 483.514. Dragging object on highway prohibited.

ORS 483.516. Pneumatic tires, when required.

ORS 483.518. Metal objects on tires prohibited.

ORS 483.522. General provisions of permits; cancellation.

ORS 483.530. Carrying permit in vehicle.

ORS 483.532. Public bodies authorized to restrict use of highways.

ORS 483.544. Truck route designation to be by order, resolution or ordinance; erecting appropriate signs; when prohibitions are effective; violation prohibited.

ORS 483.602. Duties of drivers and witnesses at accidents.

ORS 483.604. Driver's duties when he collides with unattended vehicle or other property.

ORS 483.606. Accident reports required.

ORS 483.608. Form of report; sending death certificate to Department of Motor Vehicles.

ORS 483.610. Confidential nature of report; publication of statistics; city authorized to require accident report.

ORS 483.612. Report of vehicles brought to garage or repair shop showing accident or bullet contact.

ORS 483.614. Driver's duty to help animals.

ORS 483.620. When automobile association membership card is acceptable as bail.

ORS 483.628. Driver or chauffeur may be exonerated from overloading violation if in good faith.

ORS 483.630. Use of sobriety tests.

ORS 485.010. Definitions for ORS 485.010 to 485.050.

ORS 485.020. Duty to stop when school bus loading or unloading children.

ORS 485.030. School bus markings.

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

Section 2. The following chapters and sections of Oregon Laws 1967, relating to State of Oregon motor vehicle laws, are hereby adopted by reference the same as if fully set out herein:

Chapter 32, Section 2 Defining "Commercial vehicle."

Chapter 237, Section 2 Relating to overtaken vehicles.

Chapter 393, Section 2 Requiring protective headgear for motorcyclists.

Chapter 414, Section 2 Requiring emblems for slow-moving vehicles.

Section 3. Ordinances NS-548 and NS-703 and all other ordinances and parts of ordinances in conflict with this ordinance are repealed.

Read for the first time the 17th day of January, 1968.

Read for the second time the 7th day of February, 1968.

Placed upon its passage the 7th day of February, 1968.

YEAS: 7 NAYS: 0

Submitted to and approved by the mayor this 7th day of February, 1968.

/s/ Leon Devereaux, Jr.
Mayor

ATTEST:

/s/ Julia S. Johnson
Recorder of the City of Bend

3-805-C

Amended by NS-1064

Repealed by NS-1326

ORDINANCE NO. NS - 775

REGULATING ALCOHOLIC LIQUOR; ENACTING PROVISIONS OF THE OREGON REVISED STATUTES; AND REPEALING ORDINANCES NS-197, NS-218, NS-219, NS-314 and NS-399.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The following sections of the Oregon Revised Statutes, as amended by Oregon Laws 1967, are hereby adopted by reference the same as if fully set out herein:

ORS 471.005	"Alcoholic Liquor and Commission" defined;
ORS 471.035	Certain products exempted from liquor laws;
ORS 471.410	Sale or gift of liquor to minor or to intoxicated or interdicted person;
ORS 471.430	Purchase or possession of liquor by minor or interdicted person;
ORS 471.620	Property and places as common nuisances;
ORS 471.625	Lien on place used to unlawfully handle liquor;
ORS 472.310	Prohibitions.

Section 2. Public Dance Halls. It shall be unlawful for any person to keep, possess, sell, give away, or otherwise dispose of or consume any alcoholic liquor in any public dance hall or in any room or building used for public dancing except premises licensed by the Oregon Liquor Control Commission.

Section 3. Consumption by Licensee. It shall be unlawful for any licensee holding a license for the sale of alcoholic liquor, or any employee thereof, while on duty, to consume alcoholic liquor upon the premises where employed, or to be under the influence of liquor while on duty.

Section 4. Repeal of Ordinances. Ordinances Nos. NS-197, NS-218, NS-219, NS-314 and NS-399 and all other ordinances or parts of ordinances in conflict with this ordinance are repealed.

Section 5. Penalties. Any person violating any of the provisions of this ordinance shall upon conviction thereof be punished by a fine of not to exceed $1,000 or by imprisonment in the City Jail or some other jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

Section 6. Saving Clause. If any section, subsection, provision, clause, or paragraph of this ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment should not affect the validity of the remaining portions of this ordinance; and it hereby is expressly declared that every other section, subdivision, paragraph, provision, or clause of this ordinance would have been enacted, irrespective of the enactment or validity of the portion hereof declared or adjudged to be unconstitutional or invalid.

Read for the first time the 17th day of January, 1968.

Read for the second time the 7th day of February, 1968.

Read upon its passage the 7th day of February, 1968.

YEAS: 7 NAYS: 0

Submitted to and approved by the mayor this 7th day of February, 1968.

/s/ Leon Devereaux, Jr.
Mayor

ATTEST:

/s/ Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-776

TO REPEAL CITY OF BEND GENERAL ORDINANCES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 1 is repealed.

Section 2. Ordinance No. 32 is repealed.

Section 3. Ordinance No. 68 is repealed.

Section 4. Ordinance No. NS-145 is repealed.

Section 5. Ordinance No. NS-252 is repealed.

✓ Section 6. Ordinance No. NS-282 relating to dog control is repealed.

✓ Section 7. Ordinance No. NS-409 relating to a television franchise is repealed.

Read for the first time the 17th day of January, 1968.

Read for the second time the 7th day of February, 1968.

Placed upon its passage the 7th day of February, 1968.

YEAS: 7 NAYS: 0

Submitted to and approved by the mayor this 7th day of February, 1968.

/s/ Leon Devereaux, Jr.
Mayor

ATTEST:

/s/ Julia S. Johnson
Recorder of the City of Bend

NS-776.

ORDINANCE NO. NS-777

AN ORDINANCE AMENDING ORDINANCE NO. NS-469.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 37 of Ordinance No. NS-469 is amended to read:

> Section 37. No person shall drive any vehicle on a highway, street or thoroughfare within the City of Bend, carelessly and heedlessly in willful or wanton disregard of the rights or safety of others.

Section 2. Emergency Clause. This ordinance is necessary for the immediate preservation of the public peace, health, and safety by reason of a dangerous amount of this type of driving misconduct in the City of Bend. Therefore an emergency is declared to exist and this ordinance shall become effective immediately upon its passage.

Read for the first time this 21st day of February, 1968.

Read for the second time the 6th day of March, 1968.

Placed upon its passage the 6th day of March, 1968.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 6th day of March, 1968.

Leon E. Demaray Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

NS-777