NS-778 repealed by NS-1495, passed 7-19-89

ORDINANCE NO. NS-778

RELATING TO THE MOVING OF BUILDINGS: AMENDING ORDINANCE NO. NS-701.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Paragraph (c) of subsection (3) of section 1 of Ordinance No. NS-701 is amended to read:

"(c) The applicant shall 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, with minimum policy limits of $50,000 and $100,000 for bodily injury, and $25,000 for property damage."

Section 2. Ordinance No. NS-701 is amended by adding a paragraph (d) to subsection (3) of section 1 to read:

"(d) The applicant shall also pay the City Recorder-Treasurer a fee of $250 for a permit to move a building. $220 of the permit fee shall be refunded to the permittee if within one year after the date on which the building was moved, the building moved complies with all applicable ordinances, rules and regulations of the City of Bend."

Read for the first time the 7th day of February, 1968.

Read for the second time the 21st day of February, 1968.

Placed upon its passage the 21st day of February, 1968.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 21st day of February, 1968.

Leon E. Demeneau Jr
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

Repealed by NS-1042

ORDINANCE NO. NS-779

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, 1967 Edition, as promulgated by International Conference of Building Officials, including Volume I (Uniform Building Code), Volume II (Uniform Mechanical Code) and a volume titled "Uniform Building Code, 1967 Edition, Standards" is hereby adopted with the following modifications:

Section 301 (b) 2 of Volume I shall read:

"2. 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 of Volume I is amended by adding a subsection (c) to read:

"(c) Building permit fees for structures identified as being "Fall-out Shelters" shall be $1.00, regardless of the dollar value of the work."

Section 204 of Volume I is amended to provide for a Board of Appeals consisting of seven (7) members instead of five (5) members.

Section 2305 (c) of Volume I 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) of Volume I 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 5302 of Volume I is amended by adding there to the following sentences:

"Every spray booth having an open front elevation larger in area than nine (9) square feet, and which is not equipped with doors, shall also be provided with an approved automatic fire-extinguishing sprinkler head for each fifty (50) square feet of booth roof area. Interior ducts shall be protected with sprinklers. Such sprinklers shall be installed not more than twelve (12) feet apart in horizontal ducts and shall be accessible through duct access doors."

Section 2. Ordinance No. NS-698 is 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 6th day of March, 1968.

Read for the second time the 20th day of March, 1968.

Placed upon its passage the 20th day of March, 1968.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 20th day of March, 1968.

Leon E. Demeray Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-780

AN ORDINANCE AMENDING ORDINANCE NO. NS-702 BY ADOPTING 1967 STATE BOARD OF HEALTH PLUMBING CODE PROVISIONS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 19 of Ordinance No. NS-702 is amended to read:

> "Section 19. STATE BOARD OF HEALTH ADMINISTRATIVE RULES ADOPTED. The following sections of the Oregon State Plumbing Laws and Administrative Rules compiled in Chapter 333 Oregon Administrative Rules are hereby adopted: Sections 44-002 to 44-490 inclusive and 41-005 to 41-040 inclusive. The City of Bend Building Official shall perform the functions and exercise the authority of the "Plumbing Inspector" referred to in said sections."

Read for the first time the 6th day of March, 1968.

Read for the second time the 20th day of March, 1968.

Placed upon its passage the 20th day of March, 1968.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 20th day of March, 1968.

Jean E. Demeneau Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-781 Vol. 158 P. 34

AN ORDINANCE NAMING THE ALLEY IN BLOCKS THREE AND FOUR OF BEND.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The alley in Blocks three and four in Bend is named Brooks Street.

Section 2. Emergency Clause. This ordinance is necessary for the immediate preservation of the public peace, health, and safety by reason of a necessity to designate this public way a street in order to issue building permits and develop property abutting this public way, and to assign postal addresses to the property. Therefore an emergency is declared to exist and this ordinance shall become effective immediately upon its passage.

Read for the first time the 20th day of March, 1968.

Read for the second time the 3rd day of April, 1968.

Placed upon its passage the 3rd day of April, 1968.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 3rd day of April, 1968.

Jean E. Demeneau Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-782 / Vol. 158, P. 32

AN ORDINANCE VACATING A PORTION OF THE NORTHWESTERLY CORNER OF THE INTERSECTION OF HARRIMAN STREET AND GEORGIA AVENUE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

THE CITY COMMISSION FOR THE CITY OF BEND on February 7, 1968, on its own motion, having adopted a resolution initiating proceedings for the vacation of the following described real property:

> Beginning at a point on the easterly line of Lot 8, Block 28, Park Addition in the City of Bend, said point being 47.90 ft. from the northeast corner of said Lot 8 measured along a curve to the right whose radius is 100.00 ft. and whose central angle is 117° 26'42"; thence, along the property lines of Lots 8 and 9 following said curve to the right of 100.00 ft. radius and 117°26'42" central angle for 157.08 ft., more or less, to the southwesterly corner of Lot 9, Block 28, Park Addition; thence, S. 62°33'18" E. for 70.00 ft.; thence, on a curve to the left whose central angle is 90° and whose radius is 30.00 ft. for 47.12 feet; thence, N. 27°26'42" E. for 70.00 ft. to the point of beginning; said tract to contain 1952.9 square feet, more or less, and otherwise described as a portion of the northwesterly corner of the intersection of Harriman Street and Georgia Avenue.

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

> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on its own motion, said vacation proceedings to vacate the following described street area:
>
> > Beginning at a point on the easterly line of Lot 8, Block 28, Park Addition in the City of Bend, said point being 47.90 ft. from the northeast corner of said Lot 8 measured along a curve to the right whose radius is 100.00 ft. and whose central angle is 117°26'42"; thence, along the property lines of Lots 8 and 9 following said curve to the right of 100.00 ft. radius and 117°26'42" central angle for 157.08 ft., more or less, to the southwesterly corner of Lot 9, Block 28, Park Addition; thence, S. 62°33'18" E. for 70.00 ft.; thence, on a curve to the left whose central angle is 90° and whose radius is 30.00 ft. for 47.12 feet; thence, N. 27° 26'42" E. for 70.00 ft. to the point of beginning; said tract to contain 1952.9 square feet, more or less, and otherwise described as a portion of the northwesterly corner of the intersection of Harriman Street and Georgia Avenue.
>
> The City Commissioners of the City of Bend, Oregon, have fixed the 20th day of March, 1968, at 7:30 o'clock 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 in said notice a hearing having been had (and the City Commission heard objections) ~~(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, 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 20th day of March, 1968.

Read for the second time the 3rd day of April, 1968.

Placed upon its passage the 3rd day of April, 1968.

YEAS: 6 NAYS: 1

Submitted to and approved by the Mayor the 3rd day of April, 1968.

Leon E. Demeranville Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-783

Repealed by NS 1045

AN ORDINANCE PROVIDING FOR SEWER USE CHARGES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Schedule of Charges. Sewer use charges by the City of Bend shall be as follows:

(1) A single family dwelling

$2 each month

(2) Multiple dwelling units (includes duplex housing, apartments, multiple family dwellings, trailer courts, mobile home parks, and all other multiple dwellings not included in paragraph (1) above)

$2 each month for the first unit plus $1 each month for each additional unit.

(3) Transient rooms (includes rooming houses, hospitals, transient motels, hotels, and other transient type living quarters not included in subparagraphs (1) and (2) above)

$2 each month for the first unit plus $.50 each month for each additional unit.

(4) Commercial (includes industrial and all other users not included in subparagraphs (1), (2), and (3) above)

$2 each month for the first 1,000 cubic feet of water used plus $.08 each month for each 100 cubic feet in excess of 1000 cubic feet.

Maximum monthly charge for any user shall not exceed $20 each month.

Section 2. Nonpayment. If the user does not pay sewer use charges according to the schedule contained in this ordinance and as regularly billed by the City of Bend, the City may at its election terminate the user's water service. In the event it is necessary to terminate user's water service to enforce the sewer use charges, the City shall collect its regular service charge for turning water service off and on before water service is resumed to the user.

Section 3. Disposition of Sewer Use Charges. All sewer use charges received by the City shall be used for the maintenance and improvement of the City's sewer system, including the construction and maintenance of treatment plants.

Section 4. Effective Date of this Ordinance. This ordinance takes effect on the 1st day of July, 1968.

Section 5. Repeal. Ordinance No. NS-461 is repealed upon the effective date of this ordinance.

Read for the first time this 17th day of April, 1968.

Read for the second time the 1st day of May, 1968.

Placed upon its passage the 1st day of May, 1968.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 1st day of May, 1968.

Leon E. Demeneau Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO NS-784

AN ORDINANCE VACATING THE ALLEY IN BLOCK 17, RIVERSIDE ADDITION

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

THE CITY COMMISSION FOR THE CITY OF BEND on the 6th day of March, 1968, having initiated proceedings for the vacation of the following described alley on petition filed by Elmer B. Sahlstrom:

The Alley in Block Seventeen (17), Riverside Addition to Bend, Deschutes County, Oregon

and the Recorder for the City of Bend having heretofore 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 Elmer B. Sahlstrom, said vacation proceedings to vacate the following described alley location:

The alley in Block Seventeen (17), Riverside Addition to Bend, Oregon, further described as the alley in the Block bounded on the north by E. Revere Avenue, on the south by E. Quimby Avenue, on the east by E. Third Street and on the west by E. 2nd Street.

The City Commissioners of the City of Bend, Oregon, have fixed the 17th day of April, 1968, 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 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 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, 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 1st time the 17th day of April, 1968.

Read for the 2nd time the 1st day of May, 1968.

Placed upon its passage the 1st day of May, 1968.

YEAS: 7 NAYS: 0

Leon E. Demeranville Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-785

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR A CERTAIN AREA 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: The South 180' of Lot 18, Block 9, Kenwood Gardens Addition to Bend is changed from "R-2" One-Family Dwelling District to "C-2" Commercial District subject to the conditions in Section 2 of this ordinance.

Section 2. Before a new or existing building enlarged or otherwise altered on the property described in Section 1, site plans shall be submitted to the planning commission for its approval and construction shall be in substantial conformance with plans approved by the planning commission. The planning commission may require as a condition of approval:

(1) An increase in the required yards.
(2) Additional off-street parking.
(3) Screening of the proposed use by a fence or landscaping.
(4) Limitations on signs or lighting.
(5) Limitations on the number and location of curb cuts.
(6) Any other limitations or conditions which it considers necessary to achieve the purposes of this ordinance.

Section 3. This zone change is conditioned upon the described property being developed to a "C-2" Commercial District use within 18 months from the effective date of this ordinance and if it is not, then the zone designation for this property shall revert to "R-2" One-Family Dwelling District or its equivalent.

Read for the first time the 1st day of May, 1968.

Read for the second time the 15th day of May, 1968.

Placed upon its passage the 15th day of May, 1968.

YEAS: 6 NAYS: 0

Leon E. Deneseau Jr
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-786

ORDINANCE AMENDING ORDINANCE NO. NS-737 BY PROHIBITING SWIMMING IN THE DESCHUTES RIVER.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

"Section 15. Deschutes River.

(1) It shall be unlawful for any unauthorized person to operate any motor boat or steam propelled boat on the Deschutes River within the limits of the City of Bend.

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

Read for the first time the 15th day of May, 1968.

Read for the second time the 5th day of June, 1968.

Placed upon its passage the 5th day of June, 1968.

YEAS: 7 NAYS: 0

Leon E. Deneseau Jr.
Mayor

ATTEST:

Julia S Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-787

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR A CERTAIN AREA 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 through 8, Block 43; and Lots 9 through 16, Block 44, in Riverside Addition to Bend is changed from R-2 Single Family Dwelling District to R-4 Multiple Family Dwelling District.

Section 2. This zone change is conditioned upon the described property being developed to an R-4 Multiple Family Dwelling District use within 18 months from the effective date of this ordinance and if it is not, then the zone designation for this property shall revert to R-2 Single Family Dwelling District or its equivalent.

Section 3. Emergency Clause. This ordinance being necessary for the immediate preservation of the public peace, health, and safety, an emergency is hereby declared to exist and this ordinance will become effective upon its passage.

Read for the first time the 5th day of June, 1968.

Read for the second time the 19th day of June, 1968.

Placed upon its passage the 19th day of June, 1968.

YEAS: 7 NAYS: 0

Jean E. Demeresse Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-788

AN ORDINANCE AMENDING ORDINANCE NO. NS-546, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR A CERTAIN AREA 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: Blocks 160 and 161 of Second Addition to Bend Park is changed from R-2 Single Family Dwelling District to R-4 Multiple Family Dwelling District.

Section 2. This zone change is conditioned upon the described property being developed to an R-4 Multiple Family Dwelling District use within 18 months from the effective date of this ordinance and if it is not, then the zone designation for this property shall revert to R-2 Single Family Dwelling District or its equivalent.

Section 3. Emergency Clause. This ordinance being necessary for the immediate preservation of the public peace, health, and safety, an emergency is hereby declared to exist and this ordinance will become effective upon its passage.

Read for the first time the 5th day of June, 1968.
Read for the second time the 19th day of June, 1968.
Placed upon its passage the 19th day of June, 1968.

YEAS: 7 NAYS: 0

Jean E. Demeresse Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-789

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF BEND IMPROVEMENT BONDS IN THE SUM OF $47,000; PROVIDING AND APPROVING THE FORM OF THE BONDS TO BE ISSUED AND THE COUPONS ATTACHED THERETO; PROVIDING FOR THE ADVERTISEMENT AND SALE OF SAID BONDS, AND DECLARING AN EMERGENCY

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

WHEREAS the owners of the property so assessed for such street improvements in the sum of Twenty-five Dollars ($25.00) or more, aggregating in all the sum of Forty-seven Thousand Dollars ($47,000), 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 each street improvement have been kept separate; and

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

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

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the City of Bend shall issue bonds in the name of and under the corporate seal of said City in the amount of Forty-seven Thousand ($47,000) Dollars, in the denomination of One Thousand ($1,000) Dollars each, numbered consecutively from 1 to 47, both numbers inclusive, said bonds to bear date of October 15, 1968, 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 Four Thousand ($4,000) Dollars on the 15th day of October in each of the years 1969 to 1971, inclusive, and Five

Thousand ($5,000) Dollars on the 15th day of October in each of the years 1972 to 1978, inclusive. All of said bonds which mature after October 15, 1973, shall be subject to call and redemption on October 15, 1973, and on any semi-annual interest paying date thereafter. Bonds 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 13.

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 13

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

ONE THOUSAND DOLLARS

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

This bond is one of a series of bonds authorized by and under the provisions of the Charter of said City and Chapter 223.205 Oregon Revised Statutes, et seq. as amended, providing for the issuance of bonds for street 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 15th day of October, 1968.

Leon E. Dennehy Jr.
Mayor

Countersigned:

_____
Recorder

1AA061

On the face of all bonds maturing after October 15, 1973, add a paragraph reading:

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

(C O U P O N)

No._____ $_____

THE CITY OF BEND, STATE OF OREGON, will pay to bearer on the first day of APRIL / OCTOBER 19__.

_____ DOLLARS

in lawful money of the United States at the office of the treasurer of the City of Bend, being six months' interest on Improvement Bond No.____, Series 13.

Leon E. Devereaux Jr.
Mayor

Countersigned:

_____
Recorder

On all coupons maturing after October 15, 1973, 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 2nd day of October, 1968, 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 21st day of August, 1968.
Read for the second time the 4th day of September, 1968.
Placed upon its passage the 4th day of September, 1968.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 4th day of September, 1968.

Leon E. Devereaux Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-790

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:

A tract of land containing 3.82 acres, more or less, situated in the Southeast one-quarter of the Southeast one-quarter (SE 1/4 SE 1/4) of Section 28, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: Beginning at a point which bears North 00°16'20" East 1317.60 feet and North 89°37'31" West 780.83 feet from the corner common to Sections 27, 28, 33, and 34, Township 17 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, said point being the northeast corner of the First Addition to Selken Subdivision, Bend, Oregon; thence South 89° 37'31" East 432.02 feet, more or less, to the centerline of the Central Oregon Irrigation District Lateral A-2; thence, following along said lateral centerline, South 41°59'14" East 29.00 feet; thence South 29°07'27" East 80.13 feet; thence South 00°57'17" East 60.00 feet; thence South 30°57'50" West 52.48 feet; thence South 42°11'51" West 101.24 feet; thence South 11°18' 36" West 76.48 feet; thence South 14°02'10" West 41.23 feet; thence departing from said lateral centerline West 216.19 feet; thence South 120.75 feet; thence West 95.17 feet; thence North 380.00 feet; thence West 60.00 feet; thence North 130.14 feet to the point of beginning. SUBJECT TO an easement of the Central Oregon Irrigation District Lateral A-2 as it is now situated along the easterly portion of the property,

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 October, 1968, 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 operative upon the passage hereof 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 4th day of September, 1968.

Read for the second time this 18th day of September, 1968.

Placed upon its passage this 18th day of September, 1968.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 18th day of September, 1968.

Leon E. Demeranville Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-791

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:

A portion of the NE 1/4, SW 1/4 of Sec. 28, T. 17 S., R. 12, E.W.M., more particularly described as follows: Beginning at the initial point, which is located N 10° 14' W a distance of 203.70 feet from the SE corner of the NE 1/4, SW 1/4 of Sec. 28, T. 17 S, R. 12 E.W.M.; thence due west a distance of 405.00 ft.; thence due north a distance of 100.00 ft.; thence due west a distance of 30.00 ft.; thence due north a distance of 100.00 ft.; thence due east a distance of 435.00 ft.; thence due south a distance of 200.00 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 16th day of October, 1968, 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 operative upon the passage hereof 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 4th day of September, 1968.

Read for the second time this 18th day of September, 1968.

Placed upon its passage this 18th day of September, 1968.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 18th day of September, 1968.

Leon E. Demeneau Jr.
Mayor

ATTEST:

Julie S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-792

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-790 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 16th day of October, 1968, 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 tract of land containing 3.82 acres, more or less, situated in the Southeast one-quarter of the Southeast one-quarter (SE 1/4 SE 1/4) of Section 28, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: Beginning at a point which bears North 00°16'20" East 1317.60 feet and North 89°37'31" West 780.83 feet from the corner common to Sections 27, 28, 33, and 34, Township 17 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, said point being the northeast corner of the First Addition to Selken Subdivision, Bend, Oregon; thence South 89°37'31" East 432.02 feet, more or less, to the centerline of the Central Oregon Irrigation District Lateral A-2; thence, following along said lateral centerline, South 41°59'14" East 29.00 feet; thence South 29°07'27" East 80.13 feet; thence South 00°57'17" East 60.00 feet; thence South 30°57'50" West 52.48 feet; thence South 42°11'51" West 101.24 feet; thence South 11°18'36" West 76.48 feet; thence South 14°02'10" West 41.23 feet; thence departing from said lateral centerline West 216.19 feet; thence South 120.75 feet; thence West 95.17 feet; thence North 380.00 feet; thence West 60.00 feet; thence North 130.14 feet to the point of beginning. SUBJECT TO an easement of the Central Oregon Irrigation District Lateral A-2 as it is now situated along the easterly portion of the property.

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

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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 16th day of October, 1968.

Read for the second time this 6th day of November, 1968.

Placed upon its passage this 6th day of November, 1968.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 6th day of November, 1968.

Ivan E. Denman Jr.
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-793

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-791 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 16th day of October, 1968, 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 portion of the NE 1/4, SW 1/4 of Sec. 28, T. 17 S., R. 12, E.W.M., more particularly described as follows: Beginning at the initial point, which is located N. 10° 14' W. a distance of 203.70 feet from the SE corner of the NE 1/4, SW 1/4 of Sec. 28, T. 17 S., R. 12 E.W.M.; thence due west a distance of 405.00 feet; thence due north a distance of 100.00 feet; thence due west a distance of 30.00 feet; thence due north a distance of 100.00 feet; thence due east a distance of 435.00 feet; thence due south a distance of 200.00 feet to the point of beginning.

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

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

Read for the first time this 16th day of October, 1968.

Read for the second time this 6th day of November, 1968.

Placed upon its passage this 6th day of November, 1968.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 6th day of November, 1968.

Leon E. Demeroy Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-794

AN ORDINANCE VACATING THE ALLEY IN BLOCK 2 OF LYTLE ADDITION IN THE CITY OF BEND, OREGON.

A petition having been presented to the Bend City Commission on the 18th day of September, 1968, requesting that the following described alley location be vacated:

> The alley in Block 2 of Lytle Addition to 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 2/3rds in the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition; and the Recorder of the City of Bend having caused the following notice:

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by E. B. Sahlstrom, said vacation proceedings to vacate the following described alley location:
>
> > The alley in Block 2 of Lytle Addition, City of Bend, further described as the block bounded on the north by Revere Avenue, on the south by Quimby Avenue, on the east by E. 2nd Street, and on the west by Lytle Street.
>
> The City Commissioners of the City of Bend, Oregon have fixed the 6th day of November, 1968, 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 cause 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 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice a hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation, and that the property should be vacated.

NOW, THEREFORE, it is hereby ordered that the above-described real property be and the same hereby is vacated 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 1st time the 6th day of November, 1968.
Read for the 2nd time the 20th day of November, 1968.
Placed upon its passage the 20th day of November, 1968.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 20th day of November, 1968.

Leon E. Demeren Jr.
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-795

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 October 2, 1968, 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 6th day of November, 1968.

Read for the 2nd time the 20th day of November, 1968.

Placed upon its passage this 20th day of November, 1968.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 20th day of November, 1968.

Jean E. Demeranville Jr.
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

NS-1016 NS-1018
NS-1005 NS-1041
NS-1091 NS-1001 NS-1107
NS-1089 NS-1059 NS-1108
NS-1088 NS-1087 NS-1119
AMENDED BY ORD. # NS-1124
Repealed by NS-1178

ORDINANCE NO. NS-796

AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR THE CITY OF BEND, OREGON: PROVIDING PENALTIES FOR THE VIOLATION THEREOF AND REPEALING ORDINANCE NO. NS-546 AND ALL AMENDMENTS THERETO.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

ARTICLE 1. INTRODUCTORY PROVISIONS

Section 1.010. Title. This ordinance shall be known as the zoning ordinance of the City of Bend, Oregon.

Section 1.020. Purpose. The purposes of this ordinance include the following:

1. To promote orderly city growth.
2. To conserve and stabilize the value of property.
3. To encourage the most appropriate use of land.
4. To establish standards for population density.
5. To provide adequate open space for light and air.
6. To facilitate fire and police protection.
7. To avoid traffic congestion.
8. To provide for community facilities.
9. To promote and protect the public health, safety, convenience, and general welfare.

Section 1.030. Definitions. As used in this ordinance:

1. "Accessory use" means a structure or use incidental and subordinate to the main use and located on the same lot as the main use.

2. "Alley" means a street which affords only a secondary means of vehicular access to property.

3. "Automobile wrecking yard" means any property where two or more motor vehicles not in running condition, or the parts thereof, are wrecked, dismantled, disassembled, substantially altered, or stored in the open and are not to be restored to operation.

4. "Boarding, or rooming house" means a building where lodging with or without meals is provided for compensation for not less than three nor more than 15 persons in addition to members of the family occupying the building.

5. "Building" means a structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

6. "City" means the City of Bend, Oregon.

7. "Dwelling, multi-family" means a building containing three or more dwelling units.

8. "Dwelling, single-family" means a detached building containing one dwelling unit.

9. "Dwelling, two-family" means a detached building containing two dwelling units.

10. "Dwelling unit" means one or more rooms designed for occupancy by one family.

11. "Family" means an individual, or two or more persons related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit in which board and lodging may also be provided for not more than four additional persons, excluding servants; or a group of not more than five persons who need not be related by blood, marriage, legal adoption, or guardianship living together in a dwelling unit.

12. "Farming" means the use of land for raising and harvesting crops or for feeding, breeding, and managing livestock or for dairying or for any other agricultural or horticultural use, or for any combination thereof. It includes the disposal, by marketing or otherwise, of products raised on the premises. It further includes the construction and use of dwellings and other buildings customarily provided in conjunction with a farm use.

13. "Fence, sight-obscuring" means a fence or evergreen planting arranged in such a way as to obstruct vision.

14. "Floor area" means the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, but not including:

    a. Attic space providing headroom of less than seven feet.

    b. Basement, if the floor above is less than six feet above grade.

    c. Uncovered steps or fire escapes.

    d. Private garages, carports, or porches.

    e. Accessory off-street parking or loading spaces.

15. "Grade" (ground level) means the average of the finished ground level at the center of all walls of the building. If a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

16. "Height of Building" means the vertical distance from the grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or the average height of the highest gable of a pitch or hip roof.

17. "Home occupation" means an occupation carried on by a resident of a dwelling as an accessory use within the same dwelling.

18. "Junk yard" means any property used for breaking up, dismantling, sorting, storing, distributing, buying, or selling scrap, waste material, or other junk.

19. "Kennel" means a lot or building in which four or more dogs, cats, at least four months of age are kept commercially for board, propagation, training, or sale.

20. "Lot" means a parcel or tract of land.

21. "Lot area" means the total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public and private roads and easements of access to other property.

22. "Lot, corner" means a lot abutting on two or more streets, other than an alley, at their intersection.

23. "Lot depth" means the average horizontal distance between the front lot line and the rear lot line.

24. "Lot, interior" means a lot other than a corner lot.

25. "Lot line" means the property line bounding a lot.

26. "Lot line, front" means the property line separating the lot from the street, other than an alley. In the case of a corner lot, the shortest property line along a street, other than an alley.

27. "Lot line, rear" means the property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other-shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.

28. "Lot line, side" means any property line not a front or rear lot line.

29. "Lot, through" means an interior lot having frontage on two streets.

30. "Lot, width" means the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

31. "Nonconforming structure or use" means a lawful existing structure or use, at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

32. "Owner" includes an authorized agent of the owner.

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

34. "Person" means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of governments, or any other group or combination acting as a unit.

35. "Public use" means a structure or use intended or used for a public purpose by a city, a school district, the county, the state, or by any other public agency or by a public utility.

36. "Semi-public use" means a structure or use intended or used for a semi-public purpose by a church, lodge, club, or any other non-profit organization.

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37. "Sign" means a device which directs attention to a product, place, activity, person, institution, or business. Each display surface of a sign, other than two surfaces back to back, shall be considered a sign.

38. "Story" means that portion of a building included between a floor and the ceiling above it which is six feet or more above the grade. If the finished floor level directly above a basement or cellar is more than six feet above grade, each basement or cellar shall be considered a story.

39. "Street" means the entire width between the right-of-way lines of a public way and includes the terms "road," "highway," "avenue," "alley," and other similar designations.

40. "Street line" means a dividing line between a lot, tract, or parcel of land, and a contiguous street.

41. "Structural alteration" means any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams, or girders, or any structural change in the roof or in the exterior walls.

42. "Structure" means something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure.

43. "Trailer house" means a building or vehicle originally designed or presently constructed to be used as a dwelling place and to be movable from place to place over streets on its own wheels.

    a. "Mobile home" means a trailer house not less than 29 feet in length designed for long-term occupancy and containing a flush toilet, a tub or shower bath, and kitchen facilities; and with water and electrical supply and sewage disposal connected to outside systems.

    b. "Travel trailer" means a trailer house not more than eight feet in width or more than 29 feet in length designed for travel and recreation uses.

44. "Trailer park" means a parcel of land upon which two or more trailer houses occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for such accommodation.

45. "Use" means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

46. "Yard" means an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.

47. "Yard, front" means a yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building.

48. "Yard, rear" means a yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a main building.

49. "Yard, side" means a yard between the front and rear yard measured horizontally and at right angles from the side lot line to the nearest point of a building.

ARTICLE 2. BASIC PROVISIONS

Section 2.010. Compliance. A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this ordinance permits.

Section 2.020. Maintenance of Minimum Requirements. No lot area, yard, or off-street parking area existing on or after the effective date of this ordinance shall be reduced below the minimum requirements of this ordinance.

Section 2.030. Authorization of Similar Uses. The Planning Commission may rule that a use not specifically permitted in a zone shall be permitted in a zone if it is similar to the permitted uses in the zone, if its effect on adjacent properties is substantially the same as the permitted uses, and if it is not specifically designated as a permitted use in another zone.

Section 2.040. Interpretation. If the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by another provision of this ordinance or of any other ordinance of the city, the provision which is more restrictive shall govern.

Section 2.050. Severability. The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance is judged by a court to be invalid, the decision shall not affect the remaining portions of this ordinance.

Section 2.060. Establishment of Zones. For the purpose of this ordinance the following zones are hereby established:

Zone	Abbreviated Designation
Low-Density Residential Zone	R-1
High-Density Residential Zone	R-2
Tourist Commercial Zone	C-1
Limited Commercial Zone	C-2
General Commercial Zone	C-3
Central Commercial Zone	C-4
Light Industrial Zone	M-1
Heavy Industrial Zone	M-2
Planned Development Zone	P-D

Section 2.070. Zoning Maps. The boundaries of the zones established by this ordinance are indicated on a map entitled "Zoning Map of the City of Bend, "which is hereby adopted by reference. Zone boundaries may be changed by zoning map amendments which may be adopted by reference. The zoning map or zoning map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendments. A certified print of the adopted map or map amendment shall be maintained without change in the office of the City Recorder as long as this ordinance remains in effect.

Section 2.080. Zone Boundaries. Unless otherwise indicated on the zoning map, zone boundaries are section lines, subdivision lines, lot lines, or the center lines of streets or railroad rights-of-way or such lines extended.

Section 2.090. Annexations. All territory annexed to the City of Bend shall at the time of annexation be classified in the Low-Density Residential Zone R-1 or until the city zones it otherwise.

ARTICLE 3. USE ZONES

Low-Density Residential Zone R-1

Section 3.010. Uses Permitted Outright. In an R-1 Zone the following uses and their accessory uses are permitted outright:

1. Farming not including the keeping of livestock.
2. Single-family dwelling.

Section 3.020. Conditional Uses Permitted. In an R-1 Zone the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Article 6:

1. Keeping of livestock.
2. Public use.
3. Semi-public use.
4. Two-family dwellings.

Section 3.030. Lot Size. In an R-1 Zone the minimum lot size shall be as follows:

1. Lot area shall be a minimum of 7,000 square feet.
2. Lot width shall be a minimum of 70 feet.
3. Lot depth shall be a minimum of 100 feet.

Section 3.040. Yards. Except as provided in Article 5, in an R-1 Zone the minimum yard requirements shall be as follows:

1. A front yard shall be a minimum of 20 feet.
2. A side yard shall be a minimum of 5 feet and the total of both side yards shall be a minimum of 15 feet, except that on corner lots the side yard on the street side shall be a minimum of 10 feet.
3. A rear yard shall be a minimum of 20 feet.

Section 3.050. Lot Coverage. In an R-1 Zone buildings shall not cover more than 35 percent of the lot area.

Section 3.060. Height of Buildings. In an R-1 Zone no building shall exceed a height of 35 feet or two and one-half stories, whichever is lower.

Section 3.070. Signs. In an R-1 Zone the following signs are permitted:

1. One name plate or home occupation sign for each dwelling unit. The sign shall not be more than one and one-half square feet in area, and shall not be illuminated.

2. One temporary sign advertising the sale, lease, or rental of the property on which it is located. The sign shall not be more than six square feet in area, and shall not be illuminated.

3. One temporary sign advertising the sale of a tract of land or subdivision or of lots in a subdivision. The sign shall not be more than 64 square feet in area, shall not be illuminated, and shall be at least 10 feet from a front or side property line.

4. One sign identifying a conditional use. The sign shall not be more than 25 square feet in area, shall not be illuminated, and shall be at least 10 feet from a property line.

Section 3.080. Off-Street Parking and Loading. In an R-1 Zone, off-street parking and loading shall be provided in accordance with the provisions of Article 4.

High-Density Residential Zone R-2

Section 3.110. Uses Permitted Outright. In an R-2 Zone the following uses and their accessory uses are permitted outright:

1. Single-family dwelling.
2. Two-family dwelling.
3. Multi-family dwelling.

Section 3.120. Conditional Uses Permitted. In an R-2 Zone the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Article 6:

1. Boarding or rooming house.
2. Day nursery.
3. Hospital, nursing home, home for the aged.
4. Medical or dental clinic.
5. Mobile home park.
6. Public use.
7. Semi-public use.

Section 3.130. Lot Size. In an R-2 Zone the minimum lot size shall be as follows:

1. For a single-family dwelling the lot area shall be a minimum of 6,000 square feet.

   a. Lot width shall be a minimum of 60 feet.
   b. Lot depth shall be a minimum of 100 feet.

2. For a two-family dwelling the lot area shall be a minimum of 7,500 square feet.

   a. Lot width shall be a minimum of 75 feet.
   b. Lot depth shall be a minimum of 100 feet.

3. For multi-family dwelling having only one story the lot area shall be a minimum of 7,500 square feet plus 2,000 square feet for each dwelling unit over two.

   a. Lot width shall be a minimum of 75 feet.
   b. Lot depth shall be a minimum of 100 feet.

4. For a multi-family dwelling having more than one story the lot area shall be a minimum of 7,500 square feet plus 1,500 square feet for each dwelling unit over two.

   a. Lot width shall be a minimum of 75 feet.
   b. Lot depth shall be a minimum of 100 feet.

Section 3.140. Yards. Except as provided in Article 5, in an R-2 Zone the minimum yard requirements shall be as follows:

1. A front yard shall be a minimum of 20 feet.
2. A side yard shall be a minimum of 5 feet and the total of both side yards shall be a minimum of 15 feet, except that on corner lots the side yard on the street side shall be a minimum of 10 feet.
3. A rear yard shall be a minimum of 20 feet.
4. Side and rear yards shall be increased by one foot for each foot by which a building exceeds a height of 35 feet. A front yard shall be increased by one foot for each two feet by which a building exceeds a height of 35 feet.

Section 3.150. Lot Coverage. In an R-2 Zone buildings shall not cover more than 40 percent of the lot area.

Section 3.160. Height of Buildings. In an R-2 Zone no building shall exceed a height of 45 feet or three stories, whichever is lower.

Section 3.170. Signs. In an R-2 Zone the following signs are permitted:

1. One name plate or home occupation sign for each dwelling unit. The sign shall not be more than one and one-half square feet in area, and shall not be illuminated.
2. One temporary sign advertising the sale, lease, or rental of the property on which it is located. The sign shall not be more than six square feet in area, and shall not be illuminated.
3. One temporary sign advertising the sale of a tract of land or subdivision or of lots in a subdivision. The sign shall

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not be more than 64 square feet in area, shall not be illuminated, and shall be back at least 10 feet from a front or side property line.

4. One sign identifying a conditional use. The sign shall not be more than 25 square feet in area, shall not be illuminated, and shall be set back at least 10 feet from a property line.

Section 3.180. Off-Street Parking and Loading. In an R-2 Zone off-street parking and loading shall be provided in accordance with the provisions of Article 4.

Tourist-Commercial Zone C-1

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

1. Car wash.
2. Drug Store.
3. Eating or drinking establishment, including drive-in restaurant.
4. Food store.
5. Motel.
6. Self-service laundry.
7. Service station.
8. Travel-trailer park or mobile home park.
9. Gift shop or similar tourist-oriented specialty store.
10. Sporting goods store.

Section 3.220. Conditional Uses Permitted. In a C-1 zone the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Article 6.

1. Public use.
2. Semi-public use.

Section 3.230. Site Plan Review. In a C-1 zone a use permitted outright shall be subject to the provisions of this section. Before a new building may be constructed or an existing building enlarged or otherwise altered, site plans shall be submitted to the Planning Commission for its approval in accordance with Article 10. Construction shall be in substantial conformance with plans approved by the Planning Commission. In considering a site plan for a proposed use in a C-1 Zone, the Planning Commission shall take into account the impact of the proposed use on nearby residential and commercial property, on the capacity of the street to carry traffic, and on the appearance of the street. The Planning Commission may require as a condition of approval:

1. An increase in the required yards.
2. Additional off-street parking.
3. Screening of the proposed use by a fence or landscaping.
4. Limitations on signs or lighting.
5. Limitations on the number and location of curb cuts.
6. Any other limitations or conditions which it considers necessary to achieve the purposes of this ordinance.

Section 3.240. Yards. Except as provided in Article 5, in a C-1 Zone the minimum yard requirements shall be as follows:

1. A front yard shall be a minimum of 10 feet.
2. A side or rear yard abutting a residential zone shall be a minimum of 15 feet.
3. A side yard abutting a street shall be a minimum of 10'.

Section 3.250. Height of Buildings. In a C-1 Zone no buildings shall exceed a height of 35 feet or two and one-half stories, whichever is lower.

Section 3.260. Signs. In a C-1 Zone signs are subject to the following restrictions:

1. A sign shall be set back at least 10 feet from a lot in a residential zone.
2. Signs shall not cast light on property in adjacent residential zones.
3. Signs shall conform to City Sign Code.

Section 3.270. Off-Street Parking and Loading. In a C-1 Zone off-street parking and loading shall be provided in accordance with the provisions of Article 4.

Limited Commercial Zone C-2

Section 3.310. Uses Permitted Outright. In a C-2 Zone the following uses and their accessory uses are permitted subject to Section 3.330.

1. Automotive sales and service.
2. Bank or other financial institution.
3. Business or professional office.
4. Beauty shop, barber shop, or other personal service business.
5. Day Nursery.
6. Eating or drinking establishment.
7. Frozen food locker.
8. Motel or hotel.
9. Printing plant.
10. Retail store.
11. Laundry, self-service.
12. Car wash.
13. Medical or dental clinic.
14. Laundry or dry-cleaning establishment.
15. Boat or trailer sales and service.
16. Building supply outlet.
17. Farm and heavy equipment sales and service.
18. Bakery.
19. Bowling alley or other commercial amusement.
20. Veterinary clinic or kennel.
21. Service station.

Section 3.320. Conditional Uses Permitted. In a C-2 zone the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Article 6.

1. Drive-in theatre.
2. Mortuary.
3. Public use.
4. Semi-public use.
5. Multi-Family dwelling.

Section 3.330. Site Plan Review. In a C-2 zone a use permitted outright shall be subject to the provisions of this section. Before a new building may be constructed or an existing building enlarged or otherwise altered, site plans shall be submitted to the Planning Commission for its approval in accordance with Article 10. Construction shall be in substantial conformance with plans approved by the Planning Commission. In considering a site plan for a proposed use in a C-2 Zone the Planning Commission shall take into account the impact of the proposed use on nearby residential and commercial property, on the capacity of the street to carry traffic, and on the appearance of the street. The Planning Commission may require as a condition of approval:

1. An increase in the required yards.
2. Additional off-street parking.
3. Screening of the proposed use by a fence or landscaping.
4. Limitations on signs or lighting.
5. Limitations on the number and location of curb cuts.
6. Any other limitations or conditions which it considers necessary to achieve the purposes of this ordinance.

Section 3.340. Yards. Except as provided in Article 5, in a C-2 Zone the minimum yard requirements shall be as follows:

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1. A front yard shall be a minimum of 10 feet.
2. A side or rear yard abutting a residential zone shall be a minimum of 15 feet.
3. A side yard abutting a street shall be a minimum of 10'.

Section 3.350. Height of Buildings. In a C-2 Zone no building shall exceed a height of 35 feet or two and one-half stories, whichever is lower.

Section 3.360. Signs. In a C-2 Zone signs are subject to the following restrictions:

1. A sign shall be set back at least 10 feet from a lot in a residential zone.
2. Signs shall not cast light on property in adjacent residential zones.
3. Signs shall conform to City Sign Code.

General Commercial Zone C-3

Section 3.410. Uses Permitted Outright. In a C-3 Zone the following uses and their accessory uses are permitted subject to the provisions of Section 3.430.

1. Automotive sales and service.
2. Beauty shop, barber shop, or other personal service business.
3. Building supply outlet.
4. Business or professional office.
5. Bowling alley or other commercial amusement.
6. Day nursery.
7. Eating or drinking establishment.
8. Farm or heavy equipment sales and service.
9. Frozen food locker.
10. Motel or hotel.
11. Printing plant.
12. Retail store.
13. Laundry, self-service.
14. Car wash.
15. Medical or dental clinic.
16. Bakery.
17. Boat or trailer sales and service.
18. Laundry and dry-cleaning establishment.

Section 3.420. Conditional Uses Permitted. In a C-3 Zone the following uses and their accessory uses are permitted when authorized in accordance with Article 6.

1. Mortuary.
2. Drive-in theatre.
3. Veterinary clinic or kennel.
4. Service station.
5. Public use.
6. Semi-public use.
7. Use permitted in an R-1, R-2, or M-1 zone.

Section 3.430. Site Plan Review. In a C-3 Zone a use permitted outright shall be subject to the provisions of this section. Before a new building may be constructed or an existing building enlarged or otherwise altered, site plans shall be submitted to the Planning Commission for its approval in accordance with Article 10. Construction shall be in substantial conformance with plans approved by the Planning Commission in considering a site plan for a proposed use in a C-3 Zone the Planning Commission shall take into account the impact of the proposed use on nearby residential and commercial property, on the capacity of the street to carry traffic, and on the appearance of the street. The Planning Commission may require as a condition of approval:

1. An increase in the required yards.
2. Additional off-street parking.
3. Screening of the proposed use by a fence or landscaping.

4. Limitation on signs or lighting.
5. Limitations on the number and location of curb cuts.
6. Any other limitations or conditions which it considers necessary to achieve the purposes of this ordinance.

Section 3.440. Yards. Except as provided in Article 5, in a C-3 zone the minimum yard requirements shall be as follows:

1. A front yard shall be a minimum of 10 feet.
2. A side or rear yard abutting a residential zone shall be a minimum of 15 feet.
3. A side yard abutting a street shall be a minimum of 10'.

Section 3.450. Height of Buildings. In a C-3 Zone no building shall exceed a height of 45 feet.

Section 3.460. Signs. In a C-3 Zone signs are subject to the following restrictions:

1. A sign shall be set back at least 10 feet from a lot in a residential zone.
2. Signs shall not cast light on property in adjacent residential zones.
3. Signs shall conform to City Sign Code.

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Central Commercial Zone C-4

Section 3.510. Uses Permitted Outright. In a C-4 Zone the following uses and their accessory uses are permitted outright:

1. Bank or other financial institution.
2. Beauty or barber shop or other personal service establishment.
3. Business or professional office.
4. Eating or drinking establishment.
5. Hotel.
6. Retail store.
7. Theatre.

Section 3.520. Conditional Uses Permitted. In a C-4 Zone the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Article 6.

1. Food store.
2. Off-street parking lot.
3. Public use.
4. Semi-public use.
5. Use permitted in an R-1, R-2, or M-1 zone, if occupying only second or third story space.

Section 3.530. Height of Buildings. In a C-4 Zone no building shall exceed a height of 45 feet.

Section 3.540. Signs. In a C-4 Zone signs are subject to the following restrictions:

1. A sign shall be set back at least 10 feet from a lot in a residential zone..
2. Signs shall not cast light on property in adjacent residential zones.
3. Signs shall conform to City Sign Code.

Light Industrial Zone M-1

Section 3.610. Uses Permitted Outright. In an M-1 Zone, the following uses and their accessory uses are permitted outright:

1. Manufacturing, fabricating, processing, repairing, packing or storage, except a use specifically listed as a conditional use in an M-1 Zone or a use specifically listed as permitted outright or as a conditional use in an M-2 Zone.
2. Business office.
3. Eating or drinking establishment.
4. Service station.
5. Veterinary clinic or kennel.
6. Wholesale distribution.

Section 3.620. Conditional Uses Permitted. In an M-1 Zone the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Article 6.

1. Concrete or ready-mix plant.
2. Public use.
3. Semi-public use.

Section 3.630. Limitations on Use. In an M-1 Zone the following limitations on use shall apply:

1. Any use which creates a nuisance because of noise, smoke, odor, dust, or gas is prohibited.
2. Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.
3. All service, processing, and storage on property abutting or facing a residential zone shall be wholly within an enclosed building or screened from view from the residential zone by a permanently-maintained, sight-obscuring fence at least six feet high.
4. Access from a public street to properties in an M-1 Zone shall be so located as to minimize traffic congestion and avoid directing industrial traffic onto residential streets.
5. Building entrances or other openings adjacent to a residential or commercial zone shall be prohibited if they cause glare, excessive noise, or otherwise adversely affect the use or value of the adjacent property.

Section 3.640. Yards. Except as provided in Article 5, in an M-1 Zone a side or rear yard abutting a residential zone shall be a minimum of 25 feet.

Section 3.650. Lot Coverage. In an M-1 Zone buildings shall not cover more than 75 percent of the lot.

Section 3.660. Height of Buildings. In an M-1 Zone no building shall exceed a height of 45 feet or three stories, whichever is lower.

Section 3.670. Signs. In an M-1 Zone signs are subject to the following restrictions:

1. A sign shall be set back at least 10 feet from a lot in a residential zone.
2. Signs shall not cast light on property in adjacent residential zones.
3. Signs shall conform to City Sign Code.

Section 3.680. Off-Street Parking and Loading. In an M-1 Zone off-street parking and loading shall be provided in accordance with the provisions of Article 4.

Heavy Industrial Zone M-2

Section 3.710. Uses Permitted Outright. In an M-2 Zone the following uses and their accessory uses are permitted outright:

1. A use permitted outright in an M-1 Zone.
2. Concrete or concrete products manufacturing.
3. Lumber manufacturing or wood processing.
4. Petroleum products storage or distribution.

Section 3.720. Conditional Uses Permitted. In an M-2 Zone the following uses and their accessory uses are permitted, when authorized in accordance with the provisions of Article 6.

1. Asphalt plant.
2. Chemical manufacturing or storage, including farm chemicals.
3. Feed lot or stock yard.
4. Glue manufacturing.
5. Ore smelter.
6. Public use.
7. Refuse disposal facility.
8. Rendering plant.
9. Semi-public use.
10. Slaughter house.
11. Tannery.
12. Wrecking yard.

Section 3.730. Limitations on Use. In an M-2 Zone the following limitations on use shall apply:

1. Any use which creates a nuisance because of noise, smoke, odor, dust, or gas is prohibited.
2. Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.
3. All service, processing, and storage on property abutting or facing a residential zone shall be wholly within an enclosed building or screened from view from the residential zone by a permanently-maintained, sight-obscuring fence at least six feet high.
4. Access from a public street to properties in an M-2 Zone shall be so located as to minimize traffic congestion and avoid directing industrial traffic onto residential streets.
5. Building entrances or other openings adjacent to a residential or commercial zone shall be prohibited if they cause glare, excessive noise, or otherwise adversely affect the use or value of the adjacent property.

Section 3.740. Yards. Except as provided in Article 5, in an M-2 Zone a side or rear yard abutting a residential zone shall be a minimum of 25 feet.

Section 3.750. Lot Coverage. In an M-2 Zone buildings shall not cover more than 75 percent of the lot.

Section 3.760. Height of Buildings. In an M-2 Zone no building shall exceed a height of 45 feet or three stories, whichever is lower.

Section 3.770. Signs. In an M-2 Zone signs are subject to the following restrictions:

1. A sign shall be set back at least 10 feet from a lot in a residential zone.
2. Signs shall not cast light on property in adjacent residential zones.
3. Signs shall conform to City Sign Code.

Section 3.780. Off-Street Parking and Loading. In an M-2 Zone off-street parking and loading shall be provided in accordance with the provisions of Article 4.

Planned Development Zone P-D

Section 3.810. Purpose. The purpose of the P-D Zone is to permit flexibility in the design and development of larger tracts of land that are in common ownership or control.

Section 3.820. Standards and Requirements. Approval of a request for a P-D Zone is dependent upon the submission of an acceptable plan and satisfactory assurance that it will be carried out. The

following minimum standards and requirements shall apply:

1. A use permitted in any zone is permitted in a P-D Zone.
2. A mobile home is permitted in a P-D Zone.
3. The minimum area shall be three acres.
4. Standards for housing density shall not exceed the overall density requirements of the existing zone.
5. The Planning Commission may require a performance bond to insure that the proposed development is completed as approved and within the time limits agreed to.

Section 3.830. Procedure. The following procedure shall be followed in requesting a P-D Zone:

1. An applicant shall submit to the Planning Commission four copies of a plan for development of the property. The plan shall be submitted at least ten days prior to the meeting at which it will be considered. The plan shall show at a suitable scale the following information:

   a. The relationship of the property to the surrounding area.
   b. The plan of subdivision or resubdivision, if any.
   c. Land uses, building locations, and number of dwelling units.
   d. The arrangement of streets and pedestrian ways.
   e. The location of off-street parking spaces.
   f. The location of public or communal open space.
   g. Plans for site grading and drainage.
   h. Plans for water supply and sewage disposal.
   i. Plans for transfer of ownership of the property, if any, and arrangements for maintenance of common areas and facilities.

2. In considering the plan, the Planning Commission shall determine that:

   a. There are special development objectives or physical conditions which justify a request for a P-D Zone.
   b. The development will be in harmony with the area around it.
   c. The development can be completed within a reasonable period of time.
   d. The development will not overload adjacent streets or utilities.

3. The Planning Commission shall notify the applicant whether in its judgment the foregoing provisions have been satisfied and, if not, whether they can be satisfied with further revision of the plan.

4. Following approval of the plan by the Planning Commission, the applicant may file an application for a change in zone.

ARTICLE 4. SUPPLEMENTARY REGULATIONS

Section 4.010. Home Occupations. A home occupation, when conducted as an accessory use to a dwelling in a residential zone, shall be subject to the following limitations:

1. No person shall be employed other than a member of the family residing on the premises.
2. No exterior storage or display shall be permitted.
3. Exterior signs shall be limited to those permitted in the zone in which the home occupation is located. There shall be no other exterior indication of the home occupation.

4. There shall be no retail sales from the premises.

5. A home occupation which creates a nuisance because of noise, smoke, dust, gas, or the generation of vehicle traffic is prohibited.

Section 4.020. Minimum Lot Frontage. Every lot shall abut a street, other than an alley, for at least 15 feet.

Section 4.030. Clear-Vision Area Requirements. Except in the C-4 Zone, a clear-vision area shall be maintained on the corners of all property adjacent to the intersection of two streets or of a street and a railroad. A clear-vision area shall contain no planting, fence, or other temporary or permanent obstruction exceeding two and one-half feet in height, measured from the top of the curb, or where no curb exists, from the established center line grade of the street, except that trees exceeding two and one-half feet may be permitted if foliage is removed to a height of 8 feet above the top of the curb.

Section 4.040. Measurement of Clear-Vision Areas. A clear-vision area shall consist of a triangular area two sides of which are street lines and the third side of which is a line across the corner of the lot connecting the ends of the other two sides. The size of a clear-vision area is determined by the distance from the intersection of the two street lines to the third side, measured along the street. The size shall be as follows:

1. In a residential zone the distance determining the size of a clear-vision area shall be 30 feet.
2. In all other zones except the C-4 Zone, the distance determining the size of a clear-vision area shall be 15 feet, except that where the angle of intersection between streets is less than 30 degrees the city may require a greater distance.

Section 4.050. Off-Street Parking. Except in the C-4 Zone, at the time a new structure is erected or enlarged or the use of an existing structure is changed, off-street parking spaces shall be provided as set forth in this section. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if it would result in less space than is required by this ordinance. When square feet are specified, the area measured shall be the gross floor area of the building but shall exclude any space within a building devoted to off-street parking or loading. When the number of employees is specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.

Use	Standard
1. Residential uses.	
a. One or two-family dwelling or mobile home.	One space per dwelling unit.
b. Multi-family dwelling containing three or more dwelling units.	Spaces equal to 1.5 times the number of dwelling units.
c. Rooming house or boarding house.	Spaces for 80 percent of the guest accommodations plus one space for the owner or manager.
2. Commercial residential uses.	
a. Motel or hotel.	One space per guest room or suite plus one additional space for the owner or manager.
b. Club or lodge.	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
c. Fraternity, sorority, or dormitory.	One space for each 6 student beds.

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3. Institutions		
a.	Convalescent hospital, nursing home, sanitarium, rest home, or home for aged.	One space per two beds for patients or residents.
b.	Hospital	Spaces equal to 1.5 times the number of beds.
4. Places of public assembly		
a.	Church	One space per four seats or eight feet of bench length in the main auditorium.
b.	Library or reading room.	One space per 400 square feet of floor area plus one space per two employees.
c.	Preschool nursery or kindergarten (primary school)	Two spaces per teacher.
d.	Elementary or junior high school	One space per classroom plus one space per administrative employee or one space per four seats or eight feet of bench length in the auditorium or assembly room, whichever is greater.
e.	High school	One space per classroom plus one space per administrative employee plus one space for each six students or one space per four seats or eight feet of bench length in the main auditorium, whichever is greater.
f.	Other auditorium or meeting room.	One space per four seats or eight feet of bench length. If no fixed seats or benches, one space per 60 square feet of floor area.
5. Commercial amusements		
a.	Stadium, arena, or indoor theatre.	One space per four seats or eight feet of bench length.
b.	Bowling establishment without restaurant.	Six spaces per alley plus one space per two employees.
c.	Bowling establishment with restaurant.	Eight spaces per alley plus one space per two employees.
d.	Dance hall or skating rink.	One space per 100 square feet of floor area plus one space per two employees.
6. Commercial		
a.	Retail store, except as provided in paragraph (b) of this subsection.	One space per 400 square feet of floor area.
b.	Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture.	One space per 600 square feet of floor area.
c.	Bank or office (except medical and dental).	One space per 600 square feet of floor area plus one space per two employees.
d.	Medical or dental clinic.	One space per 300 square feet of floor area plus one space per two employees.

e. Eating or drinking establishment.	----------	One space per 200 square feet of floor area.
f. Mortuary.	----------	One space per four seats or eight feet of bench lengths in the chapel.

7. Industrial

a. Storage warehouse, manufacturing establishment, air, rail, or trucking freight terminal.	----------	One space per employee.
b. Wholesale establishment.	-------	One space per employee plus one space per 700 square feet of patron serving area.

Section 4.060. Off-Street Loading. Off-street loading shall be required as provided in this section and Section 4.230.

1. Merchandise, materials, or supplies. Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to handle adequately the needs of the particular use. Loading space that has been provided for an existing use shall not be eliminated if its elimination would result in less space than is required to handle adequately the needs of the use. Off-street parking areas used to fulfill the requirements of this ordinance shall not be used for loading and unloading operations except during periods of the day when not required to care for parking needs.

Section 4.070. General Provisions - Off Street Parking and Loading.

1. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building or other permit shall be issued until plans are presented which show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be a violation of this ordinance to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.

2. Requirements for types of buildings and uses not specifically listed in this ordinance shall be determined by the Planning Commission based upon the requirements for comparable uses listed.

3. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

4. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the city in the form of deeds, leases, or contracts to establish the joint use.

5. Off-street parking spaces for dwellings shall be located on the same parcel with the dwelling. Other required parking spaces shall be located not farther than 500

feet from the building or use they are required to serve, measured in a straight line from the building.

6. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

7. Unless otherwise provided, required parking and loading spaces shall not be located in a required front or side yard.

8. A plan, drawn to a suitable scale, indicating how the off-street parking and loading requirements are to be met, shall accompany an application for a building permit. The plan shall indicate:

   a. Individual parking and loading spaces.
   b. Circulation area.
   c. Access to streets and property to be served.
   d. Curb cuts.
   e. Dimensions, continuity, and substance of screening, if any.
   f. Grading, drainage, surfacing, and subgrading details.
   g. Obstacles, if any, to parking and traffic circulation in finished parking area.
   h. Specifications for signs and bumper guards.
   i. Landscaping in parking area.
   j. Other pertinent details.

9. Design requirements for parking lots.

   a. Areas used for parking for more than two vehicles shall have durable and dustless surfaces adequately maintained.
   b. Except for parking in connection with dwellings, parking and loading areas adjacent to or within a residential zone or adjacent to a dwelling shall be designed to minimuze disturbance to residents by the erection between the uses of a sight-obscuring fence or planted screen of not less than five nor more than six feet in height except where vision clearance is required.
   c. Parking spaces along the outer boundaries of a parking lot shall be contained by a bumper rail or by a curb which is at least four inches high and which is set back a minimum of one and one-half feet from the property line.
   d. Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.
   e. Access aisles shall be of sufficient width to permit easy turning and maneuvering.
   f. Except for single-family and duplex dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
   g. Service drives to off-street parking areas shall be designed and constructed both to facilitate the flow of traffic and to provide maximum safety for vehicles and pedestrians. The number of service drives shall be limited to the minimum that will accommodate anticipated traffic.
   h. Driveways shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points 30 feet from their intersection.

10. Completion time for parking lots. Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the Building Official. If the parking space is not required for immediate use, an extension of time may be granted by the Building Official, providing that a performance bond, or its equivalent, is posted equaling the cost to complete the improvements as estimated by the Building Official. If the improvements are not completed within one year's time, the bond or its equivalent shall be forfeited and the improvements constructed under the direction of the city.

ARTICLE 5. EXCEPTIONS

Section 5.010. Projections from Buildings. Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, and other similar architectural features shall not project more than 24 inches into a required yard.

Section 5.020. Exception to Lot Size Requirements. If a lot or the aggregate of contiguous lots or parcels platted prior to the time this ordinance was adopted has an area or dimension which does not meet the requirements of this ordinance, the lot or aggregate holdings may be put to a use permitted outright, subject to the other requirements of the zone in which the property is located, except that a residential use shall be limited to a single-family dwelling or a house trailer where a house trailer is permitted outright.

Section 5.030. Exception to Yard Requirements. The Planning Commission may increase the yard requirement when a yard abuts a street which the city has designated for widening. The Planning Commission may permit a lesser front yard requirement if a structure on an abutting lot does not meet the front yard requirement of the zone in which it is located.

Section 5.040. Exception to Building Height Limitations. The following types of structures or structural parts are not subject to the building height limitations of this ordinance: chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and television towers, masts, aerials, cooling towers, elevator shafts, and other similar projections.

ARTICLE 6. CONDITIONAL USES

Section 6.010. Authorization to Grant or Deny Conditional Uses. Uses designated in this ordinance as conditional uses may be permitted, enlarged, or otherwise altered upon authorization by the Planning Commission in accordance with the standards and procedures established in this article. In permitting a conditional use or the modification of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, any additional conditions which it considers necessary to protect the best interests of the surrounding property or the city as a whole. These conditions may include increasing the required lot size or yard size, limiting the height of buildings, controlling the location and number of driveways, increasing the street width, increasing the number of off-street parking and loading spaces, limiting the number, size, and location of signs, and requiring diking, fencing, screening, or landscaping to protect nearby property. In the case of a use existing prior to the effective date of this ordinance and which is classified in this ordinance as a conditional use, any change in use or in lot area or any alteration of the structure shall conform with the requirements dealing with conditional uses.

Section 6.020. Application for a Conditional Use. A property owner may initiate a request for a conditional use or the modification of an existing conditional use by filing an application with the Planning Commission using forms prescribed in Article 10.

Section 6.030. Public Hearing on a Conditional Use. Before the Planning Commission may act on a request for a conditional use it shall hold a public hearing following the procedure described in Article 10.

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Section 6.040. Notification of Action. Within five days after a decision has been rendered on a request for a conditional use, the Building Official shall provide the applicant with written notice of the city's action.

Section 6.050. Standards Governing Conditional Uses. A conditional use shall comply with the standards of the zone in which it is located except as these standards may have been modified in authorizing the conditional use or as otherwise provided as follows:

1. Yards. In a residential zone a required yard shall be at least two-thirds the height of the principal structure. In any zone additional yard requirements may be imposed.
2. Church. The Planning Commission may authorize a church as a conditional use if in its judgment the size of the site is adequate for the intended use, access to the site is adequate, and the surrounding property will not otherwise be adversely affected. A church may exceed the height limitation of the zone in which it is located, to a maximum height of 50 feet, if the total floor area of the building does not exceed one and one-half times the area of the site and if the yard dimensions in each case are equal to at least two-thirds of the height of the principal structure. In addition to the signs permitted in the zone in which it is located, a church may have a bulletin board not exceeding 10 square feet in area and set back 10 feet from a street.
3. Public utility. In considering an application for a public utility use the Planning Commission shall determine that the site, easement, or right-of-way is located so as to best serve the immediate area, and in the case of a right-of-way or easement will not result in the uneconomic parceling of land. As far as possible, transmission towers, poles, overhead wires, pumping stations, and similar gear shall be so located, designed, and installed as to minimize their effect on scenic values.
4. Mobile Home Park.
   a. The minimum area for a mobile home park shall be three acres.
   b. The average area of mobile home sites within the trailer park shall not be less than 2,500 square feet, excluding roadways, recreation areas, and other accessory facilities. No mobile home site shall have an area less than 2,000 square feet.
   c. A sight-obscuring fence not less than 6 feet high shall enclose the trailer park except at points of entry and exit.
   d. A parking space shall be provided for each trailer site. In addition, guest parking spaces shall be provided in every trailer park within 200 feet of the trailer sites served, at a ratio of one parking space for each two trailer sites. Parking spaces shall have durable and dustless surfaces and shall be properly drained.
5. Medical or dental clinic. The Planning Commission may authorize a medical or dental clinic as a conditional use in an R-2 zone if access to the site is from a major or secondary street, if off-street parking space is adequate, and if the Planning Commission judges that the design of the clinic is compatible with the character of the immediate neighborhood.
6. Keeping of livestock. The Planning Commission may authorize the keeping of livestock as a conditional use in an R-1 zone subject to the following standards:

a. One horse shall have a corral or pasture with a useable area of at least 7,500 square feet; two horses, at least 10,000 square feet; and for each additional horse, at least 5,000 square feet.
b. Cows, goats, sheep, swine, fowl, or other livestock shall not be kept on any parcel of land with an area less than five acres.
c. No enclosure for horses, cows, goats, sheep, swine, or other livestock shall be located closer than 25 feet to a dwelling.
d. Fences erected in connection with the keeping of livestock shall be of lumber or other solid material, shall be kept in good repair, and shall be at least four feet in height. Fences shall not be made of barbed wire. A fence shall meet the setback requirements of the zone.

7. Wrecking yard. A wrecking yard shall be enclosed by a sight-obscuring fence not less than six feet high.

ARTICLE 7. NONCONFORMING USES

Section 7.010. Continuation of a Nonconforming Use or Structure. Subject to the provisions of this article, a nonconforming use or structure may be continued and maintained in reasonable repair but shall not be altered or extended, except that the extension of a nonconforming use to a portion of a structure that was provided for the nonconforming use at the time this ordinance is adopted shall be permitted, and except that a structure conforming with respect to use but nonconforming with respect to height, setback, or coverage may be altered or extended if the alteration or extension does not further deviate from the standards of this ordinance.

Section 7.020. Discontinuance of a Nonconforming Use.

1. If a nonconforming use involving a structure is discontinued from use for a period of 3 months, further use of the property shall conform to this ordinance.
2. If a nonconforming use not involving a structure is discontinued for a period of 3 months, further use of the property shall conform to this ordinance.

Section 7.030. Change of a Nonconforming Use. If a nonconforming use is replaced by another use, the new use shall conform to this ordinance.

Section 7.040. Destruction of a Nonconforming Use. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 60 percent of fair market value as indicated by the records of the county assessor, a future structure or use on the site shall conform to this ordinance.

Section 7.050. Completion of Structure. Nothing contained in this ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a permit has been issued and construction work has commenced prior to the adoption of this ordinance, except that if the building is nonconforming or is intended for a nonconforming use it shall be completed and in use within two years from the time the permit was issued.

ARTICLE 8. VARIANCES

Section 8.010. Authorization to Grant or Deny Variances. The Planning Commission may authorize variances from the requirements of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this ordinance would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting

a variance the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this ordinance.

Section 8.020. Circumstances for Granting a Variance. No variance shall be granted unless it can be shown that all of the following circumstances exist:

1. Conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.

2. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.

3. The authorization of the variance will not be injurious to other property in the zone or vicinity in which the property is located and will not otherwise conflict with the purposes of this ordinance.

4. The variance requested is the minimum variance which will alleviate the hardship.

Section 8.030. Application for a Variance. A property owner may initiate a request for a variance by filing an application with the building official, using forms prescribed in Article 10. The application shall be accompanied by a plan, drawn to a suitable scale, showing the condition to be varied and the dimensions and arrangement of the proposed development. The Planning Commission may request other drawings or information necessary to an understanding of the request.

Section 8.040. Public Hearing on a Variance. Before the Planning Commission may act on a request for a variance, it shall hold a public hearing in accordance with the provisions of Article 10.

Section 8.050. Notification of Action. Within five days after a decision has been rendered on a request for a variance, the Building Official shall provide the applicant with written notice of the city's action.

ARTICLE 9. AMENDMENTS

Section 9.010. Authorization to Initiate Amendments. An amendment to the text of this ordinance or to a zoning map may be initiated by the City Commission, by the Planning Commission, or by a property owner. A property owner may initiate a request for an amendment to this ordinance by filing an application with the Building Official, using forms prescribed by Article 10.

Section 9.020. Public Hearing on an Amendment. The Planning Commission shall hold a public hearing on a proposed amendment in accordance with the provisions of Article 10. Within 40 days after the hearing the Planning Commission shall recommend to the City Commission approval, disapproval, or modification of the proposed amendment.

Section 9.030. Record of Amendments. The City Recorder shall maintain records of amendments to this ordinance in a form convenient for use by the public.

ARTICLE 10. ADMINISTRATIVE PROVISIONS

Section 10.010. Administration. The Building Official shall have the power and duty to enforce this ordinance. An appeal from a ruling by him may be made only to the Planning Commission.

Section 10.020. Appeal from Ruling of the Planning Commission. An action or ruling of the Planning Commission pursuant to this ordinance may be appealed to the City Commission within 15 days after the Planning Commission has made its decision. Written notice of the appeal shall be filed with the City Recorder. If the appeal is not filed with the City Recorder within the 15-day period, the decision of the Planning Commission shall be final. If the appeal is filed, the Planning Commission shall make a written report and recommendation to the City Commission. The City Commission shall hold a public hearing on the appeal.

Section 10.030. Form of Petitions, Applications, and Appeals. All petitions, applications, and appeals provided for in this ordinance shall be made on forms prescribed by the city.

Section 10.040. Filing Fees. Upon filing an application for an amendment, a conditional use permit, or a variance, the applicant shall pay a fee as established by the City Commission.

Section 10.050. Notice of Public Hearing. When the Planning Commission is required to hold a public hearing, notice of the hearing shall be given in the following manner:

1. Each notice of a hearing on an amendment to change the zoning map, on a conditional use, or on a variance shall be published in a newspaper of general circulation in the city not more than ten days nor less than 5 days prior to the date of the hearing. In addition, at least 5 days prior to the date of the hearing, notices shall be mailed to all owners of property within 250 feet of the exterior boundary of the property for which the application is made. For this purpose the names and addresses of the owners as shown on the records of the County Assessor may be used.
2. Each notice of a hearing on an amendment to the text of this ordinance shall be published at least three times in a newspaper of general circulation in the city not more than 10 days or less than 5 days prior to the date of the hearing.
3. Each notice of a hearing on an appeal authorized by this ordinance shall be published in a newspaper of general circulation in the city not more than 10 days or less than 5 days prior to the date of the hearing.
4. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.
5. The Planning Commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the Planning Commission shall announce the time and date when the hearing is to be resumed.

Section 10.060. Time Limit on a Permit for a Conditional Use, Variance, or a Zone Change. Authorization of a conditional use, a variance, or a zone change shall be void after eighteen months unless substantial construction has taken place.

ARTICLE 11. MISCELLANEOUS PROVISIONS

Section 11.010. Repeal. Ordinance No. NS-546, as enacted March 16, 1960, and as subsequently amended, is hereby repealed, upon passage and effective date of this ordinance, except that any part of this ordinance on which a presently pending legal action or proceeding is based shall, for the purposes of the action or proceeding, continue in effect until the action or proceeding is terminated.

Section 11.020. Severability. If any part of this ordinance is for any reason held unconstitutional it shall not affect the validity of the remaining portions of this ordinance.

ARTICLE 12. REMEDIES

Section 12.010. Penalty. A person violating a provision of this ordinance shall, upon conviction, be punished by imprisonment for not more than 30 days or by a fine of not more than $100, or both. A violation of this ordinance shall constitute a separate offense each day that the violation continues.

Section 12.020. Alternative Remedy. In case a building or other structure is, or is proposed to be located, constructed, maintained, repaired, altered, or used, or land is or is proposed to be used in violation of this ordinance, the building or land thus in violation shall constitute a nuisance, and the city may, as an alternative to other remedies that are legally available for enforcing this ordinance, institute injunction, abatement, or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate, or remove the unlawful location, construction, maintenance, repair, alteration, or use.

Read for the 1st time the 20th day of November, 1968.
Read for the 2nd time the 4th day of December, 1968.
Placed upon its passage the 4th day of December, 1968.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 4th day of December, 1968.

Robert L. Brattain
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-797 — Repealed 8-4-82 NS-1361

AN ORDINANCE FOR THE IMPOUNDING AND DISPOSITION OF ABANDONED VEHICLES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

(1) "Abandoned vehicle" shall mean a vehicle which is abandoned, unclaimed, or in such a damaged or dismantled condition that it is inoperable.

(2) "Vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(3) "City" shall mean the City of Bend, Oregon.

(4) "Costs" shall mean any expense in connection with removing, storing, or selling an abandoned vehicle.

(5) "Chief of Police" shall mean the Chief of Police of the City of Bend and his authorized representatives.

(6) "Owner" shall mean any person, firm, corporation, or unincorporated association with a claim, either individually or jointly, of ownership or any interest, legal, or equitable, in a vehicle.

Section 2.

(1) Whenever a vehicle is found abandoned upon the streets, alleys, and public parking lots, or any property of the City of Bend, whether within or without the corporate limits, in the same position for a period of three days, or whenever a vehicle is found abandoned upon any private property within the City of Bend, in the same position for a period of 7 days, the Chief of Police may:

(a) Make a routine investigation to discover the owner and request removal of the vehicle, and

(b) Whether or not the owner is found, place a notice upon the windshield or some other part of the vehicle easily seen by the passing public.

(2) Such notice shall state that the Police Department will remove and impound the vehicle under the provisions of this

ordinance, within 24 hours of the day and time of the posting, unless:

(a) The owner removes the vehicle; or

(b) Good cause is shown why such vehicle should not be removed by the owner or removed and impounded by the City.

Section 3.

(1) An abandoned vehicle which remains in the same position for a period of 24 hours after a notice to remove has been posted upon such vehicle, and no person has appeared to show good cause why such vehicle should not be moved, shall constitute a nuisance.

(2) The Chief of Police may remove any vehicle which shall constitute a nuisance, under the provisions of this ordinance, and store such vehicle upon City property, or upon private property designated by the City, pending investigation into the ownership of such vehicle.

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

(1) Make reasonable efforts to ascertain the names and addresses of the owner of the vehicle.

(2) Examine such vehicle for license number, motor number, serial number, make, style, and any other information which will aid in the identification of the owner of the vehicle, and

(3) Thereafter, immediately transmit all available information pertaining to such vehicle to the Secretary of State of Oregon, with an inquiry for the name and address of the owner, whenever such vehicle is required by law to be registered with the office of the Secretary of State of the State of Oregon.

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

(1) The reason for impounding the vehicle.

(2) The existing costs charged against the vehicle.

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

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

(a) Will be advertised for sale, in accordance with Section 7 of this ordinance; and

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

Section 6. The legal owner, owner or person entitled to possession of the vehicle taken into custody and held by the Chief of Police under Section 3 of this Ordinance, may reclaim the vehicle at any time after it is taken into custody before the same is sold under Section 7 of this Ordinance, upon presentation to the Chief of Police of satisfactory proof of ownership or right to possession and upon payment of the costs and expenses incurred in the removal, preservation and custody of the vehicle.

Section 7. If a vehicle is not reclaimed under Section 6 of this Ordinance within 30 days after it is taken into custody, the Chief of Police shall sell the vehicle at public auction in the following manner:

(1) Before the sale of the vehicle, notice thereof shall be given by posting written or printed notice of the time and place of sale in three public places within the City, not less than 10 days successively, and by sending, forthwith upon such posting, a copy of such notice by certified mail to the owner of the vehicle at his last known post office address or place of residence.

(2) All sales of vehicles under this Ordinance shall be made by auction, between 9:00 o'clock A.M., and 4:00 o'clock P.M. The Chief of Police shall not become a purchaser, or be interested in any purchase at such sale. Where practicable, the vehicle to be sold shall be within view of those who attend the sale.

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(3) If at the time appointed for the sale, the Chief of Police is prevented from attending at the place appointed, or being present deems it for the advantage of all concerned to postpone the sale for want of purchasers, or other sufficient cause, he may postpone the sale not exceeding one week, next after the day appointed, and so from time to time for like cause, giving notice of each adjournment by public proclamation, made at the same time.

(4) When the purchaser of a vehicle sold under the provisions of this ordinance, not in possession of a third person, shall pay the purchase money, the Chief of Police shall deliver to him the vehicle and shall give him a certificate of sale containing an acknowledgment of the payment.

(5) After any vehicle has been sold under this Section, the former legal owner, owner or person entitled to possession has no further right, title, claim or interest in or to the vehicle itself.

Section 8. When any vehicle is sold under Section 7 of this Ordinance, the Chief of Police, at the time of payment of the purchase price, shall execute a certificate of sale in duplicate. The original certificate of sale shall be delivered to the purchaser and the copy shall be retained by the Chief of Police. The Certificate of Sale shall be substantially as follows:

Certificate of Sale

This is to certify that under the provisions of Ordinance No. 797 entitled, "An Ordinance for the Impounding and Disposition of Abandoned Vehicles" and pursuant to due notice of the time and place of sale, I did on the ____ day of _____, 19__, sell at public auction to _____, of _____, for the sum of $_____ cash, he being the highest and best bidder, and that being the highest and best sum bid therefor, the following described personal property, to-wit:

(brief description of the property)

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

Dated this ____ day of _____, 19__.

Note: This vehicle is sold "as is" and the City of Bend assumes no responsibility as to the title or condition of the vehicle.

Section 9.

(1) When any vehicle is sold under the provisions of this Ordinance, the Chief of Police shall transmit to the Department of Motor Vehicles, and to the City Treasurer a return of sale setting forth the description of the vehicle, the purchase price, the name and address of the purchaser, the cost incurred in the sale and costs and expenses incurred in the removal, preservation and custody of the vehicle.

(2) The Chief of Police shall transmit to the City Treasurer, with the return of sale, the balance of the proceeds of the sale after deducting the costs incurred in the sale and the costs and expenses incurred in the removal, preservation and custody of the vehicle. Upon receipt of the return of sale and such proceeds, the City Treasurer shall deposit such proceeds in the general fund of the City and file in his office the return of sale.

Section 10. At any time within two years after the sale of the vehicle under the provisions of this Ordinance, the former owner of the vehicle may recover the proceeds transmitted by the Chief of Police to the City Treasurer under Section 9 of this Ordinance by filing a claim with the City Treasurer. The claim shall be audited and paid as are other claims against the City.

Section 11.
(1) If a vehicle taken into custody under Section 3 of this Ordinance is appraised by a qualified individual, and the vehicle is appraised at $75 or less, the Chief of Police shall file with the Department of Motor Vehicles an affidavit describing the vehicle, including the license plates, if any, stating the location and appraised value of the vehicle, that the vehicle will be junked or dismantled, and that:

(a) Notice of intent to junk or dismantle the vehicle has been sent with notification of location of the vehicle to the legal owner and owner or person entitled to possession as provided by Section 5 of this Ordinance; or

(b) The owner has signed a release, under oath, disclaiming any future interest in the vehicle, which release shall be forwarded to the Department with the affidavit.

(2) If either the legal owner, owner or person entitled to possession has not signed a release and has not, within 15 days after the date notification is mailed, reclaimed the vehicle, such action shall constitute a waiver of the interest of such person.

(3) Upon completion and forwarding of the affidavit, the Chief of Police may, without notice and public auction, dispose of the vehicle and execute a certificate of sale as provided by Section 8 of this Ordinance.

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

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

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

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

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

Section 14. This ordinance shall apply to all abandoned vehicles now in the possession of the City as well as to all such vehicles as may hereafter be impounded.

Section 15. Ordinance No. NS-449 of the City of Bend is hereby repealed.

Passed by the Commission and approved by the Mayor, the 18th day of December, 1968.

YEAS: 7 NAYS: 0

Robert L. Brent
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-798

AN ORDINANCE AMENDING ORDINANCE NO. NS-591, THE SUBDIVISION ORDINANCE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 4 (n) (4) of Ordinance No. NS-591 is amended to read:

"(4) The minimum dimensions of residential lots on any plat shall be in conformity with the provisions of the Zoning Ordinance of the City of Bend as the same applies to the zoning district classifications of the said plat."

Passed by the Commission and approved by the Mayor, December 18, 1968.

YEAS: 7 NAYS: 0

Robert S. Brunt
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-799

AN ORDINANCE AMENDING CITY OF BEND ORDINANCE NO. NS-737 BY ADDING THERETO A NEW PROVISION ON VAGRANCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

That Ordinance No. NS-737 is hereby amended by adding a sub-paragraph (i) to paragraph (2) of Section 26 of Ordinance No. NS-737 as follows:

"(i) Every person who loiters or prowls in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity."

Submitted to and approved by the Mayor this 18th day of December, 1968.

YEAS: 7 NAYS: 0

Robert S. Brunt
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-800

AN ORDINANCE VACATING THE ALLEY IN BLOCK 161, SECOND ADDITION TO BEND PARK IN THE CITY OF BEND, OREGON.

A petition having been presented to the Bend City Commission on the 15th day of January, 1969, requesting that the following described alley location be vacated:

> THE ALLEY in Block 161, Second Addition to Bend Park in the City of Bend, County of Deschutes, State of Oregon,

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

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Vernon W. Robinson, said vacation proceedings to vacate the following described alley location:
>
> > THE ALLEY in Block 161, Second Addition to Bend Park in the City of Bend, County of Deschutes, State of Oregon, further described as the east-west alley in the block bounded on the north by McKinley Avenue, on the south by Cleveland Avenue, on the east by S. 1st Street, and on the west by Division Street.
>
> The City Commissioners of the City of Bend, Oregon, have fixed the 19th day of February, 1969, 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 cause 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 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice a hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation, and that the property should be vacated.

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

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

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Read for the first time this 19th day of February, 1969.

Read for the second time this 10th day of March, 1969.

Placed upon its passage this 10th day of March, 1969.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 10th day of March, 1969.

Robert L. Brattain
Mayor

ATTEST:

Julie S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-801

AN ORDINANCE VACATING THE ALLEY IN BLOCK 20, RIVERSIDE ADDITION IN THE CITY OF BEND, OREGON.

A petition having been presented to the Bend City Commission on the 15th day of January, 1969, requesting that the following described alley location be vacated:

> THE ALLEY in Block 20, Riverside Addition in the City of Bend, County of Deschutes, State of Oregon,

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

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Carl Backstrom, said vacation proceedings to vacate the following alley location:
>
> > THE ALLEY in Block 20, Riverside Addition in the City of Bend, County of Deschutes, State of Oregon, further described as the north-south alley in the Block bounded on the north by Underwood Avenue, on the south by Thurston Avenue, on the east by E. 3rd Street, and on the west by E. 2nd Street.
>
> The City Commissioners of the City of Bend, Oregon, have fixed the 19th day of February, 1969, 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 cause 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 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice a hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the

public interest will not be prejudiced by the proposed vacation, and that the property should be vacated.

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

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

Read for the first time this 19th day of February, 1969.

Read for the second time this 10th day of March, 1969.

Placed upon its passage this 10th day of March, 1969.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 5th day of March, 1969.

Robert L. Brutsch
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-802

AN ORDINANCE AMENDING ORDINANCES NO. NS-635 AND NS-636 BY EXTENDING REFUSE COLLECTION FRANCHISES FROM MONTH TO MONTH.

CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2 of Ordinance No. NS-635 and Section 2 of Ordinance No. NS-636 are amended to read:

"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 from month to month beginning with the effective date of this ordinance, but not to exceed 5 years, unless terminated sooner according to the terms and conditions of Ordinance No. NS-634, or unless terminated upon thirty days written notice by the City of Bend or the franchise holder."

Read for the first time this 19th day of March, 1969.

Read for the second time this 2nd day of April, 1969.

Placed upon its passage this 2nd day of April, 1969.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 2nd day of April, 1969.

Robert L. Bristol
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-803

Repealed by NS-844 1/20/71

AN ORDINANCE AMENDING ORDINANCE NO. NS-796, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR A CERTAIN AREA BY AMENDING THE ZONING DISTRICT MAP.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 is amended by changing the ZONING DISTRICT MAP as follows:

> Lots 4 to 13, inclusive, Block 18, Center Addition; and Lots 7 to 17, inclusive, Block 41, Wiestoria (Replat) Addition

from R-2 High Density Residential Zone to C-2 Limited Commercial Zone.

Read for the first time this 16th day of April, 1969.

Read for the second time this 7th day of May, 1969.

Placed upon its passage this 7th day of May, 1969.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 7th day of May, 1969.

Robert L. Bristol
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-804

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF BEND IMPROVEMENT BONDS IN THE SUM OF $71,000.00; 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 Seventy-one Thousand Dollars ($71,000), 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 each street improvement have been kept separate; and

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

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

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. That the City of Bend shall issue bonds in the name of and under the corporate seal of said City in the amount of Seventy-one Thousand ($71,000) Dollars, in the denomination of One Thousand ($1,000) Dollars each, numbered consecutively from 1 to 71, both numbers inclusive, said bonds to bear date of September 1, 1969, 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 Seven Thousand ($7,000) Dollars on the 1st day of September in each of the years 1970 to 1978, inclusive, and Eight Thousand ($8,000) Dollars on the 1st day of September in the year 1979. All of said bonds which mature

after September 1st, 1974, shall be subject to call and redemption on September 1st, 1974, and on any semi-annual interest paying date thereafter. Bonds shall bear interest at the rate or rates not to exceed seven percent (7%) per annum, interest payable semi-annually, said interest to be evidenced by coupons attached to said bonds, which said coupons shall have the signature of the Mayor and the signature of the Recorder of the City of Bend lithographed thereon, which bonds, together with 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 14.

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 14

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 September, 19__, without grace, with interest thereon at the rate of __% per annum, payable semi-annually on the 1st days of March and September of each year on the presentation and surrender of the proper coupons hereto annexed, principal and interest payable at the office of the Treasurer of the City of Bend, Oregon.

This bond is one of a series of bonds authorized by and under the provisions of the Charter of said City and Chapter 223.205 Oregon Revised Statutes, et seq. as amended, providing for the issuance of bonds for street 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 September, 1969.

Robert W. Brunt
Mayor

COUNTERSIGNED:

_____
Recorder

On the face of all bonds maturing after September 1, 1974, add a paragraph reading:

"This bond is subject to call and redemption on September 1, 1974, and on any semi-annual interest paying date thereafter."

(C O U P O N)

No. _____ $_____

THE CITY OF BEND, STATE OF OREGON, will pay to bearer on the first MARCH day of SEPTEMBER 19__. _____DOLLARS in lawful money of the United States at the office of the Treasurer of the City of Bend, being six months' interest on Improvement Bond No.___, Series 14.

Robert L. Brusstar
Mayor

Countersigned:

_____
Recorder

On all coupons maturing after September 1, 1974, 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 6th day of August, 1969, 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 18th day of June, 1969.

Read for the second time the 2nd day of July, 1969.

Placed upon its passage the 2nd day of July, 1969.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 2nd day of July, 1969.

Robert L. Brusstar
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

IAA061

ORDINANCE NO. NS-805

AN ORDINANCE AMENDING ORDINANCE NO. NS-796, THE ZONING ORDINANCE, BY SPECIFYING CERTAIN ACCESSORY USES, AND REPEALING ORDINANCE NO. NS-306.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. A new Section 3.025 is added to Ordinance No. NS-796 and shall read:

> "Section 3.025. Accessory Uses. In an R-1 Zone, there shall be the following limitations on accessory uses:
>
> 1. There shall be not more than one private garage for each dwelling unit and the garage shall not exceed 720 square feet in floor area.
> 2. There may be home occupations as provided in Section 4.010."

Section 2. A new Section 3.125 is added to Ordinance No. NS-796 and shall read:

> "Section 3.125. Accessory Uses. In an R-2 Zone, there shall be the following limitations on accessory uses:
>
> 1. There shall be not more than one private garage for each dwelling unit and the garage shall not exceed 720 square feet in floor area.
> 2. There may be home occupations as provided in Section 4.010."

Section 3. A new Section 5.031 shall be added to Ordinance No. NS-796 and shall read:

> "Section 5.031. Exception to Yard Requirements For Detached Accessory Buildings. Detached accessory buildings shall be located not less than 60 feet from the front lot line and shall not project into the required side yard on the street side of a corner lot. Where no alley exists, accessory buildings shall be located not less than eight feet from the rear lot line. Where an alley does exist, accessory buildings shall be located not less than five feet from the rear lot line or alley."

Section 4. Ordinance No. NS-306 is repealed.

Read for the first time the 18th day of June, 1969.

Read for the second time the 2nd day of July, 1969.

Placed upon its passage the 2nd day of July, 1969.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 2nd day of July, 1969.

Robert F. Brunch
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

AMENDED BY ORD. # NS-1364, NS-1362, NS-1220, NS-1117, NS-1100 NS-1[illegible]
Expired 7-19-89
57

ORDINANCE NO. NS-806

AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE TO BEND COMMUNITY ANTENNA CO., TO OPERATE AND MAINTAIN A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF BEND AND REPEALING ORDINANCES NO. NS-448 and NS-459.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Short Title. This ordinance shall be known as the "Bend Community Antenna Co. Franchise Ordinance."

Section 2. Definitions. For the purpose of this ordinance, tne following terms shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

(1) "City" is the City of Bend, Oregon.

(2) "Company" is the grantee of rights under this franchise, including its successors or assigns.

(3) "Commission" is the City Commission of the City of Bend, Oregon.

(4) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

(5) "Technical facilities" or "facilities" shall mean all real property, equipment and fixtures used by Company in the distribution of its services through its system, whether located in City or out, and includes but is not limited to poles, cables, wires, microwave transmitters, antennas, amplifiers, etc.

(6) "Television System services" or "system services" or "services" shall mean all of the services provided by Company or available to Company to provide through its technical facilities by the grant of this franchise, and shall include but not be limited to the distribution of television and radio signals.

Section 3. Grant of Authority. City grants to Bend Community Antenna Co. the right and privilege to construct, erect, operate and maintain, in, upon, along, across, above, over and under the streets, alleys, public ways and public places now laid out or dedicated, and all extensions thereof, and additions thereto, in the City, poles, wires, cables, conduits and other technical facilities necessary for the construction, maintenance and operation in the City of a community television system for the interception, sale and distribution of television system services. This franchise is not exclusive, and the City reserves the right to grant a similar use of streets, alleys, public ways and places to any other person at any time during the period of this franchise.

Section 4. Compliance with Laws, Rules and Regulations. At all times during the term of this franchise Company shall comply with all applicable laws, rules and regulations of the United States of America, the State of Oregon and the City of Bend; including all agencies and subdivisions thereof. Company shall be subject to the lawful exercise of the police power of City and to such reasonable regulations as City may from time to time hereafter by resolution or ordinance provide.

Section 5. Company Liability, Indemnification of City and Insurance.

(1) Company shall at all times conduct its operations under this franchise, including installation, construction or maintenance of its facilities, in a safe and workmanlike manner so as not to present a danger to the public or City.

(2) Company shall pay, save harmless and indemnify City from any loss or claim against City on account of or in connection with any activity of Company in the construction, operation or maintenance of its technical facilities and system services.

(3) This franchise shall not be effective until Company secures, and shall at all times be conditioned upon Company maintaining, a comprehensive liability insurance policy which shall contain the following provisions:

(a) Bodily injury policy limits of $100,000 for each person and $300,000 for each occurrence.

(b) Property damage policy limits of $100,000.

(c) An endorsement for completed operations coverage.

(d) A designation of City, its officers, agents and employees, as additional insureds for liability arising from or in connection with this franchise.

(e) A certificate evidencing insurance as described in this ordinance shall be deposited with City.

Section 6. System Standards. For the term of this franchise, Company shall construct, operate and maintain its technical facilities and provide system services as follows:

(1) Company shall provide its subscribers within the City with good quality television and radio reception, station selection and other system services within the limits of its technical facilities; and

(2) Company shall maintain and improve the technical facilities of its system according to generally accepted practices and standards in the community antenna television industry and according to the technical requirements of providing improved system services to Bend (Company's obligation to improve its technical facilities shall not extend to extraordinarily costly improvements developed in the industry if the cost of such improvements would impair a reasonable return on Company's investment for the services Company provides); and

(3) Company shall not make or permit any change in system station selection without prior consultation and written approval of the Commission, except as may be required by any federal or state agency having jurisdiction; and

(4) Company shall make available to its subscribers all signals, stations and system services available within the limits of the system's technical facilities.

Section 7. Company Rules. Company shall have authority to promulgate such reasonable rules and regulations governing the conduct of its business as shall be reasonably necessary to enable the Company to exercise its rights and perform its obligations under this franchise, and to assure uninterrupted service to its customers. Company rules and regulations shall be subject to the provisions of this ordinance and any other governmental regulations.

Section 8. Conditions on Street Occupancy.

(1) Use. All transmission and distribution structures, lines and equipment erected by the Company within the City shall be so located as to cause minimum interference with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the streets, alleys or other public ways or places.

(2) Restoration. In case of any disturbance of pavement, sidewalk, driveway or other surfacing by Company, the Company shall, at its own cost and expense and in a manner approved by the City, replace and restore all paving, sidewalk, driveway or surface of any street or alley disturbed, in as good condition as before the disturbance. If Company fails to make restoration as required, City shall cause the repairs to be made at the expense of Company.

(3) Relocation. If at any time during the period of this franchise City shall lawfully elect to alter, or change the grade of, any street, alley or other public way, the Company, upon reasonable notice by the City, shall remove and relocate its poles, wires, cables, underground conduits, manholes and other technical facilities at its own expense.

(4) Placement of Fixtures. The Company shall not place its technical facilities where they will interfere with any gas, electric or telephone fixture, sewer or water facility. All facilities placed in the street shall be placed as the City directs.

(5) Temporary Rearrangement of Facilities. Company shall upon receipt of seven days written notice from anyone desiring to move a building or other object according to City ordinances regulating the moving of buildings arrange to temporarily raise, lower or otherwise move its facilities to permit the moving of buildings or other objects if the person wishing to move the building or other object makes a reasonable arrangement to reimburse Company for its expenses in rearranging its facilities.

(6) Tree Trimming. The Company may trim trees upon or overhanging streets, alleys, sidewalks and public places of the City so as to prevent the branches from coming in contact with the facilities of Company, all trimming to be done under the supervision of the City and at the expense of the Company.

Section 9. Discriminatory Practices Prohibited. Company shall make its system services available to all citizens of City without discrimination and shall not give any person any preference or advantage not available to all persons similarly situated.

Section 10. Extension of System Services. Company shall extend the services of its system to all citizens of City within the limits of the system's technical facilities.

Section 11. Transfer of Franchise. Company shall not sell, assign, dispose of or transfer in any manner whatsoever any interest in this franchise or in the technical facilities used with this franchise, nor transfer or permit transfer of controlling interest in Company without prior written approval of Commission. The restrictions of this section shall also apply with equal force to Company's parent corporation Liberty Television, Inc.

Section 12. City Rights in Franchise.

(1) Use of System by City. City shall have the right to use Company's technical facilities without service charge for police and fire alarm systems or any other City-owned facilities of any nature. City use of Company facilities shall at all times comply with the rules and regulations of Company, and shall not compete or interfere with Company's use.

(2) City Supervision and Inspection. The City shall have the right to supervise all construction or installation of Company facilities subject to the provisions of this ordinance and to make such inspections as it shall find necessary to insure compliance with governing laws, rules and regulations.

IAA061

(3) Termination or Abandonment of Franchise. Upon any termination of this franchise, whether before the expiration of the franchise or upon expiration, or by any abandonment of the franchise by Company, all technical facilities installed or used by Company shall be removed by Company at Company's expense and the property upon which the technical facilities were used restored by Company to the condition it was in before installation or use by Company, except that City or its designee shall have the following options after termination:

(a) City or its designee may elect to acquire all of Company's technical facilities, including Company's microwave and other facilities outside City, for their then fair market value, or

(b) City or its designee may elect to acquire Company's technical facilities within the City, and those technical facilities immediately outside the City which are used to receive the microwave or other signals, but excluding the microwave transmission facilities, for their then fair market value.

(c) "Fair market value" shall be determined by a broker or other person recognized as competent in appraising CATV systems by the CATV industry and mutually acceptable to City and Company.

Section 13. Franchise Fee.

(1) As compensation for the franchise granted by this ordinance, Company shall pay to City an amount equal to three percent of the gross receipts collected by Company for its system services to customers served by this franchise. Gross receipts shall include all amounts collected by Company from customers served under this franchise, including but not limited to system's service charges and charges for installation or connections for customer service. Upon the effective date of the new rate schedule in Section 16, the franchise fee shall increase from three to four per cent.

(2) The fee required by this Section shall be due and payable on or before the 15th day of each month for the preceding month.

(3) With each payment Company shall furnish the City Recorder-Treasurer with a written statement under oath, executed by an officer of Company, verifying the amount of gross receipts of Company within the City for the period covered by payment computed on the basis set out in subsection (1) of this section.

(4) City's acceptance of any payments due under this section shall not be considered a waiver by City of any breach of this franchise.

(5) In consideration of the rate increases which will permit Company to construct microwave facilities described in Section 15 which will be capable of serving other communities and areas, Company shall pay City four percent of the gross receipts collected by Company for microwave relay services and other services to other CATV systems or any other person who distributes services like Company to ultimate subscribers. If Company does not charge such other CATV system or person for Company microwave relay or other services, or if Company furnishes these services to a corporation or other person wholly or partly owned by Company, then City shall receive four per cent of the fair market value of these services. The services described in this subsection as subject to this four per cent charge do not include services to subscribers or other such ultimate users of the services.

Section 14. Review of System Standards. Upon completion of Company's improvement to its technical facilities as described in section 15, and thereafter from time to time but at least annually (unless the annual test is waived by City), and at anytime upon reasonable request by City, Company shall supply a qualified electronic technician who is satisfactory to City to test the performance of Company's technical facilities. These tests shall be conducted in representative geographic areas within the City. Criteria to be used in the tests are described in exhibits "A" and "B" which are attached to and a part of this ordinance. As industry testing devices and procedures improve during the term of this franchise, new or improved criteria approved or used by the Federal Communications Commission shall be incorporated in the tests of the technical facilities performance. If the cost of new tests not developed or in use at the time of passage of this ordinance greatly increases Company's testing costs with the consequence that a reasonable return on Company's investment for the services Company provides is impaired, then employment of such tests shall not be required except on special agreement between Company and City.

Section 15. Improvement of Facilities. Company shall improve its technical facilities to provide a good 12 channel cable TV system carrying television stations (or their present channels) KEZI-TV, KGW-TV, KATU-TV, KPTV-TV, KOAP-TV (or KOAC-TV), KOIN-TV, KVAL-TV, and new channel 3 in Salem when an adequate broadcast signal for channel 3 can be received by Company's technical facilities; carrying a weather channel; carrying a channel for local programs; and carrying all FM signals, from 88-108 megacycles, within limits of system's technical facilities. To provide these services Company shall construct and improve its technical facilities at a cost of $450,000 and as described in exhibit "C", and containing the technical facilities described in exhibit "D", or equivalent facilities, by January 1, 1973.

Section 16. Rate Schedule.

(1) Upon Company completing the improvement of its technical facilities as described in Section 15, and upon the improved facilities providing good quality system services as determined by the criteria described in section 14, Company may charge the following maximum rates for its services under this franchise:

	Connection (For new subscribers)	Monthly (For all subscribers)
(a) Single-family residence, one outlet	$19.95	$5.00
Rental Plan	None	$6.45
Extra TV Outlets, each for all Subscribers	$10.00	$1.00
(b) Multiple residential buildings Motels, Hotels, Trailer or Mobile Home Parks, Nursing Homes, etc. (one outlet per unit);		
(A) If owner pays all charges: 2 units	$34.95	$7.30
3 units or more, for each unit over 2, add to above	$15.00	$1.80
(B) If cable company contracts with individual tenants	$10.00	$5.50
(c) Reconnection of existing single-family residential drop (one outlet)	$10.00	$5.00
Extra Outlets (already in), each	$ 5.00	$1.00
Extra Outlets (new install), each	$10.00	$1.00

(d)	Transfer to new address by a present subscriber	$5.00	No change
	Extra Outlets (already in), each	$5.00	$1.00
	Extra Outlets (new install),each	$10.00	$1.00
(e)	FM-radio tap-off, each	$15.00	None
(f)	TV Dealers and Repairmen	$19.95	$5.50
(g)	Other Businesses	$19.95	$5.50
	Extra Outlets, each	$15.00	$1.80
(h)	Schools:		
	One Outlet	None	None
	Additional Outlets	Negotiate Charges	

(i) For other or unusual services or for special equipment, charges will be negotiated for individual contracts the charges to be compatible with other rates of the Company and reasonable.

(j) Various discounts may be allowed from time to time as promotional devices for which any new subscriber would be eligible.

(k) Underground installations shall be at Company's cost or $75, whichever is less.

(l) Unwarranted complaint calls:
First such call, no charge,
Additional calls (optional), each $3.00

(2) Company may increase the rate for "single-family residences, one outlet "as recited in section 16(1)(a) and 16(1)(c) from $5 to $5.50 each month two years from the effective date of the section 16 rate increase provided Company's technical facilities are providing good quality system services. To determine whether the technical facilities are providing good quality system services the criteria described in section 14 and exhibits "A" and "B" shall be used but these criteria shall also be tested against the television signal actually being delivered through the technical facilities from the television stations listed in Section 15 to the television sets used by subscribers within the City. The television signal of at least five of the stations described in section 15, including three of the Portland stations, shall be received by Company and distributed into company's distribution system within the City with a signal to noise ratio of at least 40 dB, and these television signals shall be received by subscribers within the City with a signal to noise ratio of at least 37 dB.

(3) Until Company completes improvement of its technical facilities as described in Section 15 and until the improved technical facilities supply good quality system services Company may only charge the rates presently charged as of the effective date of this ordinance.

(4) City and Company agree that the rates provided in Subsection (1) and (2) of this Section are reasonable compensation to Company for the services described in Section 15 and that the term "reasonable compensation" may be hereafter defined at the discretion of the City after a study and consideration of the national figures for similar services as affected by local conditions.

(5) City, either upon its own motion or upon request of Company, may at any time during the period of this franchise by ordinance change the rate structure if

changes are necessary in the best interests of the City and Company's subscribers, and are fair and reasonable compensation to Company for the services being rendered.

Section 17. Company Records and Reports. Company shall keep accurate books of accounts at an office within the State of Oregon throughout the term of this franchise. Company shall produce its books of account for inspection by City at any time during normal business hours and City may audit Company's books from time to time. City may require periodic reports from Company relating to its operation and revenue within the City.

Section 18. System Data. Company shall maintain at an office in Bend all current maps and other operational data relating to its system operations in the City of Bend. City may inspect these maps and data at any time during normal business hours.

Section 19. Permit and Inspection Fees. Nothing in this ordinance shall be construed to limit the right of City to require Company to pay reasonable costs incurred by City in connection with the issuance of a permit, making an inspection, or performing any other service for or in connection with Company or its facilities, whether pursuant to this ordinance or any other ordinance or regulation now in effect or hereafter adopted by the City.

Section 20. Termination of Franchise. Upon the failure of Company, after sixty days notice and demand in writing, to perform promptly and fully each and every term, condition or obligation imposed upon it according to this ordinance, the Commission may, at its option and in its sole discretion, which discretion shall be reasonably applied, by ordinance or resolution, terminate this franchise.

Section 21. Remedies Not Exclusive; Waiver. All remedies under this ordinance, including termination of franchise, are cumulative, and recovery or enforcement of one is not a bar to the recovery or enforcement of any other remedy. Remedies contained in this ordinance, including termination of the franchise, are not exclusive and the City reserves the right to enforce penal provisions of any ordinance and also use any remedy available at law or in equity. Failure to enforce any provision of this ordinance shall not be construed as a waiver of a breach of any other term, condition or obligation of this ordinance.

Section 22. Franchise Term. This franchise is granted for a term of 10 years. Company shall have an option to renew this franchise ordinance for another 10 years upon the following terms and conditions: Company shall not be in default in its performance of any of the terms or conditions of this franchise, and shall be providing good system services as determined by the system review standards of section 14.

Section 23. Emergency Use of Facilities. City may use Company's facilities during local emergencies for purposes of advising City's citizens in connection with the emergency.

Section 24. Acceptance of Franchise. Within thirty days from the effective date of this ordinance, Company and Liberty Television, Inc. shall file with the City Recorder-Treasurer a written unconditional acceptance of this franchise and all of its terms and conditions, and if they fail to do so this ordinance shall be void and of no effect.

Section 25. Constitutionality. If any section, subsection, sentence, clause or portion of this ordinance is for any reason held invalid or rendered 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 constitutionality of the remaining portion hereof. If for any reason the franchise fee is invalidated or amended by the act of any Court or governmental agency then the highest reasonable franchise fee allowed by such Court or other governmental agency shall be the franchise fee charged by this ordinance.

1AA061

Section 26. Repeal. Ordinances No. NS-448 and NS-459 are repealed.

Section 27. Emergency Clause. This ordinance being necessary for the immediate preservation of the public peace, health and safety because of the limited construction season for the improvement of Company's 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 July, 1969.

Read for the second time the 16th day of July, 1969.

Submitted to and approved by the Mayor this 16th day of July, 1969.

YEAS: 5 NAYS: 0

Robert L. Bratt
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

EXHIBIT "A"

City of Bend Franchise Ord. No. 806

Summary: Standards of Performance

(Bend TV-cable system, reconstructed with amplifiers manufactured by Cascade Electronics, Ltd.; microwave from Microwave Associates, Inc.)

A. Cable specifications

1. Solid sheath aluminum, foam polyethylene dialectric and copper center conductor.

2. Characteristic Impedance of 75 ohms with return loss of 28 dB or better from 50 to 220 MHz.

3. Free of defects.

B. Amplifier specifications

	CETA-2/22*	CETC-2/22*	CEBA-2/19	CEBA-2/27
1. Frequency range	50 to 240 MHz -- all amplifiers			
2. Response flatness	± 1/2 dB -- all amplifiers			
3. Tilt control range (upward tilt at Channel 2)	5 dB			5 dB
4. Minimum Return Loss-Input	18 dB	18 dB	18 dB	18 dB
5. Minimum Return Loss-Output	15 dB	15 dB	15 dB	15 dB
6. Minimum Return Loss-Bridger	15 dB	15 dB	15 dB	15 dB
7. Maximum Noise Figure-Low Band	8 dB	8 dB	19 dB	19 dB
8. Maximum Noise Figure-High Band	10 dB	10 dB	21 dB	21 dB

*CETA and CETC (trunkline amplifiers) have automatic gain control of ± 3 dB, continuous (with tilt compensation), providing temperature compensation for ambient temperature variations.

C. Microwave equipment specifications

1. Solid-state equipment.

2. Frequency band: 10.5 to 13.25 GHz.

3. Stability: ± .02%

4. Impedance: 50 ohms.

5. Transmitter power: + 20 dBn.

6. Receiver Noise Figure: 12.0 dB.

7. Signal to Noise Ratio: 51 dB.

8. Signal to Hum Ratio: 46 dB.

D. Cable-system Tests (with incoming signals through microwave)

1. Tests to be taken at end of each trunkline and at the end of at least five typical feeder cables.

2. Carrier to Noise Ratio: not less than 40 dB.

3. Cross-Modulation Distortion: no visible cross-modulation on any channel, with full modulation on all but the channel under observation.

4. Channel Characteristics: less than ± 1.5 dB deviation in relative levels of visual carrier, aural carrier and color sub-carrier points, on each channel.

5. System Hum Modulation: not more than 5% (peak-to-peak AC hum variation to average DC level).

NOTE: For more complete explanation of above tests, see attached Exhibit "B".

IAA061

EXHIBIT "B"

City of Bend Franchise Ord. No. 806

PROOF OF PERFORMANCE

CARRIER TO NOISE

To eliminate any uncontrolled variables in the system, a measurement of the Carrier to Noise Ratio is used rather than Signal to Noise. Since the signals are received from varying distances and are therefore not uniform to each other, these signals could have a noise component of their own which could be misconstrued as system noise, hence the procedure of using the system channel carrier as reference.

At the point in the system that has been selected for measurement, a Field Intensity Meter, properly terminated should be attached. The modulation associated with the selected channel under measurement should be removed, leaving only the Carrier. It should have been previously determined that all Carrier levels have been properly adjusted at the Head-end. The reading on the FI Meter representing the Visual Carrier should be recorded, then the carrier removed (turned off at the Head-end) and the reading on the FI Meter recorded for the noise on that channel. The difference between these readings signifies the Carrier to Noise Ratio. This value can be given to dB or Direct. If this ratio is small (noise high) it should be determined if it is really noise, or a spurious signal on the channel. The modulation of some of the other channels can be systematically removed, while observing FI Meter for any change. If removal of modulation does change the reading, cross-modulation products are being read along with noise. If no change is detected, then systematic removal of the other channel will determine if any harmonics are present in the channel.

The anticipated noise at any point in the system can be calculated and made part of the original engineering. Should a radical departure from the "calculated" be experienced, this would in all likelihood be a defective amplifier, rather than system noise. Since noise is random in nature, noise addition is a power function, following the pattern of 3 dB increase each time the number of amplifiers is doubled, and 10 dB increase for each time the number of amplifiers is multiplied by 10.

When measured in this manner, the system signal-to-noise ratio must be higher than 37 dB, providing the S/N ratio of the received signal is at least 40 dB.

In determining the overall performance of a system, the combination of the carrier-to-noise ratio of the plant and the signal-to-noise ratio of the received signal will determine the ultimate ratio that exists between the picture video and noise, whether this noise combination is predominant at the Head-end receiver or over the cable plant. In either case, the S/N ratio of the terminals of the house drop will be slightly worse than the lowest ratio. The total degradation below the worst ratio will be the summation of the two ratios, with the worst condition when both ratios are equal, producing a 3 dB degradation. These anticipated ratios can easily be calculated, and should be part of the original engineering, tabulated for each channel on the system.

Maintaining a proper S/N ratio is of prime importance due to the transmission of color signals. While the noise component in a monochrome picture might not severely degrade the picture, the same ratio on a color picture is significantly more objectionable, therefore, a system should be designed and maintained for the highest reasonable S/N ratio.

CROSS MODULATION DISTORTION

In a multi-channel distribution system, each picture carrier cross-modulates every other picture carrier, and the combined cross-modulation increase with the number of channels depends on the coherence between the modulation signals on the various channels. This cross-modulation is induced in the non-linear response characteristics of the amplifiers. The cross-modulation (CM) increases materially with signal levels, number of signals and signal coherence. Presently, the exact level of CM that is detectable in a picture is not accurately defined in the CATV industry. Cascade designs all systems to ensure that the pictures delivered to the customer contain no visible cross-modulation.

The initial check for CM is performed with a standard TV receiver connected identically as a customer drop. With all channels operating at normal levels and modulation, the TV receiver should be adjusted to a desired picture. The modulation should be removed from the channel at the Head-end, leaving only the pure carrier.

Optical observation of the blank screen should not disclose any trace of "syne walk" or video cross talk. This procedure should be repeated for each channel, always having full modulation on all but the channel under observation. The same test should be repeated at various points in the system.

CHANNEL CHARACTERISTICS

Inasmuch as the majority of stations are transmitting an increasing amount of color, good frequency characteristics must be maintained across the 6 mc channel.

Channel frequency response can be checked by the following method:

A signal generator can be inserted into the main trunkline at the Head-end and adjusted to the proper output level. At a selected point in the system a Field Intensity Meter is used to determine the relative levels of the visual carrier, aural carrier and color sub-carrier points, as the signal generator is tuned to these three frequencies. The deviation in these three levels in each channel bandwidth should be less than $\pm$ 1.5 dB.

SYSTEM HUM MODULATION

This test is to determine the modulation, if any, to the carriers by the AC necessary to power the system amplifiers. Insert in the transmission system a CW signal for the picture carrier of any channel to be used on the system - the level of the signal inserted should be approximately equal to the mean value of the signals which will be received from the system feed point. At the extremities of the trunkline of the system, insert a detector and examine the resultant signal on an oscilloscope. Measure the average DC level. Measure the Peak to Peak AC hum variation.

The ratio in percentage of the peak to peak AC variation to the average DC level is the percentage of system hum modulation and will not be more than 5%. A low frequency oscilloscope must be used to prevent noise from obscuring the observed wave-form.

EXHIBIT "C"

City of Bend Franchise Ord. No. 806

TECHNICAL DESCRIPTION

Jerrold antennas will be installed at Hoodoo Butte for the reception of TV signals. These antennas will be the latest, most effective YAGI antennas for CATV use. The signals from these antennas will be fed into the proper de-modulators, then into solid-state microwave equipment furnished by Microwave Associates.

The microwave signals will be sent into receiving equipment at Awbrey Butte and placed into the TV Cable and then transported to the BEND TV CABLE CO. office. There, it will go into switching equipment that is also being served by signals from the present antenna sites. In the event of any failure of the microwave signals the present antenna signals will be available for service.

A total of $125,000 will be invested in the microwave facilities, including the building at Hoodoo Butte, the receiving antennas, microwave transmitters, demodulators, microwave transmitting and receiving antennas, microwave receivers, re-modulators, towers, and building at Awbrey Butte.

The old cable system will be replaced with aluminum cable and Cascade Electronics solid-state equipment. Where relatively new cable is in place due to previous replacement of cable or new construction within the past six years, additional equipment will be added to make this portion of the system compatible with the re-built 12-channel operation.

A total of $325,000 will be invested in the cable replacement, amplifier replacement, customer connection devices (directional taps) antenna run from Awbrey Butte, ladder trucks, transfer of customers from old cable to new cable, improvement of old antenna sites and antenna run from these sites to office, and installation of weather channel equipment.

EXHIBIT "D"

City of Bend Franchise Ord. No. 806

From bid of Cascade Electronics, Ltd.:	COSTS
Amplifiers, models CETA, CETC, CEBA, CELE, and others, total in excess of 300, according to standard Cascade engineering.	$ 59,142.00
Associated equipment and fittings.	6,287.99
Cable (Superior Cable Co.) aluminum, in excess of 130,000 feet of trunk cable and 300,000 feet of feeder cable.	57,501.28
Contract labor for construction and installation of above, plus furnishing and installing strand, system alignment and balancing, and engineering supervision as required during system construction.	101,982.50
Subscriber connection equipment, approximately 1,895 units, installed.	30,095.67
Labor, relocating approximately 3,100 subscriber drops (estimated)	31,000.00
Test equipment and closed-circuit equipment, including Weather Channel (estimated)	10,000.00
2 Hydraulic ladder trucks (estimated)	17,000.00

Miscellaneous, engineering, spare equipment, contingencies	11,990.56	$325,000.00
Bid of Microwave Associates, Inc.:		
7 Channels, CARS band microwave equipment:		
7 each, MA85T013-115 (transmitters)	$ 62,100.00	
7 each, MA85R013-115 (receivers)		
1 Dual-polarized 10-foot dish system	5,799.20	
1 8' x 8' metal building (air-conditioned), installed	2,800.00	
1 30' self-supporting tower, installed, Awbrey Butte	1,750.00	
Alignment; system check-out, labor and expenses	1,350.00	
7 Demodulators (estimated)	7,000.00	
7 Modulators (estimated)	7,000.00	
11 Receiving antennas @ $275 each	3,025.00	
Building at Hoodoo (estimated)	22,200.00	
Test equipment (estimated)	5,000.00	
Miscellaneous, engineering, and contingencies	6,975.80	125,000.00
TOTAL ESTIMATED AND ACTUAL COSTS OF REBUILDING AND MICROWAVE		$450,000.00

ORDINANCE NO. NS-807

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.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

A tract of land containing 8.78 acres, more or less, situated in the southeast one-quarter of the southeast one-quarter (SE 1/4 SE 1/4) of Section 28, Township 17 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at the corner common to Sections 27, 28, 33 and 34, Township 17, South Range 12, East, Willamette Meridian, Deschutes County, Oregon; thence North 00°12'00" East along the east line of Section 28 a distance of 620.71 feet to the true point of beginning for this description; thence North 70°29'39" West 112.55 feet; thence South 79°20'23" West 126.21 feet; thence North 37°04'23" West 90.00 feet; thence South 66°47'03" West 461.50 feet; thence North 70°45'00" West 190.00 feet to the southeast corner of Lot 1, Block 2, Selken Subdivision, City of Bend; thence due North 95.00 feet; thence due West 110.00 feet to the east right-of-way of 13th Street; thence along said right-of-way due North 20.00 feet; thence North 41°00'00" East 33.43 feet; thence along the arc of a 100.00 foot radius curve to the right 85.52 feet; the long chord of which bears North 65°30'00" East 82.96 feet; thence due East 182.27 feet; thence due North 70.00 feet to a point on the north right-of-way of Revere Avenue which point is also the southwest corner of Lot 10, Block 1, Monarch Estates; thence due East along the north right-of-way of Revere Avenue 95.17 feet; thence due North 100.75 feet;

thence due East 216.19 feet; thence North 14°02'10" East 41.23 feet; thence North 11°18'36" East 76.48 feet; thence North 42°11'51" East 101.24 feet; thence North 30°57'50" East 52.48 feet; thence North 00°57'17" West 60.00 feet; thence North 29°07'27" West 80.13 feet; thence North 41°06'05" West 29.40 feet to a point on the north line of said southeast one-quarter of the southeast one-quarter (SE 1/4 SE 1/4) of Section 28; thence along said forty line South 89°36'09" East 348.00 feet to the south one-sixteenth corner between Sections 27 and 28; thence along the east line of said Section 28, South 00°12'00" West 696.87 feet to the true point of beginning of this description.

SECTION 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 6th day of August, 1969, 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 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 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 July, 1969.

Read for the second time the 16th day of July, 1969.

Placed upon its passage the 16th day of July, 1969.

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 16th day of July, 1969.

Robert L. Brunton
Mayor

ATTEST:

Lucia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-808

AN ORDINANCE AMENDING ORDINANCE NO. NS-796, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR A CERTAIN AREA BY AMENDING THE ZONING DISTRICT MAP.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 is amended by changing the ZONING DISTRICT MAP as follows:

Lots 1 to 4, inclusive, Block 5,
Highland Addition

from Low-Density Residential Zone R-1 to Limited Commercial Zone C-2.

Read for the first time July 2, 1969.

Read for the second time July 16, 1969.

Placed upon its passage July 16, 1969.

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 16th day of July, 1969.

Robert L. Bruett
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-809

AN ORDINANCE AMENDING ORDINANCE NO. NS-796, THE ZONING ORDINANCE, BY ADDING CERTAIN USES IN THE TOURIST-COMMERCIAL ZONE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 3.210 Uses Permitted Outright is hereby amended to include the following uses:

11. Business or Professional Office.
12. Medical or Dental Clinic.

Read for the 1st time the 2nd day of July, 1969.

Read for the 2nd time the 16th day of July, 1969.

Placed upon its passage the 16th day of July, 1969.

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor the 16th day of July, 1969.

Robert L. Bruett
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-810

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:

Lots One (1), N. 30' of Lot 2, Block Thirteen (13), 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 3rd day of September, 1969, 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 operative upon the passage hereof 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 the 16th day of July, 1969.

Read for the second time the 6th day of August, 1969.

Placed upon its passage this 6th day of August, 1969.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 6th day of August, 1969.

Robert K. Burtt
Mayor

ATTEST:

Julia S. Johnson
Recorder

ORDINANCE NO. NS-811

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 tne provisions of Ordinance No. NS-807 tne City Commission of tne City of Bend, tne City legislative body, did elect to dispense witn submitting tne question of annexation of tne following described real property to tne registered voters of tne City of Bend and did fix tne 6tn day of August, 1969, at tne nour of 7:30 o'clock p.m., in tne City Commission Chambers of tne City Hall, Bend, Oregon, as tne time and place for tne registered voters of tne City of Bend to appear and be neard on tne question of annexation of tne following described real property, and did cause notice tnereof to be publisned once eacn week for two successive weeks prior to tne day of nearing in a newspaper of general circulation in tne City of Bend and did cause notice of tne nearing to be posted in four public places in tne City for a like period wnicn said nearing was neld at tne time and place aforesaid.

Section 2. Tne following described real property located witnin tne County of Descnutes, State of Oregon, more particularly described as follows:

A tract of land containing 8.78 acres, more or less, situated in tne soutneast one-quarter of tne soutn-east one-quarter (SE 1/4 SE 1/4) of Section 28, Townsnip 17 Soutn, Range 12 East, Willamette Meridian, Descnutes County, Oregon, more particularly described as follows:

Beginning at tne corner common to Sections 27, 28, 33, and 34, Townsnip 17 Soutn, Range 12 East, Willamette Meridian, Descnutes County, Oregon; tnence North 00° 12'00" East along tne east line of Section 28 a dist-ance of 620.71 feet to tne true point of beginning for tnis description; tnence Nortn 70°29'39" West 112.55 feet; tnence Soutn 79°20'23" West 126.21 feet; tnence Nortn 37°04'23" West 90.00 feet; tnence Soutn 66°47'03" West 461.50 feet; tnence Nortn 70°45'00" West 190.00 feet to tne southeast corner of Lot 1, Block 2, Selken Subdivision, City of Bend; tnence due Nortn 95.00 feet; tnence due West 110.00 feet to tne east rignt of way of 13tn Street; tnence along said rignt of way due Nortn 20.00 feet; tnence Nortn 41° 00'00" East 33.43 feet; tnence along tne arc of a 100.00 foot radius curve to tne rignt 85.52 feet, tne long cnord of wnicn bears Nortn 65°30'00" East 82.96 feet; tnence due East 182.27 feet; tnence due Nortn 70.00 feet to a point on tne nortn rignt of way of Revere Avenue wnicn point is also tne soutnwest corner of Lot 10, Block 1, Monarcn Estates; tnence due East along tne nortn rignt of way of Revere Avenue 95.17 feet; tnence due Nortn 100.75 feet; tnence due East 216.19 feet; tnence Nortn 14°02'10" East 41.23 feet; tnence Nortn 11°18'36" East 76.48 feet; tnence Nortn 42°11'51" East 101.24 feet; tnence Nortn 30°57'50" East 52.48 feet; tnence Nortn 00°57'17" West 60.00 feet; tnence Nortn 29°07'27" West 80.13 feet; tnence Nortn 41°06'05" West 29.40 feet to a point on tne nortn line of said soutneast one-quarter of tne soutneast one-quarter (SE 1/4 SE 1/4) of Section 28; tnence along said forty line Soutn 89° 36'09" East 348.60 feet to tne south one-sixteentn corner between Sections 27 and 28; tnence along tne east line of said Section 28, Soutn 00°12'00" West 696.87 feet to tne true point of beginning for tnis description.

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 6th day of August, 1969.

Read for the second time this 20th day of August, 1969.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 20th day of August, 1969.

Robert L. Brattain
Mayor

ATTEST:

Julia S. Johnson
Recorder

ORDINANCE NO. NS-812

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-810 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 3rd day of September, 1969, 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:

> Lot 1, N. 30' of Lot 2, Block 13, Bonne Home Addition, City of Bend, Deschutes County, Oregon.

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

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

Read for the first time this 3rd day of September, 1969.

Read for the second time this 17th day of September, 1969.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 17th day of September, 1969.

Robert L. Brist
Mayor

ATTEST:

Julia S. Johnson
Recorder

Repealed by NS-1132

ORDINANCE NO. NS-813

AN ORDINANCE PROVIDING FOR THE LICENSING OF THE BUSINESS OF PRIVATE DETECTIVE AND MERCHANT PATROL BY AMENDING CITY OF BEND ORDINANCE NO. NS-773.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Article I, Section 1 of Ordinance No. NS-773 is amended by adding to the end thereof the following: "Private Detective and Merchant Patrol, $25 per calender year" for each agency plus $10 for each employee or member of the agency.

SECTION 2. Article II of Ordinance No. NS-773 is amended by adding a new Section 15 A to read:

Section 15 A. Private Detective and Merchant Patrol.

(a) A "private detective" for purposes of this section, is a person who accepts employment for a consideration to furnish or supply information as to the personal character or actions or identity of a person or as to the character or kind of business or occupation of a person. The term shall not include within its meaning a private investigator employed exclusively by one employer in connection with a business, nor shall it include a detective or officer belonging to a law enforcement agency of the United States or any State, County, or City while engaged in the performance of his official duties, nor shall it include any insurance adjustor licensed by the State of Oregon when the adjustor is adjusting insurance.

"Merchant Patrol" for the purposes of this section means any firm, person, partnership or corporation engaged in the business of watching, guarding or protecting premises, property or persons; provided, however, that the term shall not include any individual who has only one employer and who is employed to watch, guard or protect only the premises, property or person of that employer, or any common carrier engaged in interstate commerce, or any individual employed by such carrier or carriers to watch, guard or protect premises, property, or persons of such carrier.

(b) Application for licenses issued hereunder shall contain, in addition to that information required by the City of Bend standard business license application form, such other information as the Chief of Police shall find reasonably necessary to carry out the purposes of this section. The application shall be accompanied by a full set of finger prints and a recent photograph of the applicant. The application shall also be accompanied by an

application fee of $10, which is nonrefundable but which shall be applied to the cost of the license hereunder if such a license is issued.

(c) Within 15 days after receipt of an application as provided for herein, the Chief of Police may cause an investigation to be made of the applicant and the proposed operation. Within 30 days after filing the application, the Chief of Police shall submit his recommendations to the City-Recorder. If the Chief of Police recommends issuance of a license, the City Recorder will notify the applicant and issue the license. If the Chief of Police recommends that the application be denied, the City-Recorder shall so notify the applicant. If the application is denied, the Chief of Police shall submit a report thereon to the City Commission and the applicant affected thereby may appeal such denial to the City Commission in writing within 10 days from the date of the denial.

(d) Every employee of a private detective or merchant patrol business as defined herein shall, before entering on such duties, make application to the Chief of Police for an identification card. The applicant shall furnish two pictures of not less than two by two and one-half inches and also provide finger prints on the application. The application shall contain sufficient information for identification and shall be kept on file in the office of the Chief of Police. Upon receipt of said application, together with a fee of $2 to cover the administrative costs, the Chief of Police may in his discretion issue an identification card to the applicant. Said card shall not be transferable and the card shall have thereon a picture of the applicant. Said card shall be carried upon the person of the applicant at all times while on duty. The card must be returned to the Chief of Police upon the employee ceasing occupation with the detective agency or merchant patrol business.

(e) The identification card as provided beforehand shall be in the nature of a permit to operate as an employee of a detective agency or merchant patrol business and said permit shall be revocable in the discretion of the Chief of Police for cause. Upon such revocation or suspension the Chief of Police shall submit a report thereof to the City Commission and the employer of the employee affected thereby may appeal such revocation of permit to the City Commission in writing within 10 days from the date of suspension or revocation.

(f) No private detective, detective agency or merchant patrolman license shall be issued until the applicant files with the Recorder-Treasurer surety bond executed by such applicant with a surety company authorized to transact business in the state in the sum of one thousand dollars if the license sought be for a private detective employed by a licensed detective agency, in the sum of five thousand dollars if the license be for a detective agency or a private detective not employed by a detective agency and two thousand dollars for a merchant patrol business, conditioned for the faithful and honest conduct of the business of a private detective, detective agency or merchant patrol.

(g) Licenses issued hereunder shall be subject to revocation or suspension by the Chief of Police for violation of any laws of the United States, State of Oregon or City of Bend, or misconduct by the licensee or his employees, after reasonable notice and opportunity to be heard has been given the licensee. The Chief of Police shall immediately notify any licensee, by personal service, of such suspension or revocation, and submit a report thereof to the City Commission.

(h) The Chief of Police shall have the authority to enact and enforce reasonable rules and regulations for the operation of private detective or merchant patrol businesses in the interest of public safety, health and welfare and to effectuate the general purposes of this section.

(i) No private detective or merchant patrolman holding a license granted under the provisions of this section shall divulge to anyone other than his employer, except as may be required by law, any information obtained by him in such employer's service.

No private detective or merchant patrolman holding a license granted under the provisions of this section shall make a false report or account to his employer.

(j) Within 24 hours of the termination of employment of any employee of any licensee, notice of such termination shall be given by the licensee in writing to the Chief of Police. Failure to comply with this section shall result in revocation of the license of the private detective or merchant patrol business.

(k) If at any time new facts arise or become known to the Chief of Police which would be sufficient to warrant refusal or withholding a license under the terms of this section, the Chief of Police shall notify the licensee of the facts and further inform the licensee that unless the same are satisfactorily explained and this section complied with forthwith, the license shall be revoked.

(l) No private detective or merchant patrolman, guard, or other licensee under this section and not a member of the police or fire department shall wear a uniform, cap, badge, or buttons substantially similar to the kind used by members of the police department or fire department.

Read for the 1st time the 17th day of September, 1969.

Read for the 2nd time the 1st day of October, 1969.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 1st day of October, 1969.

Robert L. Bratton
Mayor

ATTEST:

Josia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-814

AN ORDINANCE AMENDING ORDINANCE NO. NS-469, THE TRAFFIC CONTROL ORDINANCE, BY PROVIDING FOR WAIVER OF PARKING REGULATIONS UNDER CERTAIN CIRCUMSTANCES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 25 of Ordinance No. NS-469 is amended by adding a new subsection which shall read:

(b) Enforcement of parking meter regulations contained in Sections 21, 22 and 23 of this ordinance may be waived by the City Commission on application by a nonprofit organization such as the Chamber of Commerce representing all or substantially all of the property owners in metered areas for promotional or other purposes intended to benefit the metered areas upon such terms and conditions as the City Commission may prescribe.

Read for the first time the 1st day of October, 1969.

Read for the second time the 15th day of October, 1969.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 15th day of October, 1969.

Robert L. Bratton
Mayor

ATTEST:

Josia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-815

AN ORDINANCE ADOPTING CHANGES IN STATE LAW FOR THE PLANNING COMMISSION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance No. NS-691 is amended by adoption of Chapter 430 Oregon Laws 1969.

Read for the first time the 5th day of November, 1969.

Read for the second time the 19th day of November, 1969.

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 19th day of November, 1969.

Robert L. Bristol
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

AMENDED BY ORD. # NS-1334

ORDINANCE NO. NS-816

Repealed by ORD. NO. NS-1399

AN ORDINANCE CREATING AN AIRPORT COMMISSION TO SUPERVISE THE OPERATION OF THE BEND CITY AIRPORT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The Bend City airport shall be supervised by an Airport Commission consisting of five members. One member shall be a Bend City Commissioner and this member shall serve as chairman of the Airport Commission. The remaining four members shall be appointed by the Mayor and at least three of these four members shall be residents of the City of Bend. The terms of office for the four members shall be as follows: the first member shall serve a term expiring one year from the date of his appointment; the second member shall serve a term expiring two years from the date of his appointment; the third member shall serve a term expiring three years from the date of his appointment; and the fourth member shall serve a term expiring four years from the date of his appointment. Thereafter members shall be appointed for two year terms. The appointments of all members excepting the chairman may be terminated before the expiration of their term by the City Commission.

Section 2. The Airport Commission shall have the power and authority to supervise the operation, maintenance and improvement of the airport; and to promulgate rules and regulations in connection with the exercise of this authority. All rules and regulations promulgated by the Airport Commission, or any other exercise of authority by the Airport Commission as granted by this ordinance shall be subject to disapproval by the Bend City Commission; and upon notice of disapproval the Airport Commission shall forthwith refrain from the disapproved activity.

Section 3. The Airport Commission shall supervise the disbursement of funds budgeted for the airport by the City of Bend except that any expenditure of funds in excess of $2,000 shall be first approved by the Bend City Commission.

Section 4. The Airport Commission shall not incur any debt except as funds are budgeted for the operation of the airport by the city; and shall not contract any obligation except with the approval by the City Commission.

Section 5. The Airport Commission shall report to the City Commission on its activities at least twice each year.

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Read for the first time the 5th day of November, 1969.

Read for the second time the 19th day of November, 1969.

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 19th day of November, 1969.

Robert L. Bristol
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-817

AN ORDINANCE FOR A TRAFFIC CONTROL; ADOPTING A CERTAIN PORTION OF THE OREGON REVISED STATUTE AMENDING ORDINANCE NO. NS-469.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

(a) The following sections of the State of Oregon motor vehicle laws, as amended by Oregon Laws 1969, are hereby adopted by reference the same as if fully set out herein:

ORS 481.012	"Commercial vehicle" defined.
ORS 481.015	"County highway," "dealer," "department," and "farm tractor" defined.
ORS 481.020	"Highway" defined.
ORS 481.030	"Motor bus" defined.
ORS 481.040	"Motor vehicle," "nonresident," "operator," "owner," and "pneumatic tire" defined.
ORS 481.050	"State," "state highway," and "taxicab" defined.
ORS 481.055	"Tractor trailer" defined.
ORS 481.060	"Trailer" defined.
ORS 481.070	"Used vehicle" and "vehicle" defined; weights and measures.
ORS 481.075(2)	Purposes and application of chapter; exclusions.
ORS 481.080	Applicability of chapter to foreign consuls.
ORS 481.155	Nonresidents' privileges; registration of foreign vehicles operated for profit; reciprocity.
ORS 481.230(4)	Fastening of registration card to vehicle.
ORS 481.255	Display of license plates required.
ORS 481.260	Issuance and display of temporary permits.
ORS 481.370	Conduct of wrecking business.
ORS 482.010	"Canceled," "chauffeur," "department," "farm tractor," "highway," "motor vehicle," and "license" defined.
ORS 482.020	"Nonresident," "operator," "owner," and "renewal" defined.
ORS 482.030	"Revocation," "school bus," "suspension," and "vehicle" defined.
ORS 482.040	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.
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 animals.
ORS 483.038	Effect of chapter on permissive use of private roadway.
ORS 483.046	Permitting vehicle to be unlawfully operated.
ORS 483.048	Duty to obey traffic officers; uniform or badge required.
ORS 483.050	Unlawful to drive defectively or unlawfully equipped vehicle.
ORS 483.102	Basic speed rule.
ORS 483.104	Maximum speeds, exceeding which is prima facie evidence of violation.
ORS 483.112	Designation of speed in complaint; speed trap evidence not admissable; use of radar; arrest without warrant in radar cases.
ORS 483.114	Minimum speed regulation.
ORS 483.116	Speed of motor trucks and busses and of vehicles equipped with solid or metal tires.
ORS 483.118	Speed on public bridge, causeway, or viaduct.
ORS 483.120	Application of speed regulations and traffic signs and signals to emergency vehicles; warning devices.
ORS 483.121	Record required when ambulance used; preservation.
ORS 483.122	Speed races prohibited on public ways; publishing or advertising results.
ORS 483.126	Signals for starting, stopping, or turning on highway.
ORS 483.128	Duty to obey traffic signs and signals.
ORS 483.130	Effect of "Go," "Caution," and "Stop" signals.
ORS 483.132	Turning vehicles at intersections when signal is "Go" or "Stop."
ORS 483.134	Effect of "Walk" and "Wait" or "Don't Walk" signals.
ORS 483.136	Effect of flashing signals.
ORS 483.138	Certain signs prohibited along highways.
ORS 483.140	Damaging or removing sign or signal.
ORS 483.202	Right-of-way at intersections.
ORS 483.204	Stop signs or markers at entrances to main or through highways or at intersections.
ORS 483.206	Vehicles entering highway from private road.
ORS 483.208	Stopping to permit emergency vehicle to pass.
ORS 483.210	Rights of pedestrian when no traffic signals.
ORS 483.212	Pedestrian's rights when there are traffic officers.
ORS 483.214	Rights of blind pedestrian with white cane or dog guide; use of white canes restricted.
ORS 483.216	Crossing on right half of crosswalk.
ORS 483.218	Standing in roadway to solicit ride.
ORS 483.222	Stopping before driving onto sidewalk from alley, driveway, or building.
ORS 483.224	Stopping at railroad crossings upon signal or approach of train.
ORS 483.226	Stop signs at dangerous railroad crossings.
ORS 483.228	Busses, and trucks, carrying inflammables or explosives, required to stop at railroad crossings.
ORS 483.230	Moving heavy equipment over railroad tracks.

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ORS 483.302	Duty to drive on right half of the highway.
ORS 483.303	Duty of slow moving vehicles.
ORS 483.304	Normal position of vehicles when highway divided into lanes.
ORS 483.306	Passing vehicles proceeding in opposite direction.
ORS 483.308	When passing is permitted.
ORS 483.310	Method of passing.
ORS 483.312	Proper distance when following other vehicles.
ORS 483.314	Passing horses or other animals.
ORS 483.316	Turns at intersections.
ORS 483.318	U-turns prohibited.
ORS 483.326	Stopping for streetcars and busses.
ORS 483.328	Driving or crossing in front of streetcars.
ORS 483.330	Following fire apparatus or parking in vicinity of fire.
ORS 483.332	Driving vehicle or streetcar over fire hose.
ORS 483.334	Driving through or over safety zones.
ORS 483.336	Coasting upon down grade.
ORS 483.402	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 483.443	Protective headgear for motorcyclists.
ORS 483.444	Brakes required.
ORS 483.445	Specifications for hydraulic brake fluid.
ORS 483.446	Horns and other sound equipment.
ORS 483.448	Mufflers; unnecessary noise prohibited.
ORS 483.450	Rearview mirror.
ORS 483.452	Obstruction of windows prohibited; windshield wiper required.
ORS 483.457	Slow-moving vehicle emblem.
ORS 483.458	Fenders or covers on motor vehicles.
ORS 483.460	Construction of vehicle fenders.
ORS 483.470	Limitations on use of television viewers in motor vehicles.
ORS 483.472	Binders on log loads.
ORS 483.474	Minimum clearance from roadway for passenger motor vehicles.
ORS 483.502	Application of size and weight provisions; violators liable for damages.
ORS 483.504	Restrictions on width, height, and length of vehicles.
ORS 483.506	Maximum axle, wheel and gross weights for vehicles.
ORS 483.508	Restrictions on number of vehicles in a combination; coupling devices.
ORS 483.510	Sifting or leaking loads.
ORS 483.512	Sleds prohibited except with permit.
ORS 483.514	Dragging object on highway prohibited.
ORS 483.516	Pneumatic tires, when required.
ORS 483.518	Metal objects on tires prohibited.

ORS 483.522	General provisions of permits; cancellation.
ORS 483.530	Carrying permit in vehicle.
ORS 483.532	Public bodies authorized to restrict use of highways.
ORS 483.538	Interference with drivers; occupied house trailers.
ORS 483.544	Truck route designation to be by order, resolution or ordinance; erecting appropriate signs; when prohibitions are effective; violation prohibited.
ORS 483.602	Duties of drivers and witnesses at accidents.
ORS 483.604	Driver's duties when he collides with unattended vehicle or other property.
ORS 483.606	Accident reports required.
ORS 483.608	Form of report; sending death certificate to Department of Motor Vehicles.
ORS 483.610	Confidential nature of report; publication of statistics; city authorized to require accident report.
ORS 483.612	Report of vehicles brought to garage or repair shop showing accident or bullet contact.
ORS 483.614	Driver's duty to help animals.
ORS 483.620	When automobile association membership card is acceptable as bail.
ORS 483.628	Driver or chauffeur may be exonerated from over-loading 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.

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

(c) The following chapters and sections of Oregon Laws 1969, relating to State of Oregon motor vehicle laws, are hereby adopted by reference the same as if fully set out herein:

Chapter 628 Prohibiting careless driving.

Section 2. 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, dangerous drugs, 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.

Read for the first time the 4th day of February, 1970.

Read for the second time the 18th day of February, 1970.

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 18th day of February, 1970.

John D. Stenkamp
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-818 —

AN ORDINANCE AMENDING ORDINANCE NO. NS-634 REGULATING GARBAGE AND RUBBISH DISPOSAL AND COLLECTION FRANCHISES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 7 of Ordinance No. NS-634 is amended to read:

"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 10 years provided that there shall be a review of the franchise holders' performance at the end of the first 5 years and the franchise may be terminated if the franchise holder is not performing the franchise strictly according to all of its terms and conditions. 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 and franchises may contain such terms and conditions as determined by the City Commission to be necessary to provide good, efficient refuse collection to the citizens of the City of Bend. Franchise holders may not sell, assign, dispose or in any way transfer any interest in the franchise or permit any transfer of controlling interest in the franchise holder without the prior written approval of the City Commission."

Section 2. Section 9 (A) of Ordinance No. NS-634 is amended to read:

"Section 9. OBLIGATIONS OF REFUSE COLLECTORS.

A. It shall be the responsibility of refuse collectors to provide, maintain and operate a dump for deposit of refuse collected by them and for use by the City of Bend and its citizens as provided in this section. Refuse dump shall not be established at any site by refuse collectors without prior approval of the City of Bend. Refuse dump shall be operated and maintained in strict accordance with applicable laws, rules and regulations of the United States of America, State of Oregon, and their agencies and political subdivisions, including Ordinances of the City of Bend. Refuse dump 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 dump 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. Deschutes County is presently operating a refuse dump and so long as Deschutes County continues to operate a refuse dump which complies with the requirements of this section then such operation will satisfy the obligation of refuse collectors to maintain and operate a dump according to this ordinance, even if Deschutes County charges a fee to Bend citizens using the dump. If Deschutes County at any time discontinues its operation of the dump so that there is no refuse dump reasonably available to Bend citizens then it shall be the obligation of the refuse collectors at their sole expense to provide, maintain and operate a refuse dump reasonably available to Bend citizens for a period not to exceed ninety days from the time Deschutes County might discontinue its operation of the dump. If Deschutes County discontinues its operation of the dump then all the terms and conditions of this ordinance and the ordinances granting franchises to refuse collectors shall be reviewed within the ninety day period during which the refuse collectors operate the dump for Bend citizens. Nothing in this section relating to the operation of a refuse dump for Bend citizens shall be considered as relieving refuse collectors from their sole and exclusive responsibility to secure proper deposit of the refuse they collect."

Read the first time the 1st day of April, 1970.

Read the second time the 15th day of April, 1970.

YEAS: 5 NAYS: 1

Submitted to and approved by the Mayor this 15th day of April, 1970.

John G. Stenhamp
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

AMENDED by NS-1237

Repealed by NS-1277 4-16-80

ORDINANCE NO. NS-819

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

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 southwest 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 franchise granted by this ordinance shall be subject to all the terms and conditions contained in this ordinance and all of the terms and conditions in Ordinance No. NS-634, as amended, the same as if they were set out in this ordinance. Grantee of this franchise shall not commence collecting, handling, transporting or disposing of refuse for a fee under this franchise until it has accepted all of these terms and conditions in writing.

Section 3. The term of this franchise shall be for 10 years from the effective date of this ordinance provided that there shall be a complete review of the grantee's performance of this franchise at the end of 5 years and the franchise may be terminated at that time if the grantee has not complied with all the terms and conditions of this franchise and performed the franchise according to its obligations.

Section 4. The grantee of this franchise shall have a licensed accountant prepare a balance sheet and profit and loss statement at the close of grantee's fiscal year each year, and the grantee shall submit these statements to the City of Bend together with whatever other financial data the City requests, including but not limited to copies of the business schedules of grantee's federal income tax returns that are filed with the Internal Revenue Service.

Section 5. The grantee of this franchise shall conduct its obligations relating to this franchise in an efficient and business-like manner and use every method and device reasonably available to it to furnish good refuse collection services to the citizens of the City of Bend and to improve these services. The methods shall include but not be limited to the grantee reasonably advertising

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its services to secure additional customers and otherwise actively soliciting new customers. Grantee shall promptly respond to all complaints from its customers and shall do whatever is reasonably necessary to remedy complaints from customers that the service provided by grantee do not comply with the obligations of this franchise.

Section 6. The maximum rates that may be charged by the grantee for franchise services are:

For collection in containers holding 32 gallons or less:

One pickup of one container each week	$2 per month.
One pickup of additional containers each week	$1 per month for each add. container.
Court apartments and trailer courts	$1.50 per month.

For each container for one pickup per week and $2.50 per month for each container for two pickups per week.

For collection in containers holding 1 cubic yard or 1-1/2 cubic yards (seven 32 gallon cans = 1 yard, ten 32 gallon cans = 1-1/2 yards):

One pickup for one yard each week	$8 per month
One pickup of 1-1/2 yards each week	$11 per month

Additional pickups for container collections shall be charged by multiplying these rates by the number of additional pickups per week or pro rata part of the monthly rate.

For collections in containers holding 20 gallons or less for persons age 65 or older the rate will be $1.50 per month for one pickup per week if such persons apply to the refuse collector for this reduced rate.

For collections of bulk refuse:

$2.50 for each yard per pickup or $12 for each hour of work requiring one truck and one man or $18 for each hour of work requiring one truck and two men.

Rate increases for extra distance to container or bulk refuse from pickup point:

Up to 150 feet	Regular rate
Over 150 feet	Additional 20%
Pickup from one flight above or one flight below ground level	Additional 25%
Two flights above or below ground level	Additional 50%

Section 7. If the grantee of this franchise at any time fails, refuses or neglects to comply with all the terms and conditions of this franchise after 15 days notice in writing by the City Commission reciting the noncompliance, then the City Commission may terminate the grantee's franchise.

Section 8. Ordinances No. NS-636, NS-682, NS-735, and NS-802, are repealed.

Read for the first time the 1st day of April, 1970.

Read for the second time the 15th day of April, 1970.

YEAS: 5 NAYS: 1

Submitted to and approved by the Mayor this 15th day of April, 1970.

John D. Stenhamp
Mayor

ATTEST:
Julia S Johnson
Recorder-Treasurer

ORDINANCE NO. NS-820 ✓

Repealed by NS1272

AN ORDINANCE GRANTING A REFUSE COLLECTION FRANCHISE TO CASCADE SANITARY SERVICE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The City of Bend hereby grants to Cascade 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.

IA4061

Section 2. The franchise granted by this ordinance shall be subject to all the terms and conditions contained in this ordinance and all of the terms and conditions in Ordinance No. NS-634, as amended, the same as if they were set out in this ordinance. Grantee of this franchise shall not commence collecting, handling, transporting or disposing of refuse for a fee under this franchise until it has accepted all of these terms and conditions in writing.

Section 3. The term of this franchise shall be for 10 years from the effective date of this ordinance provided that there shall be a complete review of the grantee's performance of this franchise at the end of 5 years and the franchise may be terminated at that time if the grantee has not complied with all the terms and conditions of this franchise and performed the franchise according to its obligations.

Section 4. The grantee of this franchise shall have a licensed accountant prepare a balance sheet and profit and loss statement at the close of grantee's fiscal year each year, and the grantee shall submit these statements to the City of Bend together with whatever other financial data the City requests, including but not limited to copies of the business schedules of grantee's federal income tax returns that are filed with the Internal Revenue Service.

Section 5. The grantee of this franchise shall conduct its obligations relating to this franchise in an efficient and business-like manner and use every method and device reasonably available to it to furnish good refuse collection services to the citizens of the City of Bend and to improve these services. The methods shall include but not be limited to the grantee reasonably advertising its services to secure additional customers and otherwise actively soliciting new customers. Grantee shall promptly respond to all complaints from its customers and shall do whatever is reasonably necessary to remedy complaints from customers that the services provided by grantee do not comply with the obligations of this franchise.

Section 6. The maximum rates that may be charged by the grantee for franchise services are:

For collection in containers holding 32 gallons or less:

One pickup of one container each week	$2 per month
One pickup of additional containers each week	$1 per month for each additional container

Court apartments and trailer courts shall be $1.50 per month

For each container for one pickup per week and $2.50 per month for each container for two pickups per week

For collection in containers holding 1 cubic yard or 1-1/2 cubic yards (seven 32 gallon cans = 1 yard, ten 32 gallon cans = 1-1/2 yards):

One pickup for one yard each week $8 per month

One pickup of 1-1/2 yards each week $11 per month

Additional pickups for container collections shall be charged by multiplying these rates by the number of additional pickups per week or pro rata part of the monthly rate.

For collections in containers holding 20 gallons or less for persons age 65 or older the rate will be $1.50 per month for one pickup per week if such persons apply to the refuse collector for this reduced rate.

For collections of bulk refuse:

$2.50 for each yard per pickup or $12 for each hour of work requiring one truck and one man or $18 for each hour of work requiring one truck and two men.

Rate increases for extra distance to container or bulk refuse from pickup point:

Up to 150 feet	Regular rate
Over 150 feet	Additional 20%
Pickup from one flight above or one flight below ground level	Additional 25%
Two flights above or below ground level	Additional 50%

Section 7. If the grantee of this franchise at any time fails, refuses or neglects to comply with all the terms and conditions of this franchise after 15 days notice in writing by the City Commission reciting the noncompliance, then the City Commission may terminate the grantee's franchise.

Section 8. Ordinances No. NS-635, NS-682, NS-735, and NS-802 are repealed.

Read for the first time the 1st day of April, 1970.

Read for the second time the 15th day of April, 1970.

YEAS: 5 NAYS: 1

Submitted to and approved by the Mayor this 15th day of April, 1970.

John G. Stenhamp
Mayor

ATTEST:

Julia S Johnson
Recorder-Treasurer

ORDINANCE NO. NS-821

AN ORDINANCE AMENDING ORDINANCE NO. NS-796, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR A CERTAIN AREA BY AMENDING THE ZONING DISTRICT MAP.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 is amended by changing the ZONING DISTRICT MAP as follows:

All of Block 1, Cascade Addition.
Lots 1, 2, 3, 4, 12, 13, Block 2, Cascade Addition.
Lots 1 through 10, inclusive, Block 4, Cascade Addition.
Lots 10 through 18, inclusive, Block 8, Center Addition.

from M-2 Heavy Industrial Zone to C-2 Limited Commercial Zone.

Section 2. EMERGENCY CLAUSE. This ordinance being necessary for the immediate preservation of the public peace, health, and safety, an emergency is hereby declared to exist and this ordinance will become effective upon its passage.

Read for the first time the 1st day of April, 1970.

Read for the second time the 15th day of April, 1970.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 15th day of April, 1970.

John G. Stenkamp
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-822

AN ORDINANCE AMENDING THE BUSINESS LICENSING CODE BY LICENSING HEATING OR AIR CONDITIONING OR VENTILATING OR SHEET METAL CONTRACTORS, OR HEATING OR AIR CONDITIONING SYSTEM CLEANING CONTRACTORS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance No. NS-773 is amended by adding thereto the following business classification and license fee:

"Heating or Air Conditioning or Ventilating or Sheet Metal Contractors, or Heating or Air Conditioning System Cleaning Contractors. $50 initial fee plus $50 for each calendar year."

Section 2. A new section 9A is added to Ordinance No. NS-773 which shall read:

"Section 9A.

(a) Heating or Air Conditioning or Ventilating or Sheet Metal Contractors or Heating or Air Conditioning System Cleaning Contractors, shall include any person, firm or corporation who for hire engages in installing, repairing, replacing, altering or cleaning any hot air heating system or any other type of heating system or any air conditioning system or any ventilating system or engages in like sheet metal work either under a subcontract with a general contractor or on a time and material basis or under a direct contract with the owner of the building or structure on which the work is being performed.

(b) Heating or Air Conditioning or Ventilating or Sheet Metal or Heating or Air Conditioning System Cleaning Contractors shall not engage in the businesses until they have an effective policy of comprehensive liability insurance with endorsement for completed operations and with policy limits of $25,000/$50,000 and $25,000 property damage."

Read for the first time the 6th day of May, 1970.

Read for the second time the 20th day of May, 1970.

YEAS: 6 NAYS: 0

Approved by the Mayor this 20th day of May, 1970.

John G. Stenkamp
Mayor

ATTEST:

Irma S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-823

AN ORDINANCE AMENDING ORDINANCE NO. NS-773 BUSINESS LICENSING CODE BY CHANGING TAXICAB LIABILITY INSURANCE LIMITS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 18 (i) of Ordinance No. NS-773 is amended to read:

"(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/$100,000 bodily injury and $10,000 property damage."

Read for the first time the 20th day of May, 1970.

Read for the second time the 3rd day of June, 1970.

YEAS: 6 NAYS: 0

Approved by the Mayor this 3rd day of June, 1970.

John G. Stenkamp
Mayor

ATTEST:

Irma S. Johnson
Recorder of the City of Bend

recorded

ORDINANCE NO. NS-824

AN ORDINANCE VACATING A PORTION OF SEWARD AND THURSTON AVENUES AND THE ALLEYS IN BLOCKS 35 and 36, RIVERSIDE ADDITION TO 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 May, 1970, requesting that the following described property in the City of Bend, County of Deschutes, State of Oregon, be vacated:

> That portion of E. Seward Avenue from E. Third Street to E. Fourth Street which lies between Blocks 36 and 37 in Riverside Addition to Bend; that portion of E. Thurston Avenue between E. Third Street and E. Fourth Street which lies between Blocks 35 and 36 of Riverside Addition to Bend; and the alleys within Blocks 35 and 36 of Riverside Addition to 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 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 a petition filed by Irl N. Wagner, said vacation proceedings to vacate the following described public ways:

1. East Seward Avenue between E. Third Street and E. Fourth Street, between Blocks 36 and 37, Riverside Addition;

2. East Thurston Avenue between E. Third Street and E. Fourth Street, between Blocks 35 and 36, Riverside Addition;

3. The alleys running North and South, and East and West in Block 36, Riverside Addition; and

4. The alleys running North and South, and East and West in Block 35, Riverside Addition,

all in the City of Bend, Deschutes County, Oregon.

The City Commissioners of the City of Bend, Oregon have fixed the 3rd day of June, 1970, 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 objections to the said vacation proceedings.

JULIA S. JOHNSON
Recorder-Treasurer

Publish: May 5, 1970
May 12, 1970
May 19, 1970
May 26, 1970

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 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 the hearing having been held, and no objections were made; and the City Commission having determined that the consent 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 ORDERED that the above-described streets and alleys be, and the same hereby are, vacated and said vacation is hereby made a matter of record. The City Recorder-Treasurer 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 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 20th day of May, 1970.

Read for the second time the 3rd day of June, 1970.

YEAS: 6 NAYS: 0

Approved by the Mayor this 3rd day of June, 1970.

John S. Stenhamp
Mayor

ATTEST:

Lucia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-825

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.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

A tract of land located in the southwest one-quarter of the southwest one-quarter (SW 1/4 SW 1/4) of Section 27, Township 17 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at the northwest corner of the SW 1/4 of the SW 1/4 of said Section 27, being the initial point, thence north 89°35'28" east, 567.22 feet to a 1 1/2" iron pin - being the true point of beginning; thence north 89°35'28" east, 584.10 feet; thence south 01°26'23" east, 562.55 feet; thence south 88°11'32" west, 197.49 feet; thence north 00°16'20" east, 96.08 feet; thence around a 120.30 foot radius curve right 60.69 feet, long chord bears south 87°52'18" west, 60.05 feet; thence south 00°16'20" west, 95.74 feet; thence south 88°11'32" west, 343.71 feet; thence north 00°16'20" east, 577.18 feet to the point of beginning, containing 7.62 acres, more or less. Bearings are based on plat of Eastwood Addition.

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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 July, 1970, 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 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 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 the 3rd day of June, 1970.
Read for the second time the 17th day of June, 1970.
Placed upon its passage the 17th day of June, 1970.
YEAS: 7 NAYS: 0
Submitted to and approved by the Mayor this 17th day of June, 1970.

John D. Stenkamp
Mayor

ATTEST:

Janis S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-826

AN ORDINANCE AMENDING ORDINANCE NO. NS-796 BY PERMITTING A VETERINARY CLINIC AS A CONDITIONAL USE IN THE C-1 ZONE AND ALLOWING RESUMPTION OF RESIDENTIAL USE IN CERTAIN ZONES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 3.220 of Ordinance No. NS-796 is amended by adding as another conditional use "Veterinary clinic or kennel."

SECTION 2. Section 7.020.1 of Ordinance No. NS-796 is amended to read:

"If a nonconforming use involving a structure is discontinued from use for a period of 3 months, further use of the property shall conform to this ordinance; except that previous residential use may be resumed as a conditional use pursuant to Article 6."

SECTION 3. Sections 3.220, 3.320, 3.420, 3.620 and 3.720 are amended by adding as another conditional use "The resumption of a residential use for single, two or multi-family dwellings as the use has been previously conducted where such use has been discontinued."

Read for the first time the 3rd day of June, 1970.

Read for the second time the 17th day of June, 1970.

Placed upon its passage the 17th day of June, 1970.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 17th day of June, 1970.

John G. Stenkamp
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-827

AN ORDINANCE ASSESSING THE COST OF REMOVING A DANGEROUS BUILDING.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1: Pursuant to a decree of the Deschutes County Circuit Court dated August 28, 1969, in Patrick v. City of Bend, et al, Case No. 14499, a dangerous building located on Lot 14 of Block 41, Riverside Addition to the City of Bend, Deschutes County, Oregon, was removed pursuant to Ordinance No. NS-176.

SECTION 2: Prior to removal of this dangerous building, all of the procedural requirements of Ordinance No. NS-176 were complied with. The cost of removing this dangerous building was $381.75.

SECTION 3: Therefore, pursuant to Section 3 of Ordinance No. NS-176, $381.75 is hereby declared to be a lien against Lot 14, Block 41, Riverside Addition to the City of Bend, Deschutes County, Oregon. This lien shall be entered in the docket of City Liens and enforced and collected in the same manner as other City Liens.

Read for the first time the 3rd day of June, 1970.

Read for the second time the 17th day of June, 1970.

Placed upon its passage the 17th day of June, 1970.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 17th day of June, 1970

John G. Stenkamp
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

AMENDED BY ORD. # NS-1327 NS-1765

repealed 4-6-83 NS-1375

ORDINANCE NO. NS-828

AN ORDINANCE REGULATING THE USE OF PUBLIC WAYS AND PUBLIC PROPERTY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. No person, firm or corporation shall use the public ways or public property for the erection of poles, installation of wires or any other apparatus or appliances except pursuant to a franchise or permit issued by the City of Bend, without paying the City of Bend monthly for the use of such public ways and property a fee equal to three percent of the user's gross local service revenues, excluding U.S.A. revenues resulting from the use of the apparatus within the corporate limits of the City of Bend.

SECTION 2. Any person, firm or corporation violating this ordinance shall, upon conviction, be punished by a fine of not more than $100. Each day that the violation continues shall constitute a separate offense.

SECTION 3. This ordinance is necessary for the immediate preservation of the public peace, health and safety because persons are using or are about to use the public ways and property without a franchise or permit so an emergency is declared to exist, and this ordinance shall take effect upon its passage.

Read for the first time June 17, 1970.
Read for the second time July 1, 1970.
Placed upon its passage July 1, 1970.
YEAS: 6 NAYS: 0
Submitted to and approved by the Mayor this July 1, 1970.

John G. Stenkamp
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

IAA061

ORDINANCE NO. NS-829

AN ORDINANCE AMENDING ORDINANCE NO. NS-796, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR A CERTAIN AREA BY AMENDING THE ZONING DISTRICT MAP.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2.070 of Ordinance No. NS-796 is amended by changing the ZONING DISTRICT MAP as follows:

A tract of land containing 21 acres, more or less, situated in the northwest one-quarter of the northwest one-quarter (NW 1/4 NW 1/4) of Section 27, Township 17 South, Range 12, E.W.M., Deschutes County, Oregon

from R-1 Low Density Residential Zone to P-D Planned Development Zone.

SECTION 2. EMERGENCY CLAUSE. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is hereby declared to exist and this ordinance will become effective upon its passage.

Read for the first time the 17th day of June, 1970.

Read for the second time the 1st day of July, 1970.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 1st day of July, 1970.

John G. Stenhomp
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-830

AN ORDINANCE AMENDING ORDINANCE NO. NS-796, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR A CERTAIN AREA BY AMENDING THE ZONING DISTRICT MAP.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2.070 of Ordinance No. NS-796, is amended by changing the ZONING DISTRICT MAP as follows:

Lots 1, 2, 3, 4, 5, Block 4, Wiestoria Addition in the City of Bend, Deschutes County, Oregon

from M-1 Light Industrial to C-2 Limited Commercial Zone.

Read for the first time the 17th day of June, 1970.

Read for the second time the 1st day of July, 1970.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 1st day of July, 1970.

John G. Stenhomp
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-831

AN ORDINANCE AMENDING ORDINANCE NO. NS-744 BY SHORTENING THE ABATEMENT PERIOD OF NUISANCES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 19 (3) (b) of Ordinance No. NS-744 is amended to read:

"(b) A direction to remove the nuisance within 15 days from the date of the notice."

SECTION 2. Section 20 (1) of Ordinance No. NS-744 is amended to read:

"(1) Within 15 days after the date of the notice as provided in Section 19 (3) (b) the owner of the property, or his agents, shall remove and abate the nuisance described in the notice."

SECTION 3. Section 20 (4) of Ordinance No. NS-744 is amended to read:

"(4) Upon City Commission determination that a nuisance does in fact exist, the owner of the property, or his agent, shall within five days after such City Commission determination remove or abate the nuisance."

Read for the first time the 17th day of June, 1970.

Read for the second time the 1st day of July, 1970.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 1st day of July, 1970.

John G. Sleaman
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

IAA061

ORDINANCE NO. NS-832

AN ORDINANCE MAKING THE OWNER OF A VEHICLE PARKED IN VIOLATION OF THE PARKING REGULATION PERSONALLY RESPONSIBLE, PROVIDING FOR CITATION OF THE VEHICLE; CREATING A PRESUMPTION: AND PROVIDING FOR IMPOUNDMENT OF VEHICLES; AND AMENDING CITY OF BEND ORDINANCE NO. NS-469.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Ordinance No. NS-469, Section 70 is amended to read:

"Section 70. Owner Responsibility. Unless a citation has been issued to the operator personally, the owner of any vehicle found parked in violation of any city regulation may be held personally responsible for the parking violation. In any prosecution under this section, proof by the owner that the party parking the vehicle in violation of the city regulation secured the use of the vehicle without the owner's consent shall be a defense."

SECTION 2. Ordinance No. NS-469, Section 71 is amended to read:

"Section 71. Citation of Illegally Parked Vehicle.
(1) Whenever an unattended vehicle is found parked in violation of any city regulation, the officer finding the vehicle shall take its license number and any other identifying information displayed on the vehicle which may identify its owner and shall conspicuously affix to the vehicle a traffic citation for the

operator to answer to the charge against him or pay the penalty imposed within ten days and during the hours and at the place specified in the citation.
(2) If the operator does not respond to the traffic citation affixed to such vehicle within a period of five days, the Chief of Police shall send to the owner of the vehicle to which the traffic citation was affixed a letter informing the owner of the violation and warning him that in the event that the letter is disregarded for a period of five days a warrant may be issued for the arrest of the owner."

SECTION 3. Ordinance No. NS-469, Section 72 is amended to read:

"Section 72. Registered Owner Presumption. In a prosecution of a vehicle owner for a violation of a parking regulation, proof that the vehicle at the time of the alleged violation was registered to the defendant shall constitute a disputable presumption that the defendant was then the owner in fact."

SECTION 4. Ordinance No. NS-469 is amended by adding a new Section 72 A, to read:

"Section 72 A. Impoundment of Vehicle.
(1) Whenever a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a police officer shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended, the officer may cause the vehicle to be towed away and stored at the owner's expense. The owner shall be liable for the costs of towing and storage, notwithstanding that the vehicle was parked by another or that the vehicle was initially parked in a safe manner but subsequently became an obstruction or hazard.
(2) The disposition of a vehicle towed and stored under the authority of this section shall be in accordance with the provisions of Ordinance No. NS-797 relating to the impoundment and disposition of vehicles found abandoned on city streets.
(3) The impoundment of vehicles shall not preclude the issuance of a citation for violation of a provision of this ordinance.
(4) Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner, if police processing cannot be reasonably accomplished at the point of abandonment, and if in the opinion of the police, processing is desirable.
(5) Whenever a police officer observes a vehicle parked in violation of any city regulation, if the vehicle has four or more unpaid parking violations against it, the officer may, in addition to issuing a citation, cause the vehicle to be impounded. A vehicle so impounded shall not be released until all the outstanding fines and charges have been paid, together with the costs of impounding and storing the vehicle. Vehicles impounded under authority of this subsection shall be disposed of in the same manner as provided in Ordinance No. NS-797 relating to impoundment and disposition of vehicles abandoned on city streets."

Read for the first time the 17th day of June, 1970.
Read for the second time the 1st day of July, 1970.
YEAS: 6 NAYS: 0
Submitted to and approved by the Mayor this 1st day of July, 1970.

John P. Sleeth
Mayor

ATTEST:

Lucia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-833 — Repealed by ORD. NO. NS-1399

AN ORDINANCE AMENDING ORDINANCE NO. NS-258 BY CHANGING THE RESIDENCE REQUIREMENTS FOR PAID FIREFIGHTERS.

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 firefighters subject to this ordinance must reside either within the City of Bend or within the boundaries of Deschutes Rural Fire Protection District No. 2 as it exists as of July 1, 1970 provided that their residence must be within the effective and actual communicating range of the radio alerting system used by the Bend City Fire Department."

Read for the first time the 1st day of July, 1970.

Read for the second time the 2nd day of July, 1970.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 15th day of July, 1970.

John G. Stenkamp
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

1AA061

ORDINANCE NO. NS-834 — Revised

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-825 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 July, 1970, 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 tract of land located in the southwest one-quarter of the southwest one-quarter (SW 1/4 SW 1/4) of Section 27, Township 17 south, Range 12 east, Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at the northwest corner of the southwest one-quarter of the southwest one-quarter (SW 1/4 SW 1/4) of said Section 27, being the initial point, thence north 89° 35' 28" east, 567.22 feet to a 1 1/2" iron pin - being the true point of beginning; thence north 89° 35' 28" east, 584.10 feet; thence

south 01° 26' 23" east, 562.55 feet; thence south 88° 11' 32" west, 197.49 feet; thence north 00° 16' 20" east, 96.08 feet; thence around a 120.30 foot radius curve right 60.69 feet, long chord bears south 87° 52' 18" west, 60.05 feet; thence south 00° 16' 20" west, 95.74 feet; thence south 88° 11' 32" west, 343.71 feet; thence north 00° 16' 20" east, 577.18 feet to the point of beginning, containing 7.62 acres, more or less. Bearings are based on plat of Eastwood Addition.

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 15th day of July, 1970.

Read for the second time this 5th day of August, 1970.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 5th day of August, 1970.

John G. Stenkamp
Mayor

ATTEST:

Janice S. Johnson
Recorder of the City of Bend

Vol. 172 P393

ORDINANCE NO. NS-835

AN ORDINANCE VACATING A PORTION OF WEST ELEVENTH STREET 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 July 1, 1970, on its own motion, having adopted a resolution initiating proceedings for the vacation of the following-described real property

> a portion of W. 11th Street from the south line of Block 29, First Addition to Kenwood, northerly to the south line of Saginaw Avenue, in the City of Bend, Deschutes County, Oregon

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, said vacation proceedings to vacate the following described public way:

A portion of W. 11th Street from the South line of Block 30, First Addition to Kenwood, northerly to the south line of Saginaw Avenue, in the City of Bend, Deschutes County, Oregon.

The City Commissioners of the City of Bend, Oregon, have fixed the 5th day of August, 1970, 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 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 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,

1AA061

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 a utility easement, twenty feet in width whose center line shall coincide with the center line of West Eleventh Street as originally platted and extending from the north line of Roanoke Ave. to the south line of Saginaw Ave. all lying within the First Addition to Kenwood Addition within the City of Bend, Deschutes County, Oregon, for the existing use, or future installation, construction maintenance, continuation, reconstruction, repaid, 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 5th day of August, 1970.

Read for the second time the 19th day of August, 1970.

YEAS: 5 NAYS: 2

Submitted to and approved by the Mayor this 19th day of August, 1970.

John S. Stenhammer
Mayor

ATTEST:

Recorder-Treasurer

(Note: Area vacated reduced after public hearing from "S. line of Bl. 30, 1st add to Kenwood" to "S. line of Bl. 29, 1st add to Kenwood"
DD)

Vol. 172, P 391

ORDINANCE NO. NS-836

AN ORDINANCE VACATING THE ALLEY IN BLOCK FORTY-SIX (46), RIVERSIDE ADDITION AND E. WEBSTER AVENUE FROM E. FOURTH STREET TO E. FIFTH STREET.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

A petition having been presented to the Bend City Commission on the 1st day of July, 1970, requesting that the following described property in the City of Bend, County of Deschutes, State of Oregon, be vacated:

> The ALLEY IN BLOCK FORTY-SIX (46), RIVERSIDE ADDITION; and E. WEBSTER AVENUE from E. Fourth Street to E. Fifth Street,

and stating the purpose for which the described property is proposed to be used and 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 Ross B. Hammond Co., Inc., said vacation proceedings to vacate the following described public ways:

> The ALLEY IN BLOCK FORTY-SIX (46), Riverside Addition to Bend, being the east-west alley in the block bounded on the north by Webster Avenue, on the south by Vail Avenue and between E. 4th Street and E. 5th Street; and WEBSTER AVENUE between E. 4th Street and E. 5th Street in the City of Bend, Deschutes County, Oregon.

The City Commissioners of the City of Bend, Oregon, have fixed the 5th day of August, 1970, 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 objections to the said vacation proceedings.

JULIA S. JOHNSON
Recorder-Treasurer

Publish: July 7, 1970
July 14, 1970
July 21, 1970
July 28, 1970

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 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice a hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation, and that the property should be vacated.

NOW, THEREFORE, it is hereby ordered that the above-described real property be and the same hereby is vacated and said vacation is hereby made a matter of record.

The ordinance shall be void and of no effect if Federal Housing Administration approval has not been secured for a low-income housing project for the elderly on the property affected by this ordinance and if substantial construction of the project as approved by the Federal Housing Administration has not taken place within 18 months from the effective date of this ordinance. FHA approval and the existence of substantial construction of the project approved shall be evidenced by a memorandum acknowledging the satisfaction of these conditions to be filed by 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 of Deschutes County, Oregon.

Read for the first time this 5th day of August, 1970.

Read for the second time this 19th day of August, 1970.

Placed upon its passage this 19th day of August, 1970.

YEAS: 4 NAYS: 3

Submitted to and approved by the Mayor this 19th day of August, 1970.

John G. Stenhamp
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-837

AN ORDINANCE AMENDING ORDINANCE NO. NS-796, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR A CERTAIN AREA BY AMENDING THE ZONING DISTRICT MAP.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2.070 or Ordinance No. NS-796, is amended by changing the ZONING DISTRICT MAP as follows:

> All of Block Forty-Six (46) and the South one-half of Block Forty-Seven (47), Riverside Addition in the City of Bend, Deschutes County, Oregon,
>
> from M-1 Light Industrial Zone to R-2 High Density Residential Zone.

SECTION 2. This ordinance shall be void and of no effect if Federal Housing Administration approval has not been secured for a low-income housing project for the elderly on the property affected by this ordinance and if substantial construction of the project as approved by the Federal Housing Administration has not taken place within 18 months from the effective date of this ordinance. FHA approval and the existence of substantial construction of the project approved shall be evidenced by a memorandum acknowledging the satisfaction of these conditions to be filed by the City of Bend.

Read for the first time this 5th day of August, 1970.

Read for the second time this 19th day of August, 1970.

Placed upon its passage this 19th day of August, 1970.
YEAS: 4 NAYS: 3

Submitted to and approved by the Mayor this 19th day of August, 1970.

ATTEST:

John G. Stenhamp
Mayor

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-838

AN ORDINANCE REPEALING ORDINANCE NO. NS-596.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION I. Ordinance No. NS-596 is repealed.

Read for the first time the 16th day of September, 1970.

Read for the second time the 7th day of October, 1970.

YEAS: 7 NAYS: 0

Approved by the Mayor the 7th day of October, 1970.

John D. Stenhouse
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-839

AN ORDINANCE REPEALING ORDINANCE NO. NS-822.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION I. Ordinance No. NS-822 is repealed.

Read for the first time the 7th day of October, 1970.

Read for the second time the 21st day of October, 1970.

YEAS: 6 NAYS: 0

Approved by the Mayor the 21st day of October, 1970.

John D. Stenhouse
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-840

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 Off-Street Parking Report No. 2, dated August 17, 1970, which was approved by the City Commission.

Section 2. By Resolution No. 1058, the Bend City Commission declared its intention on August 19, 1970, 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. 2. This Resolution directed a public hearing be held September 16, 1970, on the project.

Section 3. City Recorder-Treasurer gave notice of Resolution No. 1058 to record owners of the property within the district proposed to be assessed for the project by certified mail on August 27, 1970.

Notice of Resolution No. 1058 was also published in The Bulletin, a newspaper of general circulation within the City of Bend, on the 28th day of August, 1970 and the 4th day of September, 1970.

Section 4. At the public hearing held on September 16, 1970, 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 September 18, 1970. October 7, 1970, was set in said notice for hearing objections to the proposed assessment. The Notice of Proposed Assessment was published on the 18th day of September, 1970, 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 18th day of September, 1970.

Section 6. On October 7, 1970, 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. 2 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
4200	Eugene M. & Edna Bucknum	Lot 1 & Part of 2, Description of which is recorded in Vol.66, Page 240, Deschutes County Deeds	2	$ 1,345.83
4300	Mrs. W. R. Patton	Part of Lot 2, Description of which is recorded in Vol.103, Page 58, Deschutes County Deeds	2	770.93
4400	Albert L. & Margaret Eriksen	Part of Lot 2 & Lot 3, Description of which is recorded in Vol. 167, Page 435, Deschutes County Deeds	2	1,649.44
4500	Frances Farnham	4 & 5	2	1,523.41
4600	Maren Gribskov,et al, c/o Dallas Carter	6	2	5,547.11
4700	Ben E. & Maurine M. Whisenand	1	3	834.32
5800	Downtown Investment Corp.	9 & 10	4	1,028.95
5900	Guy E. & Doris Claypool	11 & 12	4	2,057.91
6000	B. A. & Ruth C. Stover	13	4	1,028.95
6100	James L. Hutchens, et ux	14 & 15	4	3,401.37
6200	Downtown Investment Corp.	16 & 17	4	3,401.37
6300	LeRoy & Donna Fassett	18 & 19	4	3,833.05
6400	Wetle Building, Inc.	20 & 21	4	4,744.84
6500	Charles A. & Verna A. Rice	7(S.35')	3	3,878.68
6600	Kenneth G. & Elsie H. Cruickshank	7(N.15')& 8	3	7,203.25
6700	Jack N. & Martha C. Vogt	9 & S 1/2 10	3	8,311.44
6800	Marjorie E. Smith	N 1/2 10	3	2,770.49
6900	Harry E. & Janet E. Mackey	11	3	5,540.96
7000	Harry E. & Janet E. Mackey	12	3	5,540.96
4700	Albert L. & Margaret Eriksen	7	2	4,463.66
4800	Katherine West & Dorothy Freck	8	2	3,705.33
4900	Equitable Savings & Loan Association	9 & 10	2	1,546.52
6400	Gordon H. & Marie W. Randall	N 1/2 3	11	1,067.06
6500	Gordon H. & Marie W. Randall	S 1/2 3	11	1,325.80
6600	Richard W. & Margaret A. Brandis	4	11	2,780.98
6700	J. J. Newberry Co.	5	11	2,780.97

TAX LOT NO.	RECORD OR REPUTED OWNER	LOT(S)	BLOCK OF BEND	AMOUNT OF ASSESSMENT
6800	J. C. Penney Co.	6	11	$ 2,780.97
5100) 5200)	First National Bank of Oregon	Part of Lots 1, 2,& 3,Description of which is recorded in Vol.161,Page 394; Vol.63,Page 206; & Vol.119,Page 489, Deschutes County Deeds	10	5,527.54
5400	Healy Corporation	4	10	2,780.98
5500	William Van Allen	5	10	2,780.97
5600	Fred I. Burich	6	10	2,780.98
100	E. W. Williamson	1(SE 50')	9	762.19
200	Eloise Johnson,c/o Vance T. Coyner	SW 25' of NW 75'& NW 15' of SE 65'of Lot 1	9	1,123.72
300	Vance T. Coyner	N.25' of W.75' of Lot 1	9	895.07
400	Alonzo Smith, et ux	2	9	2,780.98
500	Reuel B. & Frances M. O'Leary	N 1/2 3	9	1,390.48
600	Craig C. & Betty L. Coyner	S 1/2 3	9	1,261.12
700	Reuel B. & Frances M. O'Leary	4	9	2,134.12
800	Pacific Power & Light Co.	N 1/2 5	9	1,067.06
900	First National Bank of Oregon	S 1/2 5	9	640.24
				$110,790.00

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 affect 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 this 7th day of October, 1970.

Read for the second time this 21st day of October, 1970.

Placed upon its passage this 21st day of October, 1970.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor this 21st day of October, 1970.

John P. Stenhamp
Mayor

ATTEST:

Julia P. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-841

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF BEND IMPROVEMENT BONDS IN THE SUM OF $86,379; 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. 2 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. 2 representing $86,379 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

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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 applications, 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 $86,379, in denominations of $1,000 each, and one at $379, numbered consecutively from One (1) to Eighty-seven (87), both numbers inclusive, said bonds to bear date of January 15, 1971, 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 $5,379 on the 15th day of January, 1972; $5,000 on the 15th day of January in the years 1973 to 1977, inclusive and $4,000 on the 15th day of January in each of the years 1978 to 1991, inclusive. All of said bonds which mature after January 15, 1983, shall be subject to call and redemption on January 15, 1983, and on any semi-annual interest paying date thereafter. All bonds shall bear interest at the rate of not to exceed seven percent (7%) per annum and interest shall be payable semi-annually, on the 15th day of January and the 15th day 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. 2 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. 2

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 15th day of January, 19__, without grace, with interest thereon, at the rate of ___ percent per annum, payable semi-annually on the 15th 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 $86,379 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. 2. 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 15th day of January, 1971.

_____
Mayor

Countersigned:

_____
Recorder-Treasurer

On the face of all bonds maturing after January 15, 1983, add a paragraph reading:

This bond is subject to call and redemption on January 15, 1983, and on any semi-annual interest paying date thereafter.

(COUPON)

No. _____ $_____

The CITY OF BEND, STATE OF OREGON, will pay to bearer on the fifteenth 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. 2 Bond, No. ____.

_____
Mayor

Countersigned:

_____
Recorder-Treasurer

On all coupons maturing after January 15, 1983, 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 a Commission meeting to be held on the 21st day of December, 1970, 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 18th day of November, 1970.

Read for the second time the 2nd day of December, 1970.

Placed upon its passage the 2nd day of December, 1970.

YEAS: 6 NAYS: 0

Submitted to and approved by the Mayor the 2nd day of December, 1970.

John G. Stenhamp
Mayor

ATTEST:

Julian S. Johnson
Recorder-Treasurer

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ORDINANCE NO. NS-842

AN ORDINANCE VACATING A PORTION OF HILL STREET IN THE CITY OF BEND, OREGON.

A petition having been presented to the Bend City Commission on the 7th day of October, 1970, requesting that the following described street right-of-way be vacated:

> A portion of Hill Street being 20.0 feet on each side of the Hill Street right-of-way from the south line of Revere Avenue to a point 240.0 feet south of Revere 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 the area of the real property to be affected by said vacation, said consent being duly acknowledged; and the City Commission having set a time for formal hearing upon the petition; and the Recorder of the City of Bend having caused the following notice:

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on petition filed October 7, 1970 by Otto H. Bauer, said vacation proceedings to vacate the following described public street areas:
>
> > A portion of Hill Street being 20 feet on each side of Hill Street right-of-way from the south line of Revere Avenue to a point 240.0 feet south of Revere Avenue.
>
> The City Commissioners of the City of Bend, Oregon, have fixed the 2nd day of December, 1970 at 7:30 p.m., in the City Hall, 720 Wall Street, Bend, Oregon, as the time and place for hearing upon the said vacation proceedings, at which time the City Commission will receive objections to the said vacation proceedings. Any objections to such vacation must be in writing and filed with the City Recorder-Treasurer no later than November 30, 1970.

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 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice a hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation, and that the property should be vacated,

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

The vacation of this portion of a street is conditioned upon construction of a Multi-Family Dwelling unit adjacent to the vacated portion before July 1, 1972; and if construction is not substantially completed then this vacation shall be void and the street shall revert to the original width.

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 t ime this 2nd day of December, 1970.
Read for the second time this 16th day of December, 1970.
Placed upon its passage this 16th day of December, 1970.
YEAS: 7 NAYS: 0
Submitted to and approved by the Mayor this 16th day of December, 1970.

John G. Stenhamp
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-843

AN ORDINANCE AMENDING ORDINANCE NO. NS-796, THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT FOR A CERTAIN AREA BY AMENDING THE ZONING DISTRICT MAP.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2.070 of Ordinance No. NS-796 is amended by changing the ZONING DISTRICT MAP as follows:

A portion of the Southwest Quarter of the Southeast Quarter (SW 1/4 SE 1/4) of Section Twenty-nine (29), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: Beginning at a point 350.0 feet North of the Southeast corner of SW 1/4 SE 1/4 of Section 29, Township 17 South, Range 12 E.W.M.; thence Northerly 150.0 feet; thence Westerly 85.0 feet; thence Southerly 30.0 feet; thence Westerly 85.0 feet; thence Southerly 120.0 feet; thence Easterly 170.0 feet to the point of beginning

from R-1 Low Density Residential Zone to R-2 High Density Residential Zone.

Read for the first time this 2nd day of December, 1970.
Read for the second time this 16th day of December, 1970.
Placed upon its passage this 16th day of December, 1970.
YEAS: 7 NAYS: 0
Submitted to and approved by the Mayor this 16th day of December, 1970.

John G. Stenhamp
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

IAA0061

ORDINANCE NO. NS-844

AN ORDINANCE REPEALING ORDINANCE NO. NS-803

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-803 changed the zone for Lots 4 to 13, Block 18, Center Addition and Lots 7 to 17, Block 41, Wiestoria (Replat) Addition to the City of Bend, Deschutes County, Oregon from R-2 High Density Residential Zone to C-2 Limited Commercial Zone. This ordinance was passed May 7, 1969 and became effective 30 days after its passage.

Section 2. More than 18 months have expired since the effective date of Ordinance No. NS-803 without any substantial construction having taken place as required by Section 10.060 of Ordinance No. NS-796 and therefore this zone change is void.

Section 3. Accordingly Ordinance No. NS-803 is repealed.

Read for the 1st time the 6th day of January, 1971.
Read for the 2nd time the 20th day of January, 1971.
Submitted to and approved by the City Commission the 20th day of January, 1971.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor the 20th day of January, 1971.

E. Albert Moody
Mayor

ATTEST:
Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-845

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.

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:

> Tract Nine (9), Boyds Acreage, Deschutes County, Oregon; including that property lying directly south of said Tract Nine (9) and bordered on the southerly boundary by the Powell Butte-Paulina Creek Road. TOGETHER with three (3) acres of Swalley District water rights,

is proposed to be annexed to the City of Bend.

SECTION 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 17th day of March, 1971, 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 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 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 3rd day of February, 1971.

Read for the second time this 17th day of February, 1971.

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 17th day of February, 1971.

Mayor

ATTEST:

Recorder-Treasurer

1AA061

ORDINANCE NO. NS-846

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.

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 Two (2) to Ten (10), inclusive, Block Twenty-one (21), Bonne Home Addition,

is proposed to be annexed to the City of Bend.

SECTION 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 17th day of March, 1971, 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 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 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 approvel.

Read for the first time this 3rd day of February, 1971.

Read for the second time this 17th day of February, 1971.

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 17th day of February, 1971.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-847 — Vol. 176, Pg 954

AN ORDINANCE VACATING A PORTION OF A PUBLIC WAY IN THE CITY OF BEND, OREGON.

The City Commission on the 6th day of January, 1971, having received a request that the following described street right-of-way be vacated:

> The external area formed by the property line curve adjacent to Lot 1, Block 77 of Bend Park Addition and being further described as being at the southwest corner of the intersection of Willow Lane and South Third Street and being defined as a property line curve whose radius is 50.0 feet and whose central angle is 90 degrees;
>
> EXCEPT
>
> that portion of the above described external area which would be required to form the external area of a property line curve whose radius is 10 feet and whose central angle is 90 degrees, and whose point of tangent intersection is common to that of the existing 50 foot radius curve;

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

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend, said vacation proceedings to vacate the following described public way:
>
> The external area formed by the property line curve adjacent to Lot 1, Block 77 of Bend Park Addition and being further described as being at the southwest corner of the intersection of Willow Lane and South Third Street and being defined as a property line curve whose radius is 50 feet and whose central angle is 90 degrees;
>
> EXCEPT
>
> that portion of the above described external area which would be required to form the external area of a property line curve whose radius is 10 feet and whose central angle is 90 degrees and whose point of tangent intersection is common to that of the existing 50 foot radius curve.

The City Commissioners of the City of Bend, Oregon, have fixed the 17th day of February, 1971, 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 objections to the said vacation proceedings.

to be published once each week for four consecutive weeks in The Bulletin; and said Recorder-Treasurer 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 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice a hearing having been held, and no objections were made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation, and that the property should be vacated,

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

The City Recorder-Treasurer 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 17th day of February, 1971
Read for the second time the 3rd day of March, 1971.
Placed upon its passage this 3rd day of March, 1971.
YEAS: 6 NAYS: 0
Submitted to and approved by the Mayor the 3rd day of March, 1971.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-848 See ord 852 Cancel NS-848

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-846 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 March, 1971, 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 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 Two (2) to Ten (10), inclusive, Block Twenty-one (21) Bonne Home Addition, City of Bend, Deschutes County, Oregon.

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

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

Read for the first time this 17th day of March, 1971.

Read for the second time this 7th day of April, 1971.

Placed upon its passage this 7th day of April, 1971.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 7th day of April, 1971.

E. Albert Brandy
Mayor

ATTEST:

Julia S. Johnson
Recorder of the City of Bend

ORDINANCE NO. NS-849

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

A tract of land in the Southeast Quarter, Northwest Quarter (SE1/4 NW 1/4) of Section Twenty-eight (28), Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian, and described as follows:

Beginning at the northeast corner of Lot Four (4), of Fox Addition to the City of Bend, Oregon in the Southeast Quarter Northwest Quarter (SE 1/4 NW 1/4) of Section Twenty-eight (28), Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian and running thence S. 19°17' W. 100 feet along the east line of Lot Four (4) of Fox Addition; thence S. 79°54' E. 10.08 feet to the west right-of-way line of Studio Road; thence N. 18°01'25" E. 98.77 feet along the west right-of-way

line of Studio Road; thence N. 72°54' W. 8.0 feet to the point of beginning;

Beginning at the southeast corner of Lot Two (2) of Fox Addition to the City of Bend in the Southeast Quarter, Northwest Quarter (SE 1/4 NW 1/4) of Section Twenty-eight (28), Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian, and running thence N. 19°17' E. 111.51 feet along the east line of Lot Two (2); thence S. 79°54'30" E. 10.08 feet to the west right-of-way line of Studio Road; thence S. 18°01'25" W. 109.71 feet along the west right-of-way of Studio Road; thence due west 11.48 feet to the point of beginning; and

Beginning at the one-sixteenth section corner at the southwest corner of the Southeast Quarter, Northwest Quarter (SE 1/4 NW 1/4) of Section Twenty-eight (28) Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian and running thence N. 4°21'04" W. 49.08 feet; thence west 3.73 feet; thence north 66.25 feet; thence N. 63°48' E. 69.40 feet; thence N. 32°1/2' E. 153.80 feet; thence east 11.48 feet to the west right-of-way of the present Studio Road; thence S. 18°01'25" W. 292.0 feet, more or less, along the west right-of-way of the present Studio Road to the south line of the Southeast Quarter, Northwest Quarter (SE 1/4 NW 1/4) of Section Twenty-eight (28); thence N. 88°50'40" W. 61.0 feet more or less to the point of beginning.

190041

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 June, 1971, 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 the hearing.

Read for the first time this 7th day of April, 1971.

Read for the second time this 21st day of April, 1971.

Placed upon its passage this 21st day of April, 1971.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 21st day of April, 1971.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. 850

AN ORDINANCE VACATING THE ALLEY IN BLOCK 3, WIESTORIA 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 requesting that the following property in the City of Bend, Deschutes County, State of Oregon, be vacated:

> THE ALLEY in Block 3, Wiestoria Addition in the City of Bend, Deschutes County, Oregon, further described as the alley in the block bounded by East 2nd Street, East 3rd Street, Olney Avenue and Norton 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:

IA0061

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 by Town & Country Realty Company, said vacation proceedings to vacate the following described public way:

> THE ALLEY in Block 3, Wiestoria Addition in the City of Bend, Deschutes County, Oregon, further described as the alley in the block bounded by East 2nd Street, East 3rd Street, Olney Avenue and Norton Avenue.

The City Commissioners of the City of Bend, Oregon, have fixed the 17th day of March, 1971, 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 objections to the said vacation proceedings.

Julia S. Johnson
Recorder-Treasurer

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, on the following condition: This Ordinance is specifically conditioned upon the development of a motel according to all the terms and specifications contained in a Development Plan which is attached to and made a part of this Ordinance. If the project described in the Development Plan is not completed within 18 months from the date of this Ordinance this condition shall fail and this Ordinance shall not be effective.

If the project described in the Development Plan is completed according to all the terms and conditions of the Development Plan within the required time then the City shall file a Certificate of Project Completion with the Deschutes County Clerk and this Ordinance shall then become final and effective.

Subject to the condition recited above this vacation is hereby made a matter of record and the City Recorder shall forthwith cause a certified copy of this Ordinance to be filed and recorded in the office of the County Clerk for Deschutes County, Oregon.

Read for the first time this 17th day of March, 1971

Read for the second time this 7th day of April, 1971

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. 851

AN ORDINANCE CHANGING THE ZONE IN PART OF BLOCK 3, WIESTORIA ADDITION TO BEND FROM M-1 LIGHT INDUSTRIAL TO C-2 LIMITED COMMERCIAL.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The zone for Lots 1 through 6 of Block 3, Wiestoria Addition to the City of Bend, Deschutes County, Oregon, which is an area bounded by East 2nd Street and the alley west of East 3rd Street and lies between East Olney Avenue and East Norton Avenue is changed from M-1 Light Industrial Zone to C-2 Limited Commercial Zone.

Section 2. This Ordinance is specifically conditioned upon the development of a motel complex according to all the terms and specifications contained in a Development Plan which is attached to and made a part of this Ordinance. If the project described in the Development Plan is not completed within 18 months from the date of this Ordinance this condition shall fail and this Ordinance shall not be effective. If the project described in the Development Plan is completed according to all the terms and conditions of the Development Plan within the required time then the City shall file a Certificate of Project Completion with the Deschutes County Clerk and this Ordinance shall then be final and effective.

Read for the first time this 17th day of March, 1971

Read for the second time this 7th day of April, 1971

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-852

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-846 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 March, 1971, 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 followws:

Lots Two (2) to Ten (10), inclusive, Block Twenty-one (21)
Bonne Home Addition, City of Bend, Deschutes County, Oregon.

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

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

Read for the first time this 17th day of March, 1971.

Read for the second time this 7th day of April, 1971.

Placed upon its passage this 7th day of April, 1971.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 7th day of April, 1971.

R Wert Moody
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

1AA061

ORDINANCE NO. NS-853

Repealed by ORD. NO. NS-1377

AN ORDINANCE AMENDING ORDINANCE NO. NS-532 BY REDUCING THE COPYING CHARGES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1(c) of Ordinance No. NS-532 is amended to read:

"(c) For copying of original reports or statements pertaining thereto, a fee of $1 for each original page or letter, and 50 cents for each additional copy thereof, shall be charged."

Read for the first time this 7th day of April, 1971.

Read for the second time this 21st day of April, 1971.

Placed upon its passage this 21st day of April, 1971.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 21st day of April, 1971.

Mayor

ATTEST:

Recorder-Treasurer

IAA061

ORDINANCE NO. NS-854

NS-854 repealed by NS-1497, passed 7-19-89

AN ORDINANCE PRESCRIBING PROCEDURE FOR DEVELOPING WATER ASSESSMENT DISTRICTS AND ASSESSING THEIR COST TO BENEFITED PROPERTIES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Definitions.

(1) "Owner" or "property owner" shall include persons, firms or corporations having an interest in real property by deed or contract for purchase.

(2) "Water facilities" shall include but not be limited to water mains, transmission lines, distribution lines, valves, hydrants, reservoirs, pump stations and any other device used in the delivery of water.

(3) "Water assessment district" shall mean the property benefited by the installation of water facilities.

Section 2. The City of Bend may create a water assessment district for the development of water facilities within the district either upon its own motion or upon the petition of the owners of one-half of the property within the district that will be benefited by the project.

Section 3. Resolution of Intent. After receipt of a petition for creation of water assessment district or upon its own motion the City Commission shall declare its intention to create a water assessment district by resolution. The resolution shall:

(1) Describe the boundaries of the water assessment district which shall include all of the property to be benefited by the installation of water facilities, and

(2) Describe the water facilities to be installed within the water assessment district.

(3) Recite the City Water Department's estimated cost of the project, and

(4) Describe how the cost of the project will be paid, and

(5) Recite the place, time and date when remonstrances to the project will be heard.

Section 4. Notice of Resolution. Notice of the resolution directing creation of the water assessment district shall be given as follows:

(1) The resolution shall be published at least once in a newspaper of general circulation within the City of Bend for the date set by the resolution for hearing remonstrances, and

(2) The City Engineer shall post the resolution as nearly as possible at each end and on each side of the water assessment district within five days after the passage of the resolution. The City Engineer shall file an affidavit of posting the resolution with the City Recorder-Treasurer. The City Recorder-Treasurer shall mail a copy of the resolution to property owners within the district.

Section 5. Remonstrance. Any remonstrance to the project must be filed with the City Recorder-Treasurer within 15 days from the date the City Engineer posts a copy of the resolution directing creation of the water assessment district. If the remonstrance is signed by the owners of two-thirds or more of the square foot area within the water assessment district then the City Commission shall not proceed with the project until it has reconsidered the project and its necessity.

After effective remonstrance and after reconsideration of the project the City Commission may direct that the project continue according to the original resolution directing creation of the water assessment district, by modifying the project and amending the resolution or the City Commission may abandon the project.

Section 6. Manner of Doing Work. The project work may be done in whole or in part by the City, by contract, by any other governmental agency, or by any combination thereof. Work must be done according to City Water Department standards and specifications.

Section 7. Assessment of Project Cost. The City Commission in adopting a method of assessment for the project cost may:

(1) Use any fair and reasonable method of determining the properties specially benefited by the project and the extent of their benefit within the water assessment district.

(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) The City Engineer shall apportion the project's costs to each parcel of land within the water assessment district and file this apportionment with the City Recorder-Treasurer.

Section 8. Notice of Proposed Assessment. Prior to assessment of the projects's cost to benefited properties within the water assessment district the City Commission shall cause the City Recorder-Treasurer to give notice of the proposed assessment to each property owner affected by the proposed assessment within the water assessment district as follows:

(1) 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 by the project; 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.

(2) The time and place at which objections to the proposed assessment may be made and that all objections to the proposed assessment 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 owner of 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.

1AA061

(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. Objections to Assessment. Any objections to the proposed assessment must be filed with the City Recorder-Treasurer within 15 days after publication of the notice of proposed assessment in the newspaper.

Section 10. 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 proposed assessment and shall determine the amount of assessment to charge against each property to be assessed according to the special benefits accruing to the property from the project and shall by resolution spread the assessment. The resolution spreading the assessment may be passed either before or after the actual work on the project is done.

(2) Upon passage of the resolution 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 shall 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 11. Notice of Assessment. Within ten days after the resolution spreading the assessments has been passed and entered in the docket of City liens, the City Recorder-Treasurer shall publish and mail a notice of assessment to the owners of the assessed property. The notice of assessment shall recite the date of the assessment resolution and shall state that upon failure of the owner of the property assessed to make application to pay the assessment in installments within ten days from a certain date which shall be the day notice of assessment was published, or upon the failure of the owner to pay the assessment in full within 20 days from the date of the assessment resolution, then interest will commence to run on the assessment and the property assessed will be subject to foreclosure; and notice of assessment 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 12. 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 13. 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 14. 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, she 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 15. 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 12 of this ordinance. There shall be a hearing on objections to the proposed deficit assessment as provided in Section 10 of this ordinance. The deficit shall be assessed as provided in Sections 10 and 11 of this ordinance.

Section 16. 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 assigns, shall be entitled to the rebate.

Section 17. Abandonment of Proceedings. TheCommission shall have full power and authority to abandon and rescind proceedings for any water assessment district under this ordinance at any time prior to the final completion of the project.

Section 18. Reassessment. Whenever any assessment, deficit, or reassessment for any water assessment district 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. Separation of Assessments. Whenever property shall have been assessed in an entire tract, parcel or acreage and subsequently divided into smaller lots or parcels or divided among different owners, any person desiring to have the total assessment apportioned between said smaller lots or parcels may make an application to the city for a separation of the assessment and a determination of the amount due on the portion owned by him. All costs of any separation shall be paid by the person applying for the separation. Separation of assessments shall be solely at the discretion of the city, and upon such terms and conditions required by the city. No separation of an assessment shall become effective until the applicant has executed an agreement acknowledging the validity of the assessments as separated and waiving any and all errors and irregularities in the proceedings.

Section 20. Curative Provisions. No assessment by this ordinance shall be rendered invalid by reason of a failure to have all of the information required to be in the resolution of intent, the assessment resolution, 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 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 21. 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.

Read for the first time this 7th day of April, 1971.

Read for the second time this 21st day of April, 1971.

Placed upon its passage this 21st day of April, 1971.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 21st day of April, 1971.

Mayor

ATTEST:

Recorder-Treasurer

IA0061

ORDINANCE NO. NS-855

AN ORDINANCE CHANGING THE ZONE OF LOTS ONE THROUGH FIVE, BLOCK SIX of KENWOOD GARDENS IN THE CITY OF BEND, OREGON FROM R-1 SINGLE FAMILY TO R-2 MULTIPLE FAMILY DISTRICT

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The zone for Lots 1 through five, of Block 6 of Kenwood Gardens Addition to the City of Bend, Deschutes County Oregon, is changed from R-1 Single Family Residential District to R-2 Multiple-Family Residential District.

Read for the first time this 7th day of April, 1971.

Read for the second time this 21st day of April, 1971.

Placed upon its passage this 21st day of April, 1971.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 21st day of April, 1971.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-856

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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:

Tract 10 of Plat of Boyd's Acreage, Deschutes County, Oregon, EXCEPT the Easterly 112 feet thereof, AND ALSO that portion of the SW 1/4 NE 1/4 of Section 28, Township 17 South, Range 12, E.W.M., Deschutes County, Oregon lying North of the Powell Butte-Paulina Creek Road, except the West 494.88 feet thereof.

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, 1971, 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 the hearing.

Read for the first time this 21st day of April, 1971.

Read for the second time this 5th day of May, 1971.

Placed upon its passage this 5th day of May, 1971.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 5th day of May, 1971.

Not Annexed due to Controversy

Mayor

ATTEST:

Recorder-Treasurer

Vol 176, Page 958

ORDINANCE NO. NS- 857—

AN ORDINANCE VACATING A THREE-FOOT STRIP OF E. WEBSTER AVENUE IN THE CITY OF BEND, OREGON.

The City Commission on the 3rd day of March, 1971, having received a request that the following described street right-of-way be vacated:

> A THREE-FOOT STRIP OF E. WEBSTER AVENUE abutting Lot Nine (9), Block Thirteen (13), Riverside Addition from the east property line of Lot Nine (9), to a point 140 feet west of E. Second Street;

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

> "NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend, said vacation proceedings to vacate the following described public way:
>
> > A THREE-FOOT STRIP OF E. WEBSTER AVENUE abutting Lot Nine (9), Block Thirteen (13), Riverside Addition from the east property line of Lot Nine (9), to a point 140 feet west of E. Second Street.
>
> The City Commissioners of the City of Bend, Oregon, have fixed the 21st day of April, 1971, 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 objections to the said vacation proceedings."

to be published once each week for four consecutive weeks in The Bulletin; and said Recorder-Treasurer 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 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice a hearing having been held, and no objections were made, and the City Commission having determined that the 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,

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maintenance, continuation, reconstruction, repair, renewal, replacement, rebuilding and/or enlarging of any sewer, water main, gas main, conduit of any kind, wire, pole, thing or device to be used for any public purpose. This vacation is hereby made a matter of record.

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

Read for the first time this 21st day of April, 1971.

Read for the second time this 5th day of May, 1971.

Placed upon its passage this 5th day of May, 1971.

YEAS: 7 NAYS: 0

Submitted to and approved by the Mayor this 5th day of May, 1971.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-858 Vol. 176, P. 959

AN ORDINANCE VACATING THE NORTH-SOUTH ALLEY AND A PART OF THE EAST-WEST ALLEY IN BLOCK 34, RIVERSIDE ADDITION IN THE CITY OF BEND, OREGON.

A petition having been presented to the Bend City Commission on the 6th day of January, 1971, requesting that the following described alley locations be vacated:

> All of the north-south alley in Block 34, Riverside Addition; and that part of the east-west alley in said Block 34, which is adjacent to Lots 7, 8, 9, 14, 15, and 16, in Block 34, Riverside Addition, City of Bend, Deschutes County Oregon,

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

> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend, said vacation proceedings to vacate the following described public way:
>
> > All of the north-south alley in Block 34, Riverside Addition; and that part of the east-west alley in said Block 34, which is adjacent to Lots 7, 8, 9, 14, 15, and 16, in Block 34, Riverside Addition, City of Bend, Deschutes County, Oregon.
>
> The City Commissioners of the City of Bend, Oregon, have fixed the 17th day of February, 1971, 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 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 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice a hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation, and that the property should be vacated,

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

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

Read for the first time this 17th day of February, 1971

Read for the second time this 2nd day of June, 1971

Placed upon its passage this 2nd day of June, 1971

YEAS: 5 NAYS: 0

Submitted to and approved by the Mayor this 2nd day of June, 1971

Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

Vol 177, P952

ORDINANCE NO. NS-859

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-846 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 16th day of June, 1971, 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 tract of land in the Southeast Quarter, Northwest Quarter (SE 1/4 NW 1/4) of Section Twenty-eight (28), Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian, and described as follows:

Beginning at the northeast corner of Lot Four (4), of Fox Addition to the City of Bend, Oregon in the Southeast Quarter Northwest Quarter (SE 1/4 NW 1/4) of Section Twenty-eight (28), Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian and running thence S. 19°17' W. 100 feet along the east line of Lot Four (4) of Fox Addition; thence S. 79°54' E. 10.08 feet to the west right-of-way line of Studio Road; thence N. 18°01'25" E. 98.77 feet along the west right-of-way line of Studio Road; thence N. 72°54" W. 8.0 feet to the point of beginning;

Beginning at the southeast corner of Lot Two (2) of Fox Addition to the City of Bend in the Southeast Quarter, Northwest Quarter (SE 1/4 NW 1/4) of Section Twenty-eight (28), Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian, and running thence N. 19°17' E. 111.51 feet along the east line of Lot Two (2); thence S. 79°54'30" E. 10.08 feet to the west right-of-way line of Studio Road; thence S. 18°01'25" W. 109.71 feet along the west right-of-way of Studio Road; thence due west 11.48 feet to the point of beginning; and

Beginning at the one-sixteenth section corner at the southwest corner of the Southeast Quarter, Northwest Quarter (SE 1/4 NW 1/4) of Section Twenty-eight (28), Township Seventeen (17) South, Range Twelve (12) East, Willamette Meridian and running thence N. 4°21'04" W. 49.08 feet; thence west 3.73 feet; thence north 66.25 feet; thence N. 63°48' E. 69.40 feet; thence N. 32° 1/2 E. 153.80 feet; thence east 11.48 feet to the west right-of-way of the present Studio Road; thence S. 18°01'25" W. 292.0 feet, more or less, along the west right-of-way of the present Studio Road to the south line of the Southeast Quarter, Northwest Quarter (SE 1/4 NW 1/4) of Section Twenty-eight (28); thence N. 88°50'40" W. 61.0 feet more or less to the point of beginning.

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

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

Read for the first time this 16th day of June, 1971.

Read for the second time this 7th day of July, 1971.

Placed upon its passage this 7th day of July, 1971.

YES: 5 NO: 0

Submitted to and approved by the Mayor this 7th day of July, 1971.

Mayor

ATTEST:

Recorder-Treasurer

AMENDED BY ORD. # NS-1280 131
NS-1176

ORDINANCE NO. NS-860

Repealed by NS-1326

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE USE OF PUBLIC PARKS AND CEMETERIES

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Definitions:

(1) "Public parks" means all property owned or controlled by the City of Bend, Oregon, either within or without the City limits, and operated for the use of the public.

(2) "Person" means any person, firm or corporation but excludes city personnel or those acting under the direct authority of the City Commission.

Section 2. Persons using public parks and cemeteries shall obey the following rules and regulations:

(1) No person shall cut or remove or damage any flowers, trees or trails.

(2) No person shall build any fire except in a stove or fireplace provided therefor.

(3) No person shall permit any dog to run at large and all dogs shall be kept in control on a leash at all times.

(4) No person shall use the public parks between 10:00 p.m. and 6:00 a.m. except for a lawful purpose and except as permitted by the City Commission.

(5) No person shall fire or discharge any gun, including spring or air actuated pellet guns, or any device which propels a projectile by the use of a bow, sling, explosive, jet or rocket propulsion.

(6) No person shall camp or use parks overnight except in areas designated for camping or in connection with activities authorized by the City Commission.

(7) No person shall damage or injure in any way any building, installation, equipment or other property in public parks.

(8) No person shall sell any merchandise, or service or operate any concession in public parks without permission of the City Commission.

(9) No person shall litter parks. All garbage and refuse of any kind must be deposited in proper receptacles provided for this purpose. Garbage and refuse shall not be brought to parks.

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

(11) No person shall drive any motor vehicle in excess of 25 miles per hour in public parks or as otherwise designated.

(12) No person shall operate or bring any vehicle with gross weight exceeding 5 tons into a public park except buses carrying passengers to the park.

(13) No person shall use any device to amplify sound except radios and record players in common use and the like may be used.

(14) No person shall ride or lead any horse in public parks except on designated bridle paths.

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

Section 3. All persons using public parks shall comply with every other applicable ordinance or law of the City of Bend, Deschutes County or the State of Oregon.

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Section 4. Violation of this ordinance is punishable by imprisonment in the City jail for not more than 90 days, or a fine of not more than $500.00, or both.

Read for the first time this 2nd day of June, 1971

Read for the second time this 16th day of June, 1971

Placed upon its passage this 16th day of June, 1971

YES: 6 NO: 0

Submitted to and approved by the Mayor this 16th day of June, 1971

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-861

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The west 415 feet of Lot 1 Virginia Park Addition, and the north 28.84 feet of the west 415 feet of Lot 2, Virginia Park 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 4th day of August, 1971, 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 the hearing.

Read for the first time this 2nd day of June, 1971

Read for the second time the 16th day of June, 1971

Placed upon its passage the 16th day of June, 1971

YES: 6 NO: 0

Submitted to and approved by the Mayor this 16th day of June, 1971

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-862

AN ORDINANCE CHANGING THE ZONE OF LOTS 14, 15 & 16 and the east PORTIONS OF LOTS 1, 2 & 3, BLOCK 33, RIVERSIDE ADDITION IN BEND, OREGON, FROM M-1 LIGHT INDUSTRIAL ZONE TO C-2 LIMITED COMMERCIAL ZONE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The zone for Lots 14, 15 & 16, and the east portions of Lots 1, 2 & 3, Block 33, Riverside Addition in Bend, Deschutes County, Oregon is changed from M-1 Light Industrial Zone to C-2 Limited Commercial Zone

Read for the first time the 2nd day of June, 1971

Read for the second time the 7th day of July, 1971

Placed upon its passage the 7th day of July, 1971

YES: 5 NO: 0

Submitted to and approved by the Mayor this 7th day of July, 1971

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-863

AN ORDINANCE PROVIDING FOR DISPOSITION OF UNCLAIMED PERSONAL PROPERTY

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

1. Unclaimed Property. Whenever any personal property of substantial value belonging to someone other than the City of Bend other than abandoned motor vehicles is abandoned or left upon publicly owned property controlled by the City of Bend, or is seized or held by the City of Bend for any other reason, this personal property shall be held by the City of Bend Police Department at the expense of the owner or person lawfully entitled to possession of the property.

2. Recovery by True Owner. At any time within 60 days after property described in Section 1 is taken into possession by the City, except when personal property is confiscated or held as evidence, the owner or person lawfully entitled to possession of the property may reclaim it on application to the Police Department after submitting satisfactory proof of the person's ownership or right to possession of the property, and after payment of any charges or expenses incurred in the storage, preservation and custody of the property.

3. Sale of Property. From time to time and after property is unclaimed for more than 60 days the City Police Chief shall sell at public auction any personal property described in Section 1 which is unclaimed excepting property which has been confiscated or which is held for evidence or which has been ordered destroyed by competent authority. The Police Chief shall give notice of the public auction by posting notice in the Bend City Hall and by publishing notice in a newspaper of general circulation in the City of Bend once at least 10 days before the sale.

Sale shall be for cash to the highest bidder. All proceeds of the sale shall be paid to the City's general fund.

4. Title to Property Sold. All personal property described in Section 1 which is sold shall be sold as is without any warranty, either express or implied, of any kind, including but not limited to warranties of title or fitness for any purpose. Upon receiving payment for the personal property from the successful bidder the Police Chief shall execute a bill of sale in substantially the following form:

BILL OF SALE

Pursuant to an ordinance of the City of Bend I sold personal property described as:

_____[describe property]_____

This property was sold to [successful bidder's name]

for _____dollars paid to the City of Bend.

This property was sold as is and without any warranty of any kind, either express or implied, including but not limited to warranties of title or fitness for any particular purpose.

Dated this _____day of_____,19____.

_____
Police Chief

I acknowledge purchase of this property on these terms:

_____
[Name of successful bidder]

Read for the 1st time 2nd day of June, 1971

Read for the 2nd time 7th day of July, 1971

Placed upon its passage the 7th day of July, 1971

YES: 5 NO: 0

Submitted to and approved by the Mayor this 7th day of July, 1971.

_____
Mayor

ATTEST:

_____
Recorder-Treasurer

ORDINANCE NO. NS-864

AN ORDINANCE AMENDING ORDINANCE NO. NS-783, PROVIDING FOR SEWER USE CHARGES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION L. Ordinance No. NS-783 is hereby amended by changing Section 1 to read as follows:

Section 1. Schedule of Charges. Sewer use charges by the City of Bend shall be as follows:

(1) A single Family dwelling
$3.50 per month

(2) Multiple dwelling Units (includes duplex housing, apartments, multiple family dwellings, trailer courts, mobile home parks, and all other multiple dwellings not included in paragraph (1) above)
$3.50 each month for the first unit plus
$1.75 each month for each additional unit.

(3) Transient rooms (includes rooming houses, hospitals, transient motels, hotels and other transient type living quarters not included in subparagraphs (1) and (2) above)
$3.50 each month for the first unit plus
$.90 each month for each additional unit.

(4) Commercial (includes industrial and all other users not included in subparagraphs (1), (2), and (3) above)
$3.50 each month for the first 1,000 cubic feet of water used plus $.12 each month for each 100 cubic feet in excess of 1,000 cubic feet.

Maximum monthly charge for any user shall not exceed $35 each month.

Section 2. This ordinance will become effective September 1, 1971.

Read for the first time 16th day of June, 1971

Read for the second time the 7th day of July, 1971

Placed upon its passage the 7th day of July, 1971

YES: 5 NO: 0

Submitted to and approved by the Mayor this 7th day of July, 1971.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-865

AN ORDINANCE AMENDING ORDINANCE NO. NS-796 BY PERMITTING THEATERS AS A CONDITIONAL USE IN THE C-1, C-2 and C-3 ZONES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Sections 3.220, 3.320, and 3.420 are amended by adding "theaters" as another conditional use.

Read for the first time this 16th day of June, 1971

Read for the second time this 7th day of July, 1971

Placed upon its passage this 7th day of July, 1971

YES: 5 NO: 0

Submitted to and approved by the Mayor this 7th day of July, 1971

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-866

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

A tract of land lying partly in Lot Two (2), Northwest Quarter, Northeast Quarter (NW 1/4 NE 1/4) and partly in Lot Three (3), Northeast Quarter, Northwest Quarter (NE 1/4 NW 1/4) of Section Six (6), Township Eighteen (18) South Range Twelve (12), East of the Willamette Meridian and described more particularly as follows:

Beginning at the north quarter corner of said Section 6, thence, S. 89°14'15" E. for 110.42 feet; thence S. 1302.57 feet; thence, E. 414.68 feet, more or less, to the westerly boundary of State Highway No. 372 (Century Drive); thence, southeasterly along the westerly boundary of said Highway No. 372 for 60.57 feet, more or less, to the south boundary of an unnamed street; thence west for 480.89 feet, more or less, to the west boundary of W. Fifteenth Street; thence, N. for 770.11 feet to a point on the south boundary of a Brooks-Scanlon right-of-way; thence S. 84°49' W. for 455.37 feet; thence, S. 77°10'48" W. for 191.19 feet; thence, S. 7°22'52" E. for 418.07 feet; thence E. for 238.84 feet; thence S. for 237.74 +/- feet; thence E. 347.38 feet to the west line of W. Fifteenth Street; thence, S. 30.0 feet, more or less, to the south line of Lot No. 3 (NE 1/4 NW 1/4); thence N. 89°29'10" W. along the south line of Lot No. 3 for 1312.27 feet, more or less, to the west boundary of said Lot No. 3; thence northerly along the westerly line of Lot No. 3 to the north line of Section 6, Township 18 South, Range 12, E.W.M., at the northwest corner of Lot No. 3 (NE 1/4 NW 1/4) thence S. 89°28'30" E. for 1298.59 feet, more or less, to the point of beginning; said tract to include 33.3 acres, more or less;

A tract of land located in 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, more particularly described as follows:

Beginning at a point whence the north one-quarter corner of said Section 6 bears N. 89°28'30" west, 110.42 feet; thence S. 89°28'30" east, 380.64 feet; thence S. 0°00'34" east, 124.12 feet; thence west, 380.68 feet; thence north 127.61 feet to the point of beginning; and

A tract of land located in 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, more particularly described as follows:

Beginning at a point whence the north one-quarter corner of said Section 6 bears North 43°11'30" West, 161.33 feet; thence East, 380.68 feet; thence South 00°00'34" East, 135.00 feet; thence West, 380.70 feet; thence North, 135.00 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 6th day of October, 1971, 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 the hearing.

Read for the first time this 21st day of July, 1971.

Read for the second time this 4th day of August, 1971.

Placed upon its passage this 4th day of August, 1971.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 4th day of August, 1971.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-867

AN ORDINANCE VACATING THE ALLEY IN BLOCK 33, RIVERSIDE ADDITION IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

A request having been submitted to the Bend City Commission that the following described alley be vacated; and the matter having been submitted to the Bend City Planning Commission for study; and the Bend City Planning Commission having recommended that the alley described as follows be vacated;

The north-south alley in Block 33 of Riverside Addition in the City of Bend, Deschutes County, State of Oregon, from the north line of Vail Avenue to the south line of Webster Avenue

and the City Commission having set a time for formal hearing upon the requested vacation; 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, said vacation proceedings to vacate the following described public way:

IAA061

The north-south alley in Block 33 of Riverside Addition in the City of Bend, Deschutes County, State of Oregon, from the north line of Vail Avenue to the south line of Webster Avenue.

The City Commissioners of the City of Bend, Oregon, have fixed the 7th day of July, 1971, 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 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 on the following condition: This ordinance is specifically conditioned upon the development of an auto sales area according to all the terms and specifications contained in a Development Plan which is attached to and made a part of this ordinance. If the project described in the Development Plan is not completed within 18 months from the date of this Ordinance this condition shall fail and this ordinance shall not be effective. If the project described in the Development Plan is completed according to all the terms and conditions of the Development Plan in the required time then the City shall file a Certificate of Project Completion with the Deschutes County Clerk and this Ordinance shall then become final and effective.

Subject to the condition recited above this vacation is hereby made a matter of record and the City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk for Deschutes County, Oregon.

Read for the first time this 7th day of July, 1971

Read for the second time this 21st day of July, 1971

Placed upon its passage the 21st day of July, 1971

YES: 6 NO: 0

Submitted to and approved by the Mayor this 21st day of July, 1971.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-368

AN ORDINANCE REPEALING ORDINANCE NO. NS-608 WHICH REGULATED TREE PLANTING.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-608 is repealed.

Read for the first time this 7th day of July, 1971

Read for the second time this 21st day of July, 1971

Submitted to and approved by the Mayor this 21st day of July, 1971.

Mayor

ATTEST:

Recorder-Treasurer

1AA061

ORDINANCE NO. NS-369

AN ORDINANCE CHANGING THE ZONE OF LOT THIRTEEN, BLOCK TWENTY-ONE, CENTER ADDITION TO BEND, OREGON, FROM R-1 LOW DENSITY RESIDENTIAL ZONE TO C-2 LIMITED COMMERCIAL ZONE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The Zone for Lot 13, Block 21 of Center Addition to the City of Bend, Deschutes County, Oregon, is changed from R-1 Low Density Residential Zone to C-2 Limited Commercial Zone.

Read for the first time the 7th day of July, 1971

Read for the second time the 21st day of July, 1971

Placed upon its passage the 21st day of July, 1971

YES: 6 NO: 0

Submitted to and approved by the Mayor this 21st day of July, 1971.

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-870

AN ORDINANCE REQUESTING DESCHUTES COUNTY TO LEVY THE TAX PROVIDED IN H.B. 1979 AS ADOPTED BY THE OREGON LEGISLATURE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. CITY OF BEND REQUESTS THE GOVERNING BODY OF DESCHUTES COUNTY TO LEVY THE TAX AUTHORIZED IN SECTION 9 OF H.B. 1979 AS ADOPTED BY THE 1971 SESSION OF THE OREGON LEGISLATURE.

Read for the 1st time the 7th day of July, 1971

Read for the 2nd time the 4th day of August, 1971

Placed upon its passage August 4, 1971.

YES: 6 NO: 1

Mayor Pro-tem

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-871

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-861 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 August, 1971, 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 415 feet of Lot 1 Virginia Park Addition, and the north 28.84 feet of the west 415 feet of Lot 2, Virginia Park Addition, Deschutes County, Oregon

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

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

Read for the first time the 4th day of August, 1971

Read for the second time the 18th day of August, 1971

Placed upon its passage the 18th day of August, 1971

YES: 7 NO: 0

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-872

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

Beginning at a steel bar at the Northwest corner of the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) of Section Twenty-Eight (28), Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian; thence South 89°18'12" East, a distance of 532.96 feet; thence South 1°15'48" West, a distance of 326.91 feet; thence North 89°18'12" West a distance of 527.15 feet; thence North 0°7'52" East, a distance of 326.71 feet to the point of beginning; EXCEPTING therefrom that portion lying within the right-of-way of the George A. Jones Road No. 293

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, 1971, 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 the hearing.

Read for the first time August 18, 1971

Read for the second time September 1, 1971

Placed upon its passage the 1st day of September, 1971

YES: 7 NO: 0

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-873

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:

That portion of the Southwest Quarter of the Northwest Quarter (SW1/4NW1/4) of Section Three (3), Township Eighteen (18), South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, lying westerly of the center line of the C.O.I. Lateral, EXCEPT the east 264 feet of the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of the Northwest Quarter (NW 1/4) of said section; said tract to include 34.65 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 20th day of October, 1971, 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 the hearing.

Read for the first time August 18, 1971

Read for the second time September 1, 1971

Placed upon its passage the 1st day of September, 1971

YES: 7 NO: 0

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-874

AN ORDINANCE CHANGING THE ZONE OF LOTS ONE, TWO, THREE & FOUR, IN BLOCK FIVE, HIGHLAND ADDITION TO BEND, OREGON, FROM R-1 LOW DENSITY RESIDENTIAL ZONE TO C-2 LIMITED COMMERCIAL ZONE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The Zone for Lots 1, 2, 3, and 4, in Block 5 of Highland Addition to the City of Bend, Deschutes County, Oregon, is changed from R-1 Low Density Residential Zone to C-2 Limited Commercial Zone.

Read for the first time the 15th day of September, 1971

Read for the second time the 6th day of October, 1971

Submitted to and approved by the Mayor the 6th day of October, 1971.

YES: 7 NO: 0

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-875

AN ORDINANCE AMENDING ORDINANCE NO. NS-480 WHICH ADOPTED THE NATIONAL ELECTRICAL CODE, LAWS OF THE STATE OF OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 4 of Ordinance No. NS-480 is amended to read:

Section 4. The wiring within the City limits of the City of Bend shall be governed by the National Electrical Code, the laws of the State of Oregon, as well as the following additional regulations and requirements, from and after the effective date of this ordinance:

a. In Fire Zone I all electrical wiring in industrial, commercial buildings and multiple dwellings consisting of three or more separate living units (commercial buildings shall also include motels, hotels, clubs, rooming houses and similar occupancies) shall be in rigid conduit, steel tube, metal molding, flexible conduit, or other approved fireproof raceways. Approved type non-metalic conduit may be used in or under concrete slabs or direct burial in ground.

b. All branch circuits over current devices shall be of the Type "S", or breaker type.

SECTION II. Section 5 of Ordinance No. NS-480 is amended to read:

Section 5. In all residential construction within the City of Bend the minimum capacity for residential service conductors shall be as follows: Three wires, 115-230 Volt, 100 Amp
Two wires, 115 Volt, 50 Amp

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

The person making the installation shall consult with the serving agency regarding the location of the point of attachment for service drop to a building. The location of the service head shall be a subject of mutual agreement between such person and the serving utility. Other methods of construction may be employed so long as they are adequate in the opinion of the electrical inspector and the City of Bend building inspector.

Read for the first time the 15th day of September, 1971

Read for the second time the 6th day of October, 1971

Submitted to and approved by the Mayor the 6th day of October, 1971

YES: 7 NO: 0

Mayor

ATTEST:

Recorder-Treasurer

Repealed by NS-1042

ORDINANCE NO. NS-876

AN ORDINANCE AMENDING ORDINANCE NO. NS-779 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 PART OF ORDINANCES IN CONFLICT THEREWITH.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 1 of Ordinance No. NS-779 is amended to read:

Section 1. The uniform Building Code, 1970 Edition, as promulgated by International Conference of Building Officials, including Volume 1 (Uniform Building Code), Volume II (Uniform Mechanical Code) and a volume titled "Uniform Building Code, 1970 Edition, Standards" is hereby adopted with the following modifications:

Section 301 (b) 2 of Volume I shall read:

"2. 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 of Volume I is amended by adding a subsection (c) to read:

"(c) Building permit fees for structures identified as being "Fall-out Shelters" shall be $1.00, regardless of the dollar value of the work."

Section 204 of Volume I is amended to provide for a Board of Appeals consisting of seven (7) members instead of five (5) members.

Section 2305 (c) of Volume I is amended by adding thereto the following sentence:

Every roof shall support a minimum live load of Thirty (30) pounds per square foot."

Section 2905 (a) of Volume I 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. The invalidity of any section or part of this Ordinance shall not invalidate any other section or part thereof.

Read for the first time this 15th day of September, 1971

Read for the second time this 6th day of October, 1971

Submitted to and approved by the Mayor this 6th day of October, 1971

YES: 7 NO: 0

J. Albert Mowry
Mayor

ATTEST:

Julie S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-877 / NS 877 repealed by NS-1498, passed 7-19-89.

AN ORDINANCE AMENDING ORDINANCE NO. NS-275 WHICH REGULATES THE STORAGE AND HANDLING OF GASOLINE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2 of Ordinance No. NS-275 is amended to read:

"Section 2. Whenever a greater quantity than five gallons of gasoline or distillate shall be stored or kept within the corporate limits of the City of Bend, except when the same shall be stored in the tank of a motor propelled vehicle for use in said vehicle, or in the act of being transported, said gasoline or distillate shall be stored in metal tanks of weight and thickness to be first approved by the Fire Chief or Fire Marshal of the City of Bend."

YES: 7 NO: 0

Read for the first time the 15th day of September, 1971

Read for the second time the 6th day of October, 1971

Submitted to and approved by the Mayor this 6th day of October, 1971

J. Albert Mowry
Mayor

ATTEST:

Julie S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-873

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-873 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 20th day of October, 1971, at the hour of 7:30 p.m. in the Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

That portion of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section Three (3), township Eighteen (18), South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, lying westerly of the center line of the C.O.I. Lateral, EXCEPT the east 264 feet of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of the Northwest Quarter (NW 1/4) of said section; said tract to include 34.65 acres, more or less.

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

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

Section 5. The North Two Hundred Sixty (260') feet of the property annexed by this ordinance shall be zoned R-1, Low-Density Residential and the remainder of the annexed property shall be zoned R-2 High-Density Residential; and the zoning map of the City of Bend shall be changed accordingly.

Read for the first time the 20th day of October, 1971.

Read for the second time the 3rd day of November, 1971.

Submitted to and approved by the Mayor the 3rd day of November, 1971.

YES: 7 NO: 0

Albert Mosby
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-879

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-872 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 20th day of October, 1971, 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:

Beginning at a steel bar at the Northwest corner of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section Twenty-Eight (28) Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian; thence South 89°18'12" East, a distance of 532.96 feet; thence South 1°15'48" West, a distance of 326.91 feet; thence North 89°18'12" West a distance of 527.15 feet; thence North 0°7'52" East, a distance of 326.71 feet to the point of beginning; EXCEPTING therefrom that portion lying within the right-of-way of the George A. Jones Road No. 293.

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

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

Read for the first time the 20th day of October, 1971

Read for the second time the 3rd day of November, 1971

Placed upon its passage the 3rd day of November, 1971

YES: 7 NO: 0

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-880

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Under the provisions of Ordinance No. NS-866 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 October, 1971, at 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

PARCEL #1

A tract of land lying partly in Lot Two (2), Northwest Quarter, Northeast Quarter (NW 1/4 NE 1/4) and partly in Lot Three (3), Northeast Quarter, Northwest Quarter (NE 1/4 NW 1/4) of Section Six (6), Township Eighteen (18) South Range Twelve (12), East of the Willamette Meridian and described more particularly as follows:

Beginning at the north quarter corner of said Section 6, thence, S. 89°14'15" E. for 110.42 feet; thence S. 1302.57 feet; thence, E. 414.68 feet, more or less, to the westerly boundary of State Highway No. 372 (Century Drive); thence, southeasterly along the westerly boundary of said Highway No. 372 for 60.57 feet, more or less, to the south boundary of an unnamed street; thence west for 480.89 feet, more or less, to the west boundary of W. Fifteenth Street; thence, N. for 770.11 feet to a point on the south boundary of a Brooks-Scanlon right-of-way; thence S. 84°49' W. for 455.37 feet; thence, S. 77°10'48" W. for 191.19 feet; thence S. 7°22'52" E. for 418.07 feet; thence E. for 238.84 feet; thence S. for 237.74 +/- feet; thence E. 347.38 feet to the west line of W. Fifteenth Street; thence, S. 30.0 feet, more or less, to the south line of Lot No. 3 (NE 1/4 NW 1/4); thence N. 89°29'10" W. along the south line of Lot No. 3 for 1312.27 feet, more or less, to the west boundary of said Lot No. 3; thence northerly along the westerly line of Lot No. 3 to the north line of Section 6, Township 18 South, Range 12, E.W.M., at the northwest corner of Lot No. 3 (NE 1/4 NW 1/4) thence S. 89°28'30" E. for 1298.59 feet, more or less, to the point of beginning; said tract to include 33.3 acres, more or less;

PARCEL #2

A tract of land located in 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, more particularly described as follows:

Beginning at a point whence the north one-quarter corner of said Section 6 bears N. 89°28'30" west, 110.42 feet; thence S. 89°28'30" east, 380.64 feet; thence S. 0°00'34" east, 124.12 feet; thence west, 380.68 feet; thence north 127.61 feet to the point of beginning; and

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PARCEL #3

A tract of land located in 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, more particularly described as follows:

Beginning at a point whence the north one-quarter corner of said Section 6 bears North 43°11'30" West, 161.33 feet; thence East, 380.68 feet; thence South 00°00'34" East, 135.00 feet; thence West, 380.70 feet; thence North, 135.00 feet to the point of beginning.

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

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

Section 5. PARCEL No. 1, and all except the Easterly 150 feet of Parcel No. 2 and the Easterly 150 feet of Parcel No. 3 annexed by this ordinance shall be zoned R-2, High Density Residential; and the Easterly 150 feet of Parcel No. 2 and the Easterly 150 feet of Parcel No. 3 shall be zoned C-1 Tourist Commercial, and the zoning map of the City of Bend shall be changed accordingly.

Read for the first time the 20th day of October, 1971

Read for the second time the 3rd day of November, 1971

Placed upon its passage the 3rd day of November, 1971

YES: 7 NO: 0

Mayor

ATTEST:

Recorder-Treasurer

IAA061

ORDINANCE NO. NS-881

AN ORDINANCE ADOPTING A HOUSING CODE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The Uniform Building Code Volume III, Housing, 1970 Edition, as promulgated by the International Conference of Building Officials is hereby adopted by the City of Bend.

Section 2. 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 3rd day of November, 1971.

Read for the second time the 17th day of November, 1971.

Placed upon its passage the 17th day of November, 1971.

YES: 7 NO: 0

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-882

AN ORDINANCE AMENDING THE UNIFORM SIGN CODE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The last sentence of Section 49 of Ordinance No. NS-749 is amended to read:

"These projection requirements shall apply only to the central commercial district as defined by the City of Bend Zoning Ordinance."

Read for the first time the 3rd day of November, 1971.

Read for the second time the 17th day of November, 1971.

Placed upon its passage the 17th day of November, 1971.

YES: 7 NO: 0

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-883

AN ORDINANCE FOR A TRAFFIC CONTROL; ADOPTING CERTAIN PORTIONS OF THE OREGON REVISED STATUTES; PROHIBITING THE OPERATION OF SNOWMOBILES ON CITY STREETS AND AMENDING ORDINANCE NO. NS-469.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

Section 1. Adoption of State Traffic Act.

(a) The following sections of the State of Oregon motor vehicle laws, as amended by Oregon Laws 1971, are hereby adopted by reference the same as if fully set out herein:

ORS 481.012	"Commercial vehicle" defined.
ORS 481.015	"County highway," "dealer," "department," and "farm tractor" defined.
ORS 481.020	"Highway" defined.
ORS 481.030	"Motor bus" defined.
ORS 481.040	"Motor vehicle," "nonresident," "operator," "owner," and "pneumatic tire" defined.
ORS 481.050	"State," "state highway," and "taxicab" defined.
ORS 481.055	"Tractor trailer" defined.
ORS 481.060	"Trailer" defined.
ORS 481.070	"Used vehicle" and "vehicle" defined; weights and measures.
ORS 481.075 (2)	Purposes and application of chapter; exclusions.
ORS 481.080	Applicability of chapter to foreign consuls.
ORS 481.155	Nonresidents' privileges; registration of foreign vehicles operated for profit; reciprocity.
ORS 481.230 (4)	Fastening of registration card to vehicle.
ORS 481.255	Display of license plates required.
ORS 481.260	Issuance and display of temporary permits.
ORS 481.370	Conduct of wrecking business.
ORS 482.010	"Canceled," "chauffeur," "department," "farm tractor," "highway," "motor vehicle," and "license" defined.
ORS 482.020	"Nonresident," "operator," "owner," and "renewal" defined.
ORS 482.030	"Revocation," "school bus," "suspension," and "vehicle" defined.
ORS 482.035	"Snowmobile" defined.
ORS 482.040	License required to operate motor vehicle; surrender of prior valid licenses.
ORS 482.050	Nonresident's use of home state license.
ORS 482.060	Exemptions from license.
ORS 482.300 (2)	Licensee required to possess license.
ORS 482.610	Misuse of License; fraud in securing license.
ORS 482.620	Causing or permitting illegal driving.
ORS 482.630	Minors prohibited from driving 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.

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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 animals.
ORS 483.038	Effect of chapter on permissive use of private roadway.
ORS 483.046	Permitting vehicle to be unlawfully operated.
ORS 483.048	Duty to obey traffic officers; uniform or badge required.
ORS 483.050	Unlawful to drive defectively or unlawfully equipped vehicle.
ORS 483.102	Basic speed rule.
ORS 483.104	Maximum speeds, exceeding which is prima facie evidence of violation.
ORS 483.112	Designation of speed in complaint; speed trap evidence not admissible; use of radar; arrest without warrant in radar cases.
ORS 483.114	Minimum speed regulation.
ORS 483.116	Speed of motor trucks and busses and of vehicles equipped with solid or metal tires.
ORS 483.118	Speed on public bridge, causeway, or viaduct.
ORS 483.120	Application of speed regulations and traffic signs and signals to emergency vehicles; warning devices.
ORS 483.121	Record required when ambulance used; presevation.
ORS 483.122	Speed races prohibited on public ways; publishing or advertising results.
ORS 483.126	Signals for starting, stopping, or turning on highway.
ORS 483.128	Duty to obey traffic signs and signals.
ORS 483.130	Effect of "Go," "Caution," and "Stop" signals.
ORS 483.132	Turning vehicles at intersections when signal is "Go" or "Stop."
ORS 483.134	Effect of "Walk" and "Wait" or "Don't Walk" signals.
ORS 483.136	Effect of flashing signals.
ORS 483.138	Certain signs prohibited along highways.
ORS 483.140	Damaging or removing sign or signal.
ORS 483.202	Right-of-way at intersections.
ORS 483.204	Stop signs or markers at entrances to main or through highways or at intersections.
ORS 483.206	Vehicles entering highway from private road.
ORS 483.208	Stopping to permit emergency vehicle to pass.
ORS 483.210	Rights of pedestrian when no traffic signals.
ORS 483.212	Pedestrian's rights when there are traffic officers.
ORS 483.214	Rights of blind pedestrian with white cane or dog guide; use of white canes restricted.
ORS 483.216	Crossing on right half of crosswalk.
ORS 483.218	Standing in roadway to solicit ride.
ORS 483.222	Stopping before driving onto sidewalk from alley, driveway, or building.
ORS 483.224	Stopping at railroad crossings upon signal or approach of train.
ORS 483.226	Stop signs at dangerous railroad crossings.
ORS 483.228	Busses, and trucks, carrying inflammables or explosives, required to stop at railroad crossings.
ORS 483.230	Moving heavy equipment over railroad tracks.
ORS 483.302	Duty to drive on right half of the highway.
ORS 483.303	Duty of slow moving vehicles.

ORS 483.304	Normal position of vehicles when highway divided into lanes.
ORS 483.306	Passing vehicles proceeding in opposite direction.
ORS 483.308	When passing is permitted.
ORS 483.310	Method of passing.
ORS 483.312	Proper distance when following other vehicles.
ORS 483.314	Passing horses or other animals.
ORS 483.316	Turns at intersections.
ORS 483.318	U-turns prohibited.
ORS 483.326	Stopping for streetcars and busses.
ORS 483.328	Driving or crossing in front of streetcars.
ORS 483.330	Following fire apparatus or parking in vicinity of fire.
ORS 483.332	Driving vehicle or streetcar over fire hose.
ORS 483.334	Driving through or over safety zones.
ORS 483.336	Coasting upon down grade.
ORS 483.343	Prohibiting operation of a vehicle in a careless manner.
ORS 483.402	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 vehicle or equipment.
ORS 483.434	Spot, auxiliary driving, stop, signal, fender, running board, and back-up lamps permitted.
ORS 483.436	Approval of lamps by Department of Motor Vehicles.
ORS 483.443	Protective headgear for motorcyclists.
ORS 483.444	Brakes required.
ORS 483.445	Specifications for hydraulic brake fluid.
ORS 483.446	Horns and other sound equipment.
ORS 483.448	Mufflers; unnecessary noise prohibited.
ORS 483.450	Rearview mirror.
ORS 483.452	Obstruction of windows prohibited; windshield wiper required.
ORS 483.457	Slow-moving vehicle emblem.
ORS 483.458	Fenders or covers on motor vehicles.
ORS 483.460	Construction of vehicle fenders.
ORS 483.470	Limitations on use of television viewers in motor vehicles.
ORS 483.472	Binders on log loads.
ORS 483.474	Minimum clearance from roadway for passenger motor vehicles.
ORS 483.502	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.

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ORS 483.514	Dragging object on highway prohibited.
ORS 483.516	Pneumatic tires, when required.
ORS 483.518	Metal objects on tires prohibited.
ORS 483.522	General provisions of permits; cancellation.
ORS 483.530	Carrying permit in vehicle.
ORS 483.532	Public bodies authorized to restrict use of highways.
ORS 483.538	Interference with drivers; occupied house trailers.
ORS 483.544	Truck route designation to be by order, resolution or ordinance; erecting appropriate signs; when prohibitions are effective; violation prohibited.
ORS 483.602	Duties of drivers and witnesses at accidents.
ORS 483.604	Driver's duties when he collides with unattended vehicle or other property.
ORS 483.606	Accident reports required.
ORS 483.608	Form of report; sending death certificate to Department of Motor Vehicles.
ORS 483.610	Confidential nature of report; publication of statistics; city authorized to require accident report.
ORS 483.612	Report of vehicles brought to garage or repair shop showing accident or bullet contact.
ORS 483.614	Driver's duty to help animals.
ORS 483.620	When automobile association membership card is acceptable as bail.
ORS 483.628	Driver or chauffeur may be exonerated from overloading violation if in good faith.
ORS 483.630	Use of sobriety tests.
ORS 485.010	Definitions for ORS 485.010 to 485.050.
ORS 485.020	Duty to stop when school bus loading or unloading children.
ORS 485.030	School bus markings.

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

(c) The following chapters and sections of Oregon Laws 1971, relating to State of Oregon motor vehicle laws, are hereby adopted by reference the same as if fully set out herein:

Chapter 340 (3)	Relating to motor vehicle traffic.
Chapter 447 (1) (2) (3)	Relating to operation of recreational vehicles.

Section 2. Ordinance No. NS-469 is amended by adding thereto a new section 47-A as follows:

Section 47-A. Snowmobiles on City Streets. No person shall operate any snowmobile upon any highway within the City of Bend except in an emergency during the period of time when and at locations where snow upon the highway renders travel by automobile impractical.

Section 3. Ordinance No. NS-469 is amended by adding thereto a new section 35-A as follows:

Section 35-A. Driving Under Influence, Blood Alcohol Level. Any person who drives any vehicle upon any highway in the City of Bend when that person has .15 percent or more by weight of alcohol in his blood as shown by chemical analysis of the person's breath, blood, urine or saliva made pursuant to ORS 483.634 to 483.646 shall be punished, upon conviction, by imprisonment in the municipal jail for not less than six days and not more than 100 days or a fine of not more than $500.00, or both.

Read for the first time the 3rd day of November, 1971.

Read for the second time the 17th day of November, 1971.

Placed upon its passage the 17th day of November, 1971.

YES: 7 NO: 0

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-884

AN ORDINANCE VACATING CERTAIN STREETS, ALLEYS AND LOTS IN THE BONNE HOME ADDITION IN THE CITY OF BEND, OREGON.

The City Commission, having received a request on February 17, 1971, to vacate certain streets, alleys and lots in the Bonne Home Addition:

West 17th Street: from the north line of Ithaca Avenue to the south line of Lexington Avenue

Kingston Avenue: the northerly ten (10) feet from the easterly line of Lot 30, Block 12, to the north line of the alley in Block 18, Bonne Home Addition

Jacksonville Ave: from the westerly line of Kingston Avenue to the easterly line of Stannium Road

Stannium Road: the westerly thirty (30) feet from the northerly line of Lot 43, Block 11, Bonne Home Addition to the northerly line of Lot Ten (10), Block Twelve (12), Bonne Home Addition; AND Stannium Road from the northerly line of Lot Ten (10), Block Twelve (12) to the west line of the SE1/4NW1/4, Section 31, Township 17 South, Range 12, East W. M.

Knoxville Blvd.: the westerly forty (40) feet from the center line of the alley in Block Two (2) Bonne Home Addition to the northerly line of Lot Four (4), Block Eleven (11), Bonne Home Addition; and Knoxville Blvd. from the northerly line of Lot Four (4), Block Eleven (11) to the west line of the SE1/4NW1/4 Section 31, Township 17 South, Range 12 East W.M.

The Alley in Block 2, Bonne Home Addition

All that part of the following described street rights-of-way lying in the Bend City limits:

The Alley in Block 7, Bonne Home ADdition

Lexington Ave: from the westerly line of Knoxville Blvd. to the west line of the SE1/4NW1/4 of Section 31, Township 17, South, Range 12, East W.M.

Milwaukee Ave: from the westerly line of Knoxville Blvd. to the west line of Lot Five (5), Block Seven (7), Bonne Home Addition

BONNE HOME ADDITION:
Block 2, Lots 1, 2 & 3; Block 7, Lots 1 through 8; Block 8, Lots 1 through 8; Block 9, Lots 1 & 2; Block 10, Lots 1 through 4; Block 11, Lots 4 through 43; Block 12, Lots 10 through 30; Block 15, Lots 1 through 19; Block 16, Lots 1 & 2; Block 18, Lots 1, 2 & 3 (excepting the N. 90 feet of the westerly 20 feet); and Block 19, Lots 1 through 4, City of Bend, Deschutes County, Oregon,

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

NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend, said vacation proceedings to vacate the following described public way:

West 17th Street: from the north line of Ithaca Avenue to the south line of Lexington Avenue

Kingston Avenue: the northerly ten (10) feet from the easterly line of Lot 30, Block 12, to the north line of the alley in Block 18, Bonne Home Addition

Jacksonville Ave: from the westerly line of Kingston Avenue to the easterly line of Stannium Road

Stannium Road: the westerly thirty (30) feet from the northerly line of Lot 43, Block 11, Bonne Home Addition to the northerly line of Lot Ten (10), Block Twelve (12), Bonne Home Addition; AND Stannium Road from the northerly line of Lot Ten (10), Block Twelve (12) to the west line of the SE1/4NW1/4, Section 31, Township 17 South, Range 12, East W.M.

Knoxville Blvd.: the westerly forty (40) feet from the center line of the alley in Block Two (2) Bonne Home Addition to the northerly line of Lot Four (4), Block Eleven (11), Bonne Home Addition; and Knoxville Blvd. from the northerly line of Lot Four (4), Block Eleven (11) to the west line of the SE1/4NW1/4 Section 31, Township 17 South, Range 12 East W.M.

The Alley in Block 2, Bonne Home Addition

All that part of the following described street rights-of-way lying in the Bend City limits:

The Alley in Block 7, Bonne Home Addition

Lexington Ave: from the westerly line of Knoxville Blvd. to the west line of Lot Five (5), Block Seven (7), Bonne Home Addition

BONNE HOME ADDITION:
Block 2, Lots 1, 2 & 3; Block 7, Lots 1 through 8; Block 8, Lots 1 through 8; Block 9, Lots 1 & 2; Block 10, Lots 1 through 4; Block 11, Lots 4 through 43; Block 12, Lots 10 through 30; Block 15, Lots 1 through 19; Block 16, Lots 1 & 2; Block 18, Lots 1, 2 & 3 (excepting the N. 90 feet of the westerly 20 feet); and Block 19, Lots 1 through 4, City of Bend, Deschutes County, Oregon.

The City Commissioners of the City of Bend, Oregon, have fixed the 7th day of April, 1971, 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 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 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice a hearing having been held, and 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, to become effective not before the replat of Blocks 1, 2, 7, 8, 9, 10, 11, 12, 15, 16 & 18, of the Bonne Home Addition in Bend, Deschutes County, Oregon is filed, approved and recorded.

Read for the first time this 1st day of December, 1971

Read for the second time this 15th day of December, 1971

Placed upon its passage the 15th day of December, 1971

YES: 6 NO: 0

Richard E. Groves
Mayor - Pro Tem

ATTEST:

Julia A. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-885

AN ORDINANCE VACATING THE ALLEY IN BLOCK 131, BEND PARK SECOND ADDITION IN THE CITY OF BEND, OREGON.

A petition having been presented to the Bend City Commission on the 25th day of June, 1971, requesting that the following described alley be vacated:

> THE ALLEY in Block 131, Bend Park Second Addition in the City of Bend, Deschutes County, Oregon,

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

> NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on petition of Shakey's Pizza Parlor of Bend, said vacation proceedings to vacate the following described public way:
>
> THE ALLEY in Block 131, Bend Park Second Addition in the City of Bend, Deschutes County, Oregon.
>
> The City Commissioners of the City of Bend, Oregon, have fixed the 1st day of December, 1971, 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 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 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice a hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation, and that the property should be vacated,

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

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

Read for the first time this 1st day of December, 1971

Read for the second time this 15th day of December, 1971

Placed upon its passage this 15th day of December, 1971

YES: 6 NO: 0

Submitted to and approved by the Mayor this 15th day of December, 1971

Richard E. Gervais
Mayor - Pro-Tem

ATTEST:

Julie S. Johnson
Recorder-Treasurer

1AA061

ORDINANCE NO. NS-886

AN ORDINANCE CHANGING THE ZONE OF LOTS 1, 2, 3, of Block 2, ALL OF BLOCK 7, IN BONNE HOME ADDITION IN BEND, OREGON, FROM R-1 LOW DENSITY RESIDENTIAL ZONE TO R-2 HIGH DENSITY RESIDENTIAL ZONE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The zone for Lots 1, 2, 3 of Block 2, All of Block 7, in Bonne Home Addition in Bend, Deschutes County, Oregon is changed from R-1 Low Density Residential Zone to R-2 High Density Residential Zone, to become effective at the time the replat of Blocks 1, 2, 7, 8, 9, 10, 11, 12, 15, 16 & 18 of the Bonne Home Addition in Bend, Deschutes County, Oregon is filed, approved and recorded.

Read for the first time the 1st day of December, 1971

Read for the second time the 15th day of December, 1971

Placed upon its passage the 15th day of December, 1971

YES: 6 NO: 0

Submitted to and approved by the Mayor this 15th day of December, 1971

Richard E. Gewais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-887

AN ORDINANCE CHANGING THE ZONE OF LOTS 1 & 2, BLOCK 53, IN CENTER ADDITION IN BEND, OREGON, FROM R-1 LOW DENSITY RESIDENTIAL ZONE TO R-2 HIGH DENSITY RESIDENTIAL ZONE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The zone for Lots 1 and 2 of Block 53, in Center Addition in Bend, Deschutes County, Oregon is changed from R-1 Low Density Residential Zone to R-2 High Density Residential Zone.

Read for the first time the 15th day of December, 1971

Read for the second time the 5th day of January, 1972

Placed upon its passage the 5th day of January, 1972.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 5th day of January, 1972

Richard E. Gewais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-888

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY ADDING TRANSITIONAL STANDARDS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 4.080 Transitional Standards.

1. It is the purpose of these standards to create a buffer in specific areas within which the use, operation and physical orientation of proposed structures and all other improvements within the zone can be required to adhere to these standards to insure an orderly, proper and harmonious transition between different zone districts.

2. When the symbol "T" is combined within any other zone symbol, development of property designated "T" may be conditioned according to these "T" standards, (i.e. C-4-T means all the provisions of the C-4 zone and "T" standards are applicable).

3. Any use permitted in the zone to which the "T" standards are added is permitted subject to the Planning Commission review and approval. "T" standards shall be prescribed by the Planning Commission to regulate the development of a particular tract within a zone to a use permitted by the zone.

4. When property of a transitional character between different zones is proposed for rezoning or development the Planning Commission may condition the development of the property and provide transitional standards to accommodate the following considerations:

(1) Exclusive off-street parking areas.
(2) Special setbacks, yards, open spaces and buffers.
(3) Fences and walls.
(4) Lighting
(5) Surfacing of off-street parking and loading areas.
(6) Street dedications and street improvements to conform to the comprehensive plan of highways, including service roads and alleys.
(7) Regulation of points of vehicular ingress and egress.
(8) Regulation of signs.
(9) Regulation of time of certain activities.
(10) Landscaping.
(11) Maintenance of grounds.
(12) Time period within which the proposed use shall be developed.
(13) Regulation of odors, smoke, dust, fly ash or airborne solids.
(14) Regulation of vibration, glare and heat.
(15) Such other conditions required for development of the City in an orderly and efficient manner and in conformity with the intent and purpose set forth in this Ordinance and the comprehensive plan.

Read for the first time this 5th day of January, 1972

Read for the second time this 19th day of January, 1972

Placed upon its passage this 19th day of January, 1972

YES: 6 NO: 0

Submitted to and approved by the Mayor this 19th day of January, 1972.

Richard E. Lewis
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-889

AN ORDINANCE CHANGING THE ZONE OF LOT SEVEN (7), AND SIXTEEN (16), OF BLOCK FIVE (5), IN WIESTORIA ADDITION IN BEND, OREGON, FROM R-2 HIGH DENSITY RESIDENTIAL ZONE TO C-2 LIMITED COMMERCIAL ZONE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> The zone for Lot Seven (7), and Sixteen (16), Block Five (5), in Wiestoria Addition in Bend, Deschutes County, Oregon, is changed from R-2 High Density Residential Zone to C-2 Limited Commercial Zone.

Read for the first time this 5th day of January, 1972

Read for the second time this 19th day of January, 1972

Placed upon its passage this 19th day of January, 1972

YES: 6 NO: 0

Submitted to and approved by the Mayor this 19th day of January, 1972.

Richard E. Gervais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-890

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> A parcel of land containing approximately 16.9 acres, more or less, situated in the Southwest Quarter of the Northeast Quarter (SW1/4 NE 1/4) of Section Twenty-five (25), Township Seventeen (17) South, Range Eleven (11), East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:
>
> Beginning at a point on the east-west centerline of said Section 25, which point bears North 89°56'02" East 524.06 feet from the center of said Section 25 (C 1/4 corner); thence leaving said east-west center line North 00°11'49" East 600.00 feet; thence North 89°56'02" East 77.00 feet; thence North 00°11'49" East 485.83 feet; thence North 89°56'02" East 613.49 feet to a point on the easterly right-of-way of College Way; thence following along the easterly right-of-way of College Way along the arc of a 480.00 foot radius curve to the right 91.34 feet, the chord of which bears South 02°22'53" East 91.20 feet; thence South 03°04'12" West 268.92 feet; thence along the arc of a 520.00 foot radius curve to the left 99.22 feet, the chord of which bears South 02°23'48" East 99.07 feet; thence South 07°51'47" East 633.04 feet to a point on the east-west centerline of said Section 25; thence

following said east-west centerline South 89°56'02" West 774.35 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 March, 1972, 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 the hearing.

Read for the first time this 5th day of January, 1972

Read for the second time this 19th day of January, 1972

Placed upon its passage this 19th day of January, 1972

YES: 6 NO: 0

Submitted to and approved by the Mayor this 19th day of January, 1972.

Richard E. Gervais
Mayor

ATTEST:

Julie S. Johnson
Recorder-Treasurer

AMENDED BY ORD. # NS-1327

ORDINANCE NO. NS-891 repealed by Ord. # NS-1442

AN ORDINANCE DEFINING THE IRRIGATION SEASON IN THE CITY OF BEND, AUTHORIZING THE CITY MANAGER TO FIX HOURS FOR USE OF WATER FOR IRRIGATION, PROVIDING A PENALTY AND REPEALING ORDINANCE NO. NS-364.

BE IT ORDAINED by the people of the City of Bend:

Section 1. The irrigation season in the City of Bend for the irrigation of lawns and gardens shall extend from April 15 to October 15 of each year.

Section 2. The City Manager shall fix and determine the hours during which City water may be used during the irrigation season as provided in Section 1 of this ordinance.

Section 3. The City Manager may change existing regulations for hours of irrigation by written declaration filed with the recorder and publicly announce specified hours during which irrigation will be permitted.

Section 4. No person shall use a hose for irrigation without having a nozzle or other water distributing device attached thereto.

Section 5. Upon the sounding of an alarm for a fire within the City, water users shall cease irrigation until the fire is extinguished.

Section 6. No person shall use water for irrigation at any hour other than as permitted under regulations issued pursuant to this ordinance or permit water used for irrigation to flow into or upon any public thoroughfare or upon or over premises not under his control.

Section 7. No person supplied with water from the City mains shall use it for any purpose other than those stated in his application filed pursuant to the Water Rules and Regulations, or to supply water to other persons from his water connection.

IAA0061

Section 8. No person, except a City employee in the discharge of his duty, shall open or in any way tamper with any City fire hydrant.

Section 9. No person shall place upon or about any hydrant or water gate connected with the water mains of the City Water Department any building material or other substance which prevents free access at all times to the hydrant.

Section 10. No person shall make connections to any pipe or fixture connected therewith, or to connect pipes that have been disconnected, or to turn water off or on, on any premises, without permission from the Superintendent.

Section 11. No person, firm, corporation or water user shall sell or collect any money for the use of water without permission from the office of the City Water Department.

Section 12. Any person violating any of the provisions of this ordinance or regulations placed in effect by authority of this ordinance shall be punished by a fine of not more than $50.00.

Section 13. Ordinance No. NS-364 is hereby repealed.

Read for the first time the 5th day of January, 1972

Read for the second time the 19th day of January, 1972
Placed upon its passage the 19th day of January, 1972

YES: 6 NO: 0

Submitted to and approved by the Mayor this 19th day of January, 1972

Richard E. Lewis
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-892

AN ORDINANCE AMENDING ORDINANCE NO. NS-796, THE ZONING ORDINANCE OF THE CITY OF BEND, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

SECTION 1. A new section 3.126 Site Plan Review for housing development shall be added to Ordinance No. NS-796 as follows:

"Section 3.126 Site Plan Review for Housing Development. In an R-2 zone a use containing four or more dwelling units on a single lot of record shall be subject to the provision of this section. Before a new building or group of buildings may be constructed, a site plan shall be submitted to the Planning Commission for its approval in accordance with Article X. Construction shall be in conformance with plans approved by the Planning Commission. In considering a site plan for a proposed housing development, the Planning Commission shall take into account its impact on nearby residential and commercial property, on the capacity of the street to carry traffic and on the appearance of the street. The Planning Commission may require as a condition of approval:

1. An increase in the required yard area.
2. Additional off-street parking.
3. Screening of the proposed use by a fence or landscaping.

4. Limitations on signs or lighting.
5. Limitations on the number and location of curb cuts.
6. Any other limitations or conditions which it considers necessary to achieve the purposes of this ordinance. "

SECTION 2. Section 3.320 Conditional Uses Permitted is amended by adding another Conditional Use:

"8. Wholesale distribution or storage permitted in an M-1 or M-2 zone provided that such uses be contained within an existing building constructed prior to the effective date of this ordinance."

SECTION 3. Section 3.420 Conditional Uses Permitted is amended by adding another Conditional Use:

"10. Wholesale distribution or storage permitted in an M-1 or M-2 zone provided that such uses be contained within an existing building constructed prior to the effective date of this ordinance."

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SECTION 4. Section 3.620 Conditional Uses Permitted is amended by adding another Conditional Use:

"5. Retail outlet, provided that such use is subordinate to a permitted industrial use and provided that such use is contained within the same structure as the industrial use."

SECTION 5. Section 3.720 Conditional Uses Permitted is amended by adding another Conditional Use:

"14. Retail outlet, provided that such use is subordinate to a permitted industrial use and provided that such use is contained within the same structure as the industrial use."

Read for the first time the 5th day of January, 1972

Read for the second time the 19th day of January, 1972

Placed upon its passage the 19th day of January, 1972

YES: 6 NO: 0

Submitted to and approved by the Mayor this 19th day of January, 1972.

Richard E. Gervais
Mayor

ATTEST:

Julie S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-893

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The West Half of the Southeast Quarter of the Northeast Quarter (W 1/2, SE 1/4, NE 1/4) in

Section Four (4), Township Eighteen (18) South, Range Twelve (12), 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 15th day of March, 1972, 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 the hearing.

Read for the first time this 5th day of January, 1972

Read for the second time this 19th day of January, 1972

Placed upon its passage this 19th day of January, 1972

YES: 6 NO: 0

Submitted to and approved by the Mayor this 19th day of January, 1972.

Richard E. Dewais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-894

AN ORDINANCE VACATING THE N-S ALLEY AND PORTION OF E-W ALLEY IN BLOCK 5, WIESTORIA ADDITION IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

A request having been submitted to the Bend City Commission that the following described alleys be vacated; and the matter having been submitted to the Bend City Planning Commission for study; and the Bend City Planning Commission having recommended that the alleys described as follows be vacated:

The N-S Alley in Block 5, Wiestoria and portion of E-W Alley abutting Lots 7 and 16, Block 5, Wiestoria Addition in the City of Bend, Deschutes County, Oregon

and the City Commission having set a time for formal hearing upon the requested vacation; 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 City Commission of the City of Bend, said vacation proceedings to vacate the following described public way:

The N-S Alley in Block 5, Wiestoria and portion of E-W Alley abutting Lots 7 and 16, Block 5, Wiestoria Addition in the City of Bend, Deschutes County, Oregon.

The City Commissioners of the City of Bend, Oregon, have fixed the 15th day of December, 1971, 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 objections to the said vacation proceedings.

Julia S. Johnson
Recorder-Treasurer

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, 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 this 5th day of January, 1972

Read for the second time this 19th day of January, 1972

Placed upon its passage this 19th day of January, 1972

YES: 6 NO: 0

Submitted to and approved by the Mayor this 19th day of January, 1972.

Richard E. Gervais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-895

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 Off-Street Parking Report Parking District No. 3, dated November, 1971, which was approved by the City Commission.

Section 2. By Resolution No. 1106, the Bend City Commission declared its intention on December 15, 1971, 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. 3. This Resolution directed a public hearing be held January 5, 1972, on the project.

Section 3. City Recorder-Treasurer gave notice of Resolution No. 1106 to record owners of the property within the district proposed to be assessed for the project by certified mail on December 17, 1971. Notice of Resolution No. 1106 was also published in The Bulletin, a newspaper of general circulation within the City of Bend, on the 17th day of December, and the 24th day of December, 1971.

Section 4. At the public hearing held on January 5, 1972, 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 January 14, 1972. February 2, 1972, was set in said notice for hearing objections to the proposed assessment. The Notice of Proposed Assessment was published on the 15th day of January, 1972, 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 14th day of January, 1972.

Section 6. On February 2, 1972, 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. 3 to be specially benefited by the project and hereby assesses the estimated City Departmental cost of the project as follows:

TAX LOT DESCRIPTION	OWNER OF RECORD AND/OR CONTRACT PURCHASER	LOT(S)	BLOCK OF BEND	AMOUNT OF ASSESSMENT
1200 17-12-32CA	"68" Scarteen Corp....	7 & 8	9	$ 2,283.14
3300 17-12-32DB	Bank of Central Oregon	9 & 10	9	1,331.45
3400 17-12-32DB	William D. Mayer	11	9	1,750.78
3500 17-12-32DB	Katherine West & Dorothy Freck	12	9	1,750.78
5700 17-12-32AC	Philip Gould	7	10	1,750.78
5900 17-12-32AC	Man-Stein, Inc.	N1/2 9	10	875.40
6000 17-12-32AC	Local C.I.O.	S1/2 10	10	875.40
6100 17-12-32AC	Katherine West & Dorothy Freck	N1/2 10	10	875.40
6200 17-12-32AC	Walter T. Hansen	11 & 12	10	3,501.58
7100 17-12-32AC	U.S. National Bank ...	7 & 8	11	1,926.06
7200 17-12-32AC	Alice C.Baer Estate ..	9	11	1,367.86
7300 17-12-32AC	LeRoy Fassett	10	11	156.33
8002 17-12-32AC	Allied Foundation	Part of Lot 5,Description of which is recorded in Vol.154,P.59,Desch. Co. Deeds	13	180.34
8003 & 8100 17-12-32AC	Duncan McKay	Part of Lots 5 & 6, Description of which is recorded in Vol.176, P.858,& Vol.168,P.209, Desch. Co. Deeds ...	13	777.16
8101 17-12-32AC	Philip Gould	Part of Lot 6,Description of which is recorded in Vol.127,P.674, Desch. Co. Deeds	13	683.93

TAX LOT DESCRIPTION	OWNER OF RECORD AND/OR CONTRACT PURCHASER	LOT(S)	BLOCK OF BEND	AMOUNT OF ASSESSMENT
8102 17-12-32AC	Mike Mahoney	Part of Lot 7, Description of which is recorded in Vol.153,P.356, Desch. Co. Deeds	13	$ 901.08
8200 17-12-32AC	Charles Boardman	Part of Lot 7,Description of which is recorded in Vol.123, P.631, Desch. Co. Deeds	13	1,036.41
8300 17-12-32AC	Gerald McCann	Part of the Subdivision of Lots 8 & 9, Description of which is recorded in Vol. 107,P.126,Desch.Co.Deeds.	13	240.49
1300 17-12-32DB	First Baptist Church .	All of Block 14, Except S.87' of Lot 3 & N.43.85' of Lot 5	14	3,095.91
1800 17-12-32DB	Maurice Hoover, c/o Gale Powell	Lot 5,Except N.43.85'.	14	527.08
1900 17-12-32DB	Pacific First Federal Savings & Loan	1	15	3,154.87
2000 17-12-32DB	Irl N. Wagner	2	15	3,563.33
2100 17-12-32DB	Ona A. Blakley	N1/2 3	15	1,832.73
2200 17-12-32DB	Boise R. Aune	S1/2 3	15	1,297.76
2300 17-12-32DB	V.F.W. Post 1643, c/o Art Johnson	4	15	1,930.42
2400 17-12-32DB	Enid E. Ellinger	5 & 6	15	6,737.32
2800 17-12-32DB	J. C. Turner	10	15	1,854.38
3000 17-12-32DB	Beri, Inc.	E1/2 13	15	1,832.73
3100 17-12-32DB	Keith Shepard	W1/2 13	15	1,832.73
3200 17-12-32DB	A.O.Schilling, c/o Wm. Healy	14 & 15	15	7,301.97
3600 17-12-32DB	J.H. McKenzie, c/o GlennPayne	1 & N1/2 of 2	16	5,140.76
3601 17-12-32DB	William Healy	15	16	3,387.63
3700) 3701) 3800)17-12-32DB	Moty Bros., Inc.	S1/2 2, 3	16	4,553.60
3900 17-12-32DB	Moty & Van Dyke, Inc..	4	16	2,261.36
4000 17-12-32DB	Texas Co.	5 & 6	16	2,554.42
4100 17-12-32DB	Daisy F. Hudson	7 & 8	16	1,902.60
4200 17-12-32DB	E.B.Hogan, c/o Ira Waldron	9 & 10	16	2,668.39
4300 17-12-32DB	Norman Gilbert	11 & 12	16	1,690.55
1200 17-12-32DB	K. H. Oakley	14	21	310.13
12000 17-12-32DB	St. Charles Hospital .	All of Block A		6,784.42
				$88,479.46

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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 affect 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, and the necessity for the City of Bend to exercise its options to acquire the property for this off-street motor vehicle parking project as required by the terms of the options. Therefore, an emergency is declared to exist and this Ordinance shall become effective immediately upon its passage.

Read for the first time this 2nd day of February, 1972.

Read for the second time this 16th day of February, 1972.

Placed upon its passage this 16th day of February, 1972.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 16th day of February, 1972.

Richard E. Gewais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-896

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Whereas the City of Bend by and through its City Commission has consented to the annexation of the following described real property to-wit:

> Part of the Northwest Quarter of the Southwest Quarter (NW 1/4, SW 1/4) of Section Twenty-seven (27), Township Seventeen (17) South, Range Twelve (12) E.W.M., more particularly described as follows:
>
> Beginning at the northeast corner of the NW 1/4 of the SW 1/4 of Sec. 27, T. 17, S.R. 12, E.W.M., said point being further indicated by the center of an iron stake, thence S. 0°10'30" W., for 866.95 ft. along the easterly boundary of the said NW 1/4, SW 1/4, to the center of an iron stake; thence N.30°46' W. for 1004.40 ft. to the center of an iron stake on the north line of the said NW 1/4, SW 1/4; thence, N. 89°35'45" E. 516.90 ft., more or less, along the said north line of said NW 1/4, SW 1/4, of Sec. 27, to the point of beginning, the same being a tract triangular in shape and embracing 5.13 acres, more or less.
>
> Together with all of the NE 1/4, SW 1/4, of Sec. 27, T. 17, S.R. 12, E.W.M.

Section 2. In accordance with applicable State Statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 5th day of April, 1972, 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 the hearing.

Read for the first time this 2nd day of February, 1972

Read for the second time this 16th day of February, 1972

Placed upon its passage this 16th day of February, 1972

YES: 6 NO: 0

Submitted to and approved by the Mayor this 16th day of February, 1972

Richard E. Gewais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

IAA061

ORDINANCE NO. NS-897

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> The Northwest Quarter, (NW 1/4) of the Southeast Quarter (SE 1/4) of Section Twenty-Seven (27), Township Seventeen (17) South, Range Twelve (12) 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 5th day of April, 1972, 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 the hearing.

Read for the first time this 2nd day of February, 1972

Read for the second time this 16th day of February, 1972

Placed upon its passage this 16th day of February, 1972

YES: 6 NO: 0

Submitted to and approved by the Mayor this 16th day of February, 1972

Richard E. Gewais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-898

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-890 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 March, 1972, at the hour of 7:30 p.m. in the 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 containing approximately 16.9 acres, more or less, situated in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section Twenty-five (25), Township Seventeen (17) South, Range Eleven (11), East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at a point on the east-west centerline of said Section 25, which point bears North 89°56'02" East 524.06 feet from the center of said Section 25 (C 1/4 corner); thence leaving said east-west centerline North 00°11'49" East 600.00 feet; thence North 89°56'02" East 77.00 feet; thence North 00°11'49" East 485.83 feet; thence North 89°56'02" East 613.49 feet to a point on the easterly right-of-way of College Way; thence following along the easterly right-of-way of College Way along the arc of a 480.00 foot radius curve to the right 91.34 feet; the chord of which bears South 02°22'53" East 91.20 feet; thence South 03°04'12" West 268.92 feet; thence along the arc of a 520.00 foot radius curve to the left 99.22 feet, the chord of which bears South 02°23'48" East 99.07 feet; thence South 07°51'47" East 633.04 feet to a point on the east-west centerline of said Section 25; thence following said east-west centerline South 89°56'02" West 774.35 feet to the point of beginning.

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

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

Read for the first time the 15th day of March, 1972

Read for the second time the 5th day of April, 1972

Placed upon its passage the 5th day of April, 1972

YES: 6 NO: 0

Submitted to and approved by the Mayor this 5th day of April, 1972.

Richard E. Gervais
Mayor

ATTEST:

Effective 5/4/72

Julia S. Johnson
Recorder-Treasurer

[AA0061

ORDINANCE NO. NS 899

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-893 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 March, 1972, at the hour of 7:30 p.m. in the 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 Southeast Quarter of the Northeast Quarter (W 1/2, SE 1/4, NE 1/4) in Section Four (4), Township Eighteen (18) 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 the 15th day of March, 1972

Read for the second time the 5th day of April, 1972

Placed upon its passage the 5th day of April, 1972

YES: 6 NO: 0

Submitted to and approved by the Mayor this 5th day of April, 1972.

Richard E. Gewais
Mayor

ATTEST:

Effective 5/4/72

Recorder-Treasurer

ORDINANCE NO. NS-900

AN ORDINANCE PROVIDING FOR STRICTER DOG CONTROL

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2 of Ordinance No. NS-744 is amended to read:

"It shall be unlawful for any dog, regardless of age or sex, to run at large within the corporate limits of the City of Bend at any time. Any owner or person in possession or control of a dog found to be running at large shall be punished as provided in this ordinance."

Read for the first time the 15th day of March, 1972

Read for the second time the 5th day of April, 1972

Placed upon its passage the 5th day of April, 1972

YES: 6 NO: 0

Submitted to and approved by the Mayor this 5th day of April, 1972.

Richard E. Gewais
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-901

AN ORDINANCE PROHIBITING BOATING IN CERTAIN PARTS OF THE DESCHUTES RIVER.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

"(1) It shall be unlawful for any unauthorized person to operate any motor propelled boat on the Deschutes River within the limits of the City of Bend; or for any unauthorized person to operate any boat, whether motor propelled

or not, within 100 feet of the islands located immediately below the Tumalo Bridge in the Deschutes River within the limits of the City of Bend. This prohibition against boating shall not apply to boats coming to or going from abutting properties provided these boats do not unnecessarily disturb wild life."

Section 2. This ordinance being necessary for the immediate preservation of public peace, health and safety because the waterfowl nesting season is beginning, and an emergency is declared to exist and this ordinance shall take effect upon its passage.

Read for the first time this 15th day of March, 1972

Read for the second time this 5th day of April, 1972

Placed upon its passage this 5th day of April, 1972

YES: 6 NO: 0

Submitted to and approved by the Mayor this 5th day of April, 1972.

Richard E. Gervais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

IAA0061

ORDINANCE NO. NS-902

AN ORDINANCE PROHIBITING THE MOLESTATION OF WATERFOWL NESTS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 15 of Ordinance No. NS-737 is amended by adding thereto a new subsection (3) to read:

"(3) No unauthorized person shall molest waterfowl nests along the banks of the Deschutes River within the limits of the City of Bend."

Section 2. This ordinance is necessary for the immediate preservation of the public peace, health and safety because the waterfowl nesting season is beginning so therefore an emergency is declared to exist and this ordinance shall take effect upon its passage.

Read for the first time this 15th day of March, 1972

Read for the second time this 5th day of April, 1972

Placed upon its passage this 5th day of April, 1972

YES: 6 NO: 0

Submitted to and approved by the Mayor this 5th day of April, 1972.

Richard E. Gervais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

Repealed by ORD. NO. NS-1399 ORDINANCE NO. NS-903

AN ORDINANCE PROVIDING FOR PAYMENT OF COSTS ON SALE OF CITY REAL PROPERTY

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2 of Ordinance No. NS-695 is amended to read:

"Section 2. The person, firm or corporation making application to purchase City property shall deposit with the Recorder-Treasurer an amount sufficient to pay the City's costs of sale, including but not limited to publication costs and appraisal fees. Notice of the sale shall be published in a newspaper of general circulation within the City of Bend at least twice prior to the sale. The notice shall contain the legal description of the property, the minimum sale price as determined by the City Commission and an announcement that the 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. The notice shall recite that the City may reject any or all bids for the property."

Read for the first time the 15th day of March, 1972

Read for the second time the 5th day of April, 1972

Placed upon its passage this 5th day of April, 1972

YES: 6 NO: 0

Submitted to and approved by the Mayor this 5th day of April, 1972.

Richard E. Gervais
Mayor

ATTEST:

Irene S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-904

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF CITY OF BEND IMPROVEMENT BONDS IN THE SUM OF $59,000; PROVIDING AND APPROVING THE FORM OF THE BONDS TO BE ISSUED AND THE COUPONS ATTACHED THERETO; PROVIDING FOR THE ADVERTISEMENT AND SALE OF SAID BONDS; AND DECLARING AN EMERGENCY.

WHEREAS the City of Bend has established Off-Street Motor Vehicle Parking District No. 3 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. 3 representing $59,000 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 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 $59,000, in denominations of $1,000 each, numbered consecutively from One (1) to Fifty-nine (59), both numbers inclusive, said bonds to bear date of June 1, 1972, 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 $3,000 on the 1st day of June in the years 1973 to 1991, inclusive, and $2,000 on the 1st day of June in the year 1992. All of said bonds which mature after June 1, 1982, shall be subject to call and redemption on June 1, 1982, and on any semi-annual interest paying date thereafter. All bonds shall bear interest at the rate of not to exceed 7 percent (7%) per annum and interest shall be payable semi-annually, on the 1st day of June and the 1st day of December. 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, and shall be known as City of Bend Off-Street Motor Vehicle Parking District No. 3 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

OFF-STREET MOTOR VEHICLE PARKING DISTRICT NO. 3

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 June, 19__, without grace, with interest thereon, at the rate of ___per cent per annum, payable semiannually on the 1st day of June and December 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 $59,000 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. 3. 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 June, 1972.

Richard E. Gerrard
Mayor

Countersigned:

_____
Recorder-Treasurer

On the face of all bonds maturing after June 1, 1982, add a paragraph reading:

"This bond is subject to call and redemption on June 1, 1982, 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 JUNE/DECEMBER, 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. 3 Bond No._____.

Richard E. Lewis
Mayor

Countersigned:

_____
Recorder-Treasurer

On all coupons maturing after June 1, 1982, 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 a Commission meeting to be held on the 24th day of May, 1972, 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 comtemplated 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 19th day of April, 1972

Read for the second time the 3rd day of May, 1972

Placed upon its passage the 3rd day of May, 1972

YES: 6 NO: 0

Submitted to and approved by the Mayor the 3rd day of May, 1972.

Richard E. Lewis
Mayor

ATTEST:

Irene S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-905

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-896 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 5th day of April, 1972, 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.

1AA061

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

> Part of the Northwest Quarter of the Southwest Quarter (NW 1/4, SW 1/4) of Section Twenty-seven (27), Township Seventeen (17) South, Range Twelve (12) E.W.M., more particularly described as follows:
>
> Beginning at the northeast corner of the NW 1/4 of the SW 1/4 of Section 27, T. 17, S.R. 12, E.W.M., said point being further indicated by the center of an iron stake, thence S. 0°10'30" W., for 866.95 ft. along the easterly boundary of the said NW 1/4, SW 1/4, to the Center of an iron stake; thence, N. 30°46' W. for 1004.40 ft. to the center of an iron stake on the north line of the said NW 1/4, SW 1/4; thence, N. 89°35'45" E. 516.90 ft., more or less, along the said north line of said NW 1/4, SW 1/4, of Section 27, to the point of beginning, the same being a tract triangular in shape and embracing 5.13 acres, more or less.
>
> Together with all of the NE 1/4, SW 1/4, of Section 27, T. 17, S.R. 12, E.W.M.

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 5th day of April, 1972.
Read for the second time this 19th day of April, 1972.
Placed upon its passage this 19th day of April, 1972.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 19th day of April, 1972.

Richard E. Stevens
Mayor

ATTEST:

Julia I. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-906

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-897 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 5th day of April, 1972, 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 Northwest Quarter, (NW 1/4) of the Southeast Quarter (SE 1/4) of Section Twenty-Seven (27), 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.

Section 5. The above described property annexed by this ordinance shall be zoned R-2 High Density Residential; and the zoning map of the City of Bend shall be changed accordingly.

Read for the first time this 5th day of April, 1972

Read for the second time this 19th day of April, 1972.
Placed upon its passage this 19th day of April , 1972.
YES: 7 NO: 0

Submitted to and approved by the Mayor this 19th day of April, 1972.

Richard E. Ferris
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-907

AN ORDINANCE VACATING THE ALLEY IN BLOCK 41, WIESTORIA (REPLAT) ADDITION IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

A request having been submitted to the Bend City Commission that the following described alley be vacated; and the matter having been submitted to the Bend City Planning Commission for study; and the Bend City Planning Commission having recommended that the alley described as follows be vacated;

The alley in Block 41 of Wiestoria (replat) Addition in the City of Bend, Deschutes County, Oregon

and the City Commission having set a time for formal hearing upon the requested vacation; 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 of Parfain Investment Company, said vacation proceedings to vacate the following described public way:

The N-S Alley in Block 41, Wiestoria Addition in the City of Bend, Deschutes County, Oregon

The City Commissioners of the City of Bend, Oregon, have fixed the 19th day of April, 1972, 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 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 on the following condition: This Ordinance is specifically conditioned upon the development of an office complex according to all the terms and specifications contained in a Development Plan which is attached to and made a part of this Ordinance. If the project described in the Development Plan is not completed within 18 months from the date of this Ordinance this condition shall fail and this Ordinance shall not be effective. If the project described in the Development Plan is completed according to all the terms and conditions of the Development Plan within the required time then the City shall file a Certificate of Project Completion with the Deschutes County Clerk and this Ordinance shall then be final and effective.

Subject to the condition recited above this vacation is hereby made a matter of record and the City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk for Deschutes County, Oregon.

Read for the first time this 19th day of April, 1972

Read for the second time this 3rd day of May, 1972

Placed upon its passage the 3rd day of May, 1972

YES: 6 NO: 0

IA1061

Submitted to and approved by the Mayor this 3rd day of May, 1972.

Richard E. Gervais
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-908

AN ORDINANCE CHANGING THE ZONE OF LOTS 1 THROUGH 5, BLOCK 4, WIESTORIA ADDITION IN BEND, OREGON, FROM M-1 LIGHT INDUSTRIAL ZONE TO C-2 LIMITED COMMERCIAL ZONE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The Zone for Lots 1 through 5, Block 4, Wiestoria Addition in Bend, Deschutes County, Oregon, is changed from M-1 Light Industrial Zone to C-2 Limited Commercial Zone.

This Ordinance is specifically conditioned upon the development of a motel extension and restaurant according to all the terms and specifications contained in a Development Plan, which is attached to and made a part of this Ordinance. If the project described in the Development Plan is not completed within 18 months from the date of this Ordinance this condition shall fail and this Ordinance shall not be effective. If the project described in the Development Plan is completed according to all the terms and conditions of the Development Plan within the required time then the City shall file a Certificate of Project Completion with the Deschutes County Clerk and this Ordinance shall then be final and effective.

Read for the first time the 1st day of March, 1972

Read for the second time the 3rd day of May, 1972

Placed upon its passage the 3rd day of May, 1972

YES: 6 NO: 0

Submitted to and approved by the Mayor this 3rd day of May, 1972.

Richard E. Gervais
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-909

AN ORDINANCE CHANGING THE ZONE OF PARCELS 1 & 2, IN AWBREY MEADOWS ADDITION IN BEND, OREGON, FROM R-1 LOW DENSITY RESIDENTIAL ZONE TO R-2 HIGH DENSITY RESIDENTIAL ZONE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The zone for parcels 1 and 2 in Awbrey Meadows Addition in Bend, Deschutes County, Oregon is changed from R-1 Low Density Residential Zone to R-2 High Density Zone.

Read for the first time the 19th day of April, 1972

Read for the second time the 3rd day of May, 1972

Placed upon its passage the 3rd day of May, 1972

YES: 6 NO: 0

Submitted to and approved by the Mayor this 3rd day of May, 1972.

Richard E. Gerwais
Mayor

ATTEST:

Recorder-Treasurer

IAA061

ORDINANCE NO. NS-910

AN ORDINANCE VACATING THE ALLEY IN BLOCK 4, WIESTORIA ADDITION IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

A request having been submitted to the Bend City Commission that the following described alley be vacated; and the matter having been submitted to the Bend City Planning Commission for study; and the Bend City Planning Commission having recommended that the alley described as follows be vacated;

The alley in Block 4, Wiestoria Addition in the City of Bend, Deschutes County, Oregon

and the City Commission having set a time for formal hearing upon the requested vacation; 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 the petition of Sutton

Investment Co. to vacate the following described public way:

The alley in Block 4, Wiestoria Addition in the City of Bend, Deschutes County, Oregon.

The City Commissioners of the City of Bend, Oregon have fixed the 19th day of April, 1972 at 7:30 P.M., at 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 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 on the following condition: This Ordinance is specifically conditioned upon the development of a motel extension and restaurant according to all the terms and specifications contained in a Development Plan which is attached to and made a part of this Ordinance. If the project described in the Development Plan is not completed within 18 months from the date of this Ordinance this condition shall fail and this Ordinance shall not be effective. If the project described in the Development Plan is completed according to all the terms and conditions of the Development Plan within the required time then the City shall file a Certificate of Project Completion with the Deschutes County Clerk and this Ordinance shall then be final and effective.

Subject to the condition recited above this vacation is hereby made a matter of record and the City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk for Deschutes County, Oregon.

Read for the first time this 19th day of April, 1972

Read for the second time this 3rd day of May, 1972

Placed upon its passage the 3rd day of May, 1972

YES: 6 NO: 0

Submitted to and approved by the Mayor this 3rd day of May, 1972.

Richard E. Gervais
Mayor

ATTEST:

Recorder-Treasurer

NOT VACATED

ORDINANCE NO. NS-911

AN ORDINANCE CHANGING THE ZONE OF LOTS 7 THROUGH 17, BLOCK 41, WIESTORIA ADDITION IN BEND, OREGON, FROM R-2 HIGH DENSITY RESIDENTIAL ZONE TO C-2 LIMITED COMMERCIAL ZONE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The Zone for Lots 7 through 17, Block 41, Wiestoria Addition in Bend, Deschutes County, Oregon, is changed from R-2 High Density Residential Zone to C-2 Limited Commercial Zone.

This Ordinance is specifically conditioned upon the development of an office complex according to all the terms and specifications contained in a Development Plan which is attached to and made a part of this Ordinance. If the project described in the Development Plan is not completed within 18 months from the date of this Ordinance this condition shall fail and this Ordinance shall not be effective. If the project described in the Development Plan is completed according to all the terms and conditions of the Development Plan within the required time then the City shall file a Certificate of Project Completion with the Deschutes County Clerk and this Ordinance shall then be final and effective.

1AA061

Read for the first time the 19th day of April, 1972.

Read for the second time the 3rd day of May, 1972.

Placed upon its passage the 3rd day of May, 1972.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 3rd day of May, 1972.

Richard E. Gervais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-912

AN ORDINANCE CHANGING THE ZONE IN LOTS 7 THROUGH 11, BLOCK 38, RIVERSIDE ADDITION IN BEND, OREGON FROM R-2 HIGH DENSITY RESIDENTIAL ZONE TO C-2 LIMITED COMMERCIAL ZONE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The Zone for Lots 7 through 11, Block 38, Riverside Addition in Bend, Deschutes County, Oregon, is changed from R-2 High Density Residential Zone to C-2 Limited Commercial Zone.

This Ordinance is specifically conditioned upon the development of a retail center according to all the terms and specifications contained in a Development Plan which is attached to and made a part of this Ordinance. If the project described in the Development Plan is not completed within 18 months from the date of this Ordinance this condition shall fail and this Ordinance shall not be effective. If the project described in the Development Plan is completed according to all the terms and conditions of

the Development Plan within the required time then the City shall file a Certificate of Project Completion with the Deschutes County Clerk and this Ordinance shall then be final and effective.

Read for the first time the 1st day of March, 1972.

Read for the second time the 3rd day of May, 1972.

Placed upon its passage the 3rd day of May, 1972.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 3rd day of May, 1972.

Richard E. Gewais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-913

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING MAP

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 and the Zoning Map of the City of Bend is amended by changing the zone for the following described property from R-1 Low Density Residential to C-4-T Central Commercial Transitional:

IN TOWNSHIP 17 SOUTH, RANGE 12 EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON:

Section 32: A tract of land located in the SE 1/4, NW 1/4, more particularly described as follows: Beginning at a point on the right bank of the Deschutes River, whence the Westerly corner of Block 4 of Bend bears South 02°51'02" West, 246.32 feet; thence south 51°26'00" East, 83.79 feet; thence South 38°34'00" West, 200.00 feet; thence North 51°26'00" West 10.00 feet; thence along a 380 foot radius curve left, 77.00 feet; thence North 38°36'00" East, 117.89 feet; thence North 25°49'40" West; 49.95 feet to a point on the right bank of the Deschutes River; thence Easterly along said bank of the Deschutes River to the point of beginning.

Read for the first time the 3rd day of May, 1972.

Read for the second time the 17th day of May, 1972.

Placed upon its passage the 17th day of May, 1972.

YES: 6 ABSTAINING: 1

Submitted to and approved by the Mayor this 17th day of May, 1972.

Richard E. Gewais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-914

AN ORDINANCE AMENDING ORDINANCE NO. NS-737, RELATING TO DISORDERLY CONDUCT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 4 of Ordinance No. NS-737 is amended to read:

"Section 4. Disorderly Conduct. A person commits the crime of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, recklessly creating a risk thereof, he: (1) engages in fighting or in violent, tumultuous or threatening behavior; or (2) makes unreasonable noise; or(3) uses abusive or obscene language or makes an obscene gesture, in a public place; or(4) disturbs any lawful assembly of persons without lawful authority; or (5) obstructs vehicular or pedestrian traffic on a public way; or(6) congregates with other persons in a public place and refuses to comply with the lawful order of the police to disperse; or (7) initiates or circulates a report, knowing it to be false, concerning an alleged or impending fire, explosion, crime, catastrophe or other emergency; or (8) creates a hazardous or physically offensive condition by an act which he is not licensed or privileged to do."

Read for the first time this 7th day of June, 1972.

Read for the second time this 21st day of June, 1972.

Placed upon its passage the 21st day of June, 1972.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 21st day of June, 1972.

Richard E. Gervais
Mayor

ATTEST:

Julie S. Johnson
Recorder-Treasurer

1AA061

ORDINANCE NO. NS-915

AN ORDINANCE AMENDING ORDINANCE NO. NS-737, RELATING TO INTOXICATION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 3 of Ordinance No. NS-737 is amended to read:

"Section 3. Public Intoxication. A person commits the crime of public intoxication if he creates, while in a state of intoxication, any disturbance of the public in any public or private business or place.

This ordinance is necessary for the immediate preservation of the public peace, health and safety because the State law has been changed effective July 1, 1972 and this ordinance must conform to State law. Accordingly an emergency is declared and this ordinance shall become effective July 1, 1972."

Read for the first time this 7th day of June, 1972

Read for the second time this 21st day of June, 1972.

Placed upon its passage this 21st day of June, 1972.

YES: 6 NO; 0

Submitted to and approved by the Mayor this 21st day of June, 1972.

Richard E. Gervais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-916

AN ORDINANCE AMENDING ORDINANCE NO. NS-310, RELATING TO THE LICENSING OF DOGS.

THE CITY OF BEND SOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance No. NS-310 is amended to read:

"Section 1. Every person, residing in the City of Bend, owning or keeping any dog which has a set of permanent canine teeth shall, not later than March 1st of each year or within thirty days after he becomes the owner or keeper of such dogs, procure from the City Recorder of the City of Bend, a license tag for the dog."

Section 2. Section 3 of Ordinance No. NS-310 is amended to read:

"Section 3. It shall be the duty of the Chief of Police, or any persons whom the City Manager may appoint as Deputy Pound Master, to carry out the provisions of this ordinance and to cause any dog found running without a collar around his or her neck with such a tag as is in this ordinance provided, to be taken up and impounded. If such dog shall not be redeemed as hereinafter provided within five days after the impounding thereof, it shall be the duty of the Chief of Police, or Deputy Pound Master to sell the dog, or cause it to be sold, or to kill the dog or cause it to be killed, and to have it buried outside the limits of the city. The Chief of Police or Deputy Pound Master shall receive from any person any dog found contrary to the provisions of this ordinance, and all dogs, whether taken by said Chief of Police or Deputy Pound Master or delivered to them, shall be safely restrained by them. If any impounded dog is not reclaimed by the owner thereof within five days, such dog shall be offered for sale by the officer having such dog in charge. If no bid is made for the dog at such sale, the dog shall be killed and buried. If it is sold, the proceeds of such sale shall be paid to the City Treasurer, who shall deposit such proceeds in the general fund. No dog so impounded shall be delivered to the owner or purchaser thereof until a tag is purchased for said dog and the expense of keeping the dog during the time it was impounded, is paid to the City Treasurer; provided that in case the owner of an impounded dog has purchased a tag and attached the same to a collar and the same has been lost or stolen, on proof of such purchase, the dog shall be released and a substitute tag attached. Immediately after taking up any dog as provided for herein, the Pound Master shall use his best efforts to ascertain the person entitled to possession of such dog, and, if the owner is ascertained, the Pound Master shall thereupon notify him of the impounding of the dog. In case any impounded dog shall not be claimed by an person within two days after receipt of notice of impounding, or in case the Pound Master, after diligent search and inquiry, is unable to locate such person, the Pound Master shall, not less than five days after the impounding of said dog, sell it at public auction to satisfy the cost and expense of impounding and keeping said dog. Before any such dog is sold or destroyed, as hereinbefore provided for, the Pound Master shall give notice of intent to sell or destroy by at least one publication in a newspaper published in the City of Bend, at least three days before such sale or killing. The notice of intent to sell or destroy shall be published at least once in a newspaper published in the City of Bend, at least three days before such sale, or killing. The notice shall contain a brief description of the animal; provided, however, that a reasonably accurate description of the dog will be sufficient."

Section 3. Section 4 of Ordinance No. NS-310 is amended to read:

"Section 4. The above mentioned tag shall be attached to the collar of the dog and shall be procured from the City Recorder of the City of Bend. The fee for such license tag shall be as set by law."

Section 4. A new Section 9 to Ordinance No. NS-310 is added to read:

"Section 9. This ordinance does not apply to dogs owned by dealers, breeders or exhibitors where they are kept in kennels exclusively for sale or exhibition purposes, or while such dogs are being transported by dealer, breeders or exhibitors to and from a dog show or fair. No license shall be required for such dogs kept for such purposes until they are sold or otherwise disposed of to another person or are permitted to run at large."

Section 5. A new Section 10 of Ordinance No. NS-310 is added to read:

"Section 10. No license shall be required to be paid for any dog owned by a blind person who uses it as a guide. A license shall be issued for such dog upon the filing with the City Recorder of an affidavit by the blind person showing such dog to come within this exemption."

Read for the first time this 7th day of June, 1972

Read for the second time this 21st day of June, 1972.

Placed upon its passage the 21st day of June, 1972.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 21st day of June, 1972.

Richard E. Gervais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-917

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

Lots Twenty (20), Twenty-one (21) and Twenty-Two (22), Block Twenty-Two (22), 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 16th day of August, 1972, 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 the hearing.

Read for the first time this 7th day of June, 1972.

Read for the second time this 21st day of June, 1972.

Placed upon its passage the 21st day of June, 1972.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 21st day of June, 1972.

Richard E. Gervais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-918

AN ORDINANCE CHANGING THE ZONE OF CERTAIN PROPERTY FROM R-2 to C-4-T.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 and the Zoning Map of the City of Bend is amended by changing the zone of the following described property from R-2 High Density Residential to C-4-T Central Commercial Transitional:

> Beginning at the southwesterly corner of Lot 8, Block 4 of the plat of Bend; thence, N. 38°34' E. a distance of 360.00 feet to the northwesterly corner of Lot 21 of Block 4, Bend; thence, N. 51°26' W. a distance of 10.0 feet; thence N. 38°34' E. a distance of 50.00 feet; thence, S. 51°26' E. a distance of 10.00 feet to the southwesterly corner of Lot 8, Block 3, Bend; thence N. 51°26' W. a distance of 250.0 feet to the northwesterly corner of Lot 12, Block 3, Bend; thence N. 51°26' W. a distance of 155.00 feet to the southwesterly corner of Lot 6, Block 2 of the plat of Bend; thence N. 38°34' E. a distance of 280.00 feet to the south boundary of Newport Ave.; thence, N. 51°26' W. along the south boundary of Newport Ave. a distance of 300.00 feet, more or less, to the thread of the Deschutes River; thence, southerly following the thread of the Deschutes River to a point which intersects a line which bears S. 51°26' E. and which terminates at a point on the easterly or right bank of the Deschutes River, said point being 246.01 feet north and 12.24 feet east of the southwesterly corner of Block 4 of the plat of Bend; thence, S. 51°26' E. for 83.79 feet; thence, S. 38°34' W. for 200.0 feet to a point on the north boundary of Franklin Ave.; thence, S. 51°26' E. a distance of 215.0 feet along said north boundary of Franklin Ave. to the point of beginning at the southwesterly corner of Lot 8, Block 4, of the plat of Bend.

Section 2. The following transitional standards shall apply to and limit the use of the property described in this ordinance: The property may only be used as an off-street motor vehicle parking facility and park.

Read for the first time this 21st day of June, 1972.

Read for the second time this 5th day of July, 1972.

Placed upon its passage this 5th day of July, 1972.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 5th day of July, 1972.

Richard E. Gervais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-919

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> That portion of the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼) of Section Twenty-Seven (27), Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, lying North of the Wells Acres Road and East of the Butler Market Road and described as follows: Beginning at a point on the North line of the Wells Acres Road, said point being located 489.91 feet South and 1072.57 feet west of the Northeast corner of said NW ¼ NW ¼; thence South 83°03'11" East for 511.84 feet; thence North 13°03'11" West for 408.58 feet; thence South 72°06'49" West for 194.0 feet to the center of an irrigation lateral; thence South 44°06'49" West for 46.20 feet along said lateral; thence South 56° 10' 49" West for 147.30 feet along said lateral to an intersection with the Easterly line of the Butler Market Road; thence on a curve to the right, whose central angle is 48°04' and whose radius is 848.51 feet for 182.96 feet, more or less, to an intersection with the North line of the Wells Acres Road; thence South 68°33'11" East for 28.53 feet to the point of beginning; Said tract to contain 2.92 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 ~~16~~ 26th day of ~~August~~ September, 1972, 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 the hearing.

Read for the first time this 21st day of June, 1972.

Read for the second time this 5th day of July, 1972.

Placed upon its passage this 5th day of July, 1972.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 5th day of July, 1972.

Richard E. Genrais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

IAA061

ORDINANCE NO. NS-920

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

(a) A tract of land located in the Northeast quarter of Section 6 in Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: Beginning at a point whence the North quarter corner of said Section 6 bears North 13°59'09" West, 1237.86 feet; thence South 00°22'07" West 90.84 feet; thence East 227.57 feet, more or less, to the Westerly right-of-way of Century Drive Highway; thence Northerly along said right-of-way line 91 feet, more or less, to an iron pin; thence North 89°40'23" West, 215.77 feet to the point of beginning.

(b) A tract of land located in the Northeast Quarter, Section 6, Township 18 South, Range 12, East W. M., more particularly described as follows: Beginning at a point on the East right-of-way line of West 15th Street whence the North quarter corner bears North 09°14'24" West 695.04 feet; thence North 89°15'49" East, 181.65 feet; thence South 00°44'11" East, 150.00 feet; thence North 89°15'49" East 200.00 feet to the Westerly right-of-way of the Cascade Lakes Highway; thence South 01°43'32" East, 171.28 feet; thence North 89°40'23" West, 388.71 feet; thence North, 314.06 feet to the point of beginning.

(c) A tract of land located in the Northwest Quarter of the Northeast Quarter of Section 6 in Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: Beginning at a point whence the North Quarter corner of said Section 6 bears North 13°59'09" West 1237.86 feet; thence North 0°22'07" East, 200.15 feet, thence South 89°40'23" East, 200 feet to the Westerly right-of-way of Century Drive; thence Southerly along said right-of-way bearing South 4°10'55" East, 200.57 feet, thence North 89°40'23" West, 215.77 feet to the point of beginning: EXCEPT a tract of land located in the Northwest Quarter of the Northeast Quarter of Section 6, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: Beginning at a point on the Westerly right-of-way line of Century Drive Highway, whence the North Quarter corner of said Section 6 bears North 23°11'01" West, 1308.03 feet; thence North 89°40'23" West, 144.95 feet; thence North 00°22'07" East, 60.00 feet; thence South 89°40'23" East, 138.95 feet, more or less to the Westerly right-of-way line of Century Drive Highway; thence Southerly along said right-of-way line 60.30 feet, more or less to the point of beginning.

(d) A tract of land located in the Northwest Quarter of the Northeast Quarter (NW ¼ NE ¼) of Section Six (6), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: Beginning at a point on the Westerly right-of-way line of Century Drive Highway, whence the North Quarter corner of said Section 6 bears North 23°11'01" West, 1308.03 feet; thence North 89°40'23" West, 144.95 feet; thence North 00°22' 07" East, 60.00 feet; thence South 89°40'23" east, 138.95 feet, more or less to the Westerly right-of-way line of Century Drive Highway thence Southerly along said right of way line 60.30 feet, more or less to the point of beginning.

(e) A tract of land located in the Northwest Quarter of the Northeast Quarter of Section 6 in Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: Beginning at a point whence the North Quarter corner of said Section 6 bears North 13°59'09" West, 1237.86 feet; thence North 89°40'23" West, 187.40 feet to a point on the East right-of-way line of West Fifteenth Street extended; thence North along said right-of-way, 200.14 feet; thence South 89°40'23" East, 188.71 feet; thence South 00°22'07" West, 200.15 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 16th day of ~~August~~ SEPTEMBER, 1972, 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 the hearing.

Read for the first time this 21st day of June, 1972.

Read for the second time this 5th day of July, 1972.

Placed upon its passage this 5th day of July, 1972.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 5th day of July, 1972.

Richard E. Gervais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-921

AN ORDINANCE VACATING A PUBLIC WAY IN A PORTION OF BLOCK 4, WIESTORIA ADDITION IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

A request having been submitted to the Bend City Commission that the following described public way be vacated; and the matter having been submitted to the Bend City Planning Commission for study; and the Bend City Planning Commission having recommended that the public way described as follows be vacated;

Beginning at a point on the west boundary of Lot 3, Blk, 4, of Wiestoria Addition, said point being 120.0 feet north of the S. W. Corner of said Blk. 4; thence North for 180.0 feet; thence East 60.0 feet to a point on the north line of Lot 5, Blk. 4; thence South 18°16'13" West a distance of 189.56 feet to the point of beginning, in the City of Bend, Deschutes County, Oregon.

and the City Commission having set a time for formal hearing upon the requested vacation; 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, said vacation proceedings to vacate the following described public way:

Beginning at a point on the west boundary of Lot 3, Blk. 4, of Wiestoria Addition, said point being 120.0 feet north of the SW Corner of said Blk 4; thence North for 180.0 feet; thence East 60.0 feet to a point on the north line of Lot 5, Blk 4; thence South 18°16'13" West a distance of 189.56 feet to the point of beginning, in the City of Bend, Deschutes County, Oregon. This parcel is located near the intersection of Penn Ave. and E. Second St.

The City Commissioners of the City of Bend, Oregon have fixed the 21st day of June, 1972, 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 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 on the following condition: This ordinance is specifically conditioned upon the development of a motel complex according to all the terms and specifications contained in a Development Plan which is attached to and made a part of this Ordinance. If the project described in the Development Plan is not completed within 18 months from the date of this Ordinance this condition shall fail and this Ordinance shall not be effective. If the project described in the Development Plan is completed according to all the terms and conditions of the Development Plan within the required time then the City shall file a Certificate of Project Completion with the Deschutes County Clerk and this Ordinance shall then be final and effective.

Subject to the condition recited above this vacation is hereby made a matter of record and the City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk for Deschutes County, Oregon.

Read for the first time this 21st day of June, 1972.

Read for the second time this 5th day of July, 1972.

Placed upon its passage the 5th day of July, 1972.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 5th day of July, 1972.

Richard E. Genoris
Mayor

ATTEST:

Julia I. Johnson
Recorder-Treasurer

WV

ORDINANCE NO. NS-922

AN ORDINANCE VACATING THE ALLEY IN BLOCK FORTY-SIX (46), RIVERSIDE ADDITION.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

A petition having been presented to the Bend City Commission requesting that the following described property in the City of Bend, County of Deschutes, State of Oregon be vacated:

THE ALLEY IN BLOCK FORTY-SIX (46), RIVERSIDE ADDITION

and stating the purpose for which the described property is proposed to be used and 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:

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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 Ross B. Hammond Co., Inc., said vacation proceedings to vacate the following described public ways:

The ALLEY IN BLOCK FORTY-SIX (46), Riverside Addition to Bend, being the east-west alley in the block bounded on the north by Webster Avenue, on the south by Vail Avenue and between E. 4th Street and E. 5th Street in the City of Bend, Deschutes County, Oregon.

The City Commissioners of the City of Bend, Oregon, have fixed the 21st day of June, 1972, 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 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 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice a hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation, and that the property should be vacated.

NOW THEREFORE, it is hereby ordered that the above-described real property be and the same hereby is vacated and said vacation is hereby made a matter of record. This Ordinance is specifically conditioned upon the development of a low-income housing project for the elderly according to all the terms and specifications contained in a Development Plan which is attached to and made a part of this Ordinance. If the project described in the Development Plan is not completed within 18 months from the date of this Ordinance this condition shall fail and this Ordinance shall not be effective. If the project described in the Development Plan is completed according to all the terms and conditions of the Development Plan within the required time then the City shall file a Certificate of Project Completion with the Deschutes County Clerk and this Ordinance shall then be final and effective.

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

Read for the first time this 21st day of June, 1972.

Read for the second time this 5th day of July, 1972.

Placed upon its passage this 5th day of July, 1972.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 5th day of July, 1972.

Richard E. Gevurs
Mayor

ATTEST:

Irwin S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-923

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> The East 58 rods of the Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section Twenty-Seven (27), 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 16th day of ~~August~~ SEPTEMBER, 1972, 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 the hearing.

Read for the first time this 21st day of June, 1972.

Read for the second time this 5th day of July, 1972.

Placed upon its passage this 5th day of July, 1972.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 5th day of July, 1972.

Richard E. Gevurs
Mayor

ATTEST:

Irwin S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-924

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> A tract of land located in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4), of Section Twenty-eight (28), Township Seventeen (17), South, Range Twelve (12), east of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:
>
> Beginning at a point whence the southeast corner of said Northeast Quarter of the Northeast Quarter of Section 28, bears south 89°22'22" East, 33.20 feet; thence north 89°22'22" West, 170.09 feet; thence north 00°20'43" East, 213.43 feet; thence south 89°22'22" East, 203.29 feet; thence south 00°20'43" West, 13.43 feet; thence south 09°46'40" West, 202.56 feet to the point of beginning.

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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 September, 1972, 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 the hearing.

Read for the first time this 5th day of July, 1972.

Read for the second time this 2nd day of August, 1972.

Placed upon its passage this 2nd day of August, 1972.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 2nd day of August, 1972.

Richard E. Gervais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-925

AN ORDINANCE CHANGING THE ZONE OF CERTAIN PROPERTY FROM R-2 HIGH DENSITY RESIDENTIAL TO PD PLANNED DEVELOPMENT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.070 of Ordinance No. NS-796 and the Zoning Map of the City of Bend are amended by changing the zone of the following described property from R-2 High Density Residential to PD Planned Development:

Lots 1, 2, and 3, Block 3, Third Addition to West Hills, Bend, Oregon, except the N. 120 feet of the E. 200 feet of Lot 1.

Read for the first time this 2nd day of August, 1972

Read for the second time this 18th day of October, 1972

Placed upon its passage this 18th day of October, 1972

YES: 7 NO: 0

Submitted to and approved by the Mayor this 18th day of October, 1972

Richard E. Gevaes
Mayor

ATTEST:

Lucia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-926

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-896 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 16th day of August, 1972, 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:

Lots Twenty (20), Twenty-one (21) and Twenty-two (22), Block Twenty-two (22), Bonne Home Addition.

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 therin 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 16th day of August, 1972.

Read for the second time this 6th day of September, 1972.

Placed upon its passage this 6th day of September, 1972.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 6th day of September, 1972.

Richard E. Gevaes
Mayor

ATTEST:

Recorder-Treasurer

IAA061

ORDINANCE NO. NS-927

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

Block 7, Ellis Subdivision, 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 1st day of November, 1972, 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 the hearing.

Read for the first time this 16th day of August, 1972.

Read for the second time this 6th day of September, 1972.

Placed upon its passage this 6th day of September, 1972.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 6th day of September, 1972.

Not read 2nd time

Richard E. Gevaes
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-928

AN ORDINANCE AMENDING THE ZONING ORDINANCE BY PROVIDING FOR TEMPORARY USE PERMITS FOR MOBILE HOMES

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-796 is amended by adding thereto a new Section 4.090 to read:

"Section 4.090. Temporary Permits for Mobile Homes. Temporary use permits for mobile home or trailer house type units may be authorized by the Planning Commission in the following circumstances upon such terms and conditions as prescribed by the Planning Commission:

1. Temporary use permits may be granted in favor of schools for a specified time.

2. Temporary use permits may be granted in residential zones for relatives of the family residing on the property if the mobile home or trailer house will be used because of a medical problem requiring the use of such a unit. The existence of a medical problem shall be supported by the certificate of a medical doctor. The permit shall not exceed one year; and may only be renewed with another certificate from a medical doctor.

3. Temporary use permits may be granted in connection with construction projects. The duration of such permits shall not continue beyond the construction period and the permit shall terminate upon occupancy of the building being constructed. The Building Official may issue such permits.

Read for the first time this 16th day of August, 1972.

Read for the second time this 6th day of September, 1972.

Placed upon its passage this 6th day of September, 1972.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 6th day of September, 1972.

Richard E. Lewis
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-929

AN ORDINANCE CREATING AND ESTABLISHING FIRE ZONES

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance No. NS-688 is amended to read:

"The following described property is hereby designated Fire Zone 1 as used in Section 1601 (a) of the Uniform Building Code, as adopted by the City of Bend:

Beginning at the intersection of the center lines of Franklin Ave. and Broadway Street; thence southwesterly along the center line of Broadway Street to an intersection with the center line of Kansas Ave.; thence southeasterly along the center line of Kansas Ave., to an inter-

section with the projected center line of the alley in Block 22, Park Addition; thence, southwesterly along the center line of the alley in Block 22, Park Addition to an intersection with the centerline of Idaho Ave., thence easterly along the center line of Idaho Ave. to the easterly line of Wall Street; thence continuing on the same course along the center line of the vacated portion of Idaho Ave. to an intersection with the center line of Bond Street; thence, northeasterly along the center line of Bond St. to an intersection with the center line of Kansas Ave.; thence, southeasterly along the center line of Kansas Ave. to an intersection with the center line of Lava Road; thence, northeasterly along the center line of Lava Road to an intersection with the northerly boundary of Block 27, Park Addition when extended northwesterly; thence, southeasterly along the northerly line of Block 27, Park Add. to an intersection with the center line of Sisemore St., thence northerly along the center line of Sisemore St. to an intersection with the projected center line of the alley in Block 28 of Park Addition, thence southeasterly along the center line of the alley in Block 28 of Park Add. to an intersection with the center line of Harriman Street; thence northerly along the centerline of Harriman Street to an intersection with the projected line along the south boundary of Lots 1, 2, 3 & 4 in Block 29 of Park Addition, thence easterly along the south boundary of Lots 1, 2, 3, & 4 in Block 29, Park Add. and the centerline of the alley in Block 30, Park Addition extended easterly to an intersection with the center line of E. First Street, thence southeasterly along the center line of E. First Street to an intersection with the center line of Emerson Ave., thence easterly along the center line of Emerson Ave. to an intersection with the center line of E. Second St., thence southerly along the center line of E. Second St. to an intersection with the center line of DeKalb Ave., thence easterly along the center line of DeKalb Ave. to an intersection with the center line of E. Third Street; thence, southerly along the center line of E. Third St. to a point which is 208.44 feet south of Burnside Ave., thence east to an intersection with the centerline of E. Fourth Street, thence Northerly along the centerline of E. Fourth St. to an intersection with the projected centerline of the alley in Block 29, Center Addition; thence, easterly along the center line of the alley in Blocks 29, 36 & 45 of Center Addition to an intersection with the center line of E. Seventh St., thence southerly along the center line of E. Seventh St. to an intersection with the center line of Irving Avenue, thence easterly along the center line of Irving Ave. to an intersection with the center line of E. Eighth St., thence northerly along the center line of E. Eighth St. to an intersection with the projected center line of the alley in Block 51 of Center Addition; thence, westerly along the center line of the alley in Blocks 51, 46, 35, 30 & 19 of Center Addition to the lot line between Lots 3 & 4 of Block 19, Center Addition; thence northerly along the lot line between Lots 3 & 4, Block 19, Lot lines 13 & 14, also 3 & 4, Block 18 to an intersection with the center line of Lafayette Ave.; thence, easterly along the center line of Lafayette Ave. to an intersection with the center line of E. Fourth St., thence northerly along the center line of E. Fourth St. to an intersection with the center line of Marshall Ave., thence, westerly along the center line of Marshall Ave., to a point opposite the center of Block 42, Wiestoria Addition; thence, northerly through the center of Blocks 42, 7, 6 & 5 of Wiestoria Addition and Blocks 39 & 38 of Riverside Addition to the center line of the alley in Block 38, Riverside Addition; thence, easterly along the center line of the alley in Block 38, Riverside Add. to an intersection with the center line of E. Fourth St., thence northerly along the center line of E. Fourth St. to an intersection with the center line of Thurston Ave., thence westerly along the center line of Thurston Ave. as originally platted to an intersection with the center line of E. Second Street; thence, southerly along the center line of E. Second St. to the center line of the alley in Block 2, Center Addition as originally platted, thence westerly along the center line of the alley in Block 2 extended to an intersection with the center line of Division Street; thence, southerly along the center line of Division St. to an intersection with the center line of Vermont Place, thence westerly along the center line of Vermont Place to an intersection with the center line of Hill Street; thence, northerly along the center line of Hill Street extended to an intersection with the center line of Portland Avenue; thence, westerly along the center line of Portland Ave. to the easterly edge of the Deschutes River; thence, southwesterly along the easterly edge of the Deschutes River to a point which bears N. 2°, 51' 02" E. and is 246.32 feet from the southwesterly corner of Block 4, Bend Addition; thence S. 51°, 26' E. for 83.79 feet, thence S. 38°, 34' W. to an intersection with the center line of Franklin

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Avenue, thence southeasterly along the center line of Franklin Ave. to the intersection with the center line of Broadway Avenue which is the point of beginning.

Excepted from the above is the following described area:

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

All in the City of Bend, Deschutes County, State of Oregon.

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

Section 3. Ordinance No. NS-688 is repealed."

Read for the first time this 16th day of August, 1972.

Read for the second time this 6th day of September, 1972.

Placed upon its passage this 6th day of September, 1972.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 6th day of September, 1972.

Richard E. Lewis
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. 930

AN ORDINANCE GRANTING TO BURLINGTON NORTHERN INC., A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE OR RIGHT TO LAY, CONSTRUCT AND MAINTAIN RAILROAD TRACKS AND TO OPERATE CARS AND TRAINS THEREOVER, AND TO TRANSPORT PASSENGERS, FREIGHT, MAIL, BAGGAGE AND EXPRESS THEREON, AND TO ERECT, CONSTRUCT, MAINTAIN AND OPERATE TELEPHONE AND TELEGRAPH LINES IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. That there be, and is hereby granted to Burlington Northern Inc., a corporation, its successors and assigns, the franchise or right to lay, construct and maintain railroad tracks of standard gauge, either single or double track, with power to change from one to the other, and such sidings, switches, curves and connections and other equipment as it may deem necessary or convenient, and to operate and run cars and trains thereon, and to transport passengers, freight, mail, baggage and express thereon, upon and over the following named street or boulevard in the City of Bend, Oregon, to-wit: Upon and over Woodland Boulevard in the location as indicated by description of the center line of the railroad constructed thereover as follows, to-wit:

Commencing at the point of intersection of the northerly boundary of Woodland Boulevard, as shown on the recorded plat of Bend Park in Section 4, Township 18 South, Range 12 East, Willamette Meridian, with the center line of the right of way of the Burlington Northern Inc., thence southeasterly along said center line to an intersection with the center line of said Woodland Boulevard at Survey Station 137+77; thence continuing southeasterly along said center line of right of way to a point in the southerly boundary of said Woodland Boulevard,

and also the right and privilege of constructing and maintaining on said Woodland Boulevard, at the location hereinabove described, such wyes, frogs, switches, curves and connections as the Burlington Northern Inc., its successors and assigns, may deem necessary or convenient in the construction and operation of said line of railroad.

And that there be, and is hereby also granted to said Burlington Northern Inc., its successors and assigns, the right to erect, construct and maintain poles, wires and other necessary and convenient equipment for the purpose of conveying electrical currents for the transmission of messages by telephone or telegraph or for any other use by it in connection with the operation of its trains and cars upon the railroad so constructed and operated at said location, together with the right to construct all necessary and convenient feed and service lines in connection therewith.

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Section 2. That there be and is hereby granted to said Burlington Northern Inc., its successors and assigns, the franchise or right to lay, construct and maintain railroad tracks and operate trains and cars over private property and private rights of way, which said company may now have or hereafter acquire, and to connect the same with tracks mentioned and described in Section 1 of this ordinance.

Section 3. That there be and is hereby granted to said Burlington Northern Inc., its successors and assigns, the right to reconstruct and maintain sidetracks, switches and other equipment from the track or tracks hereinbefore described, into, upon and over such private properties as it may now hold or hereafter acquire for use as round houses, power houses, freight depots, passenger depots, terminals and other purposes, or into, upon or over any property contiguous to said tracks.

Section 4. The subgrade of the railroad track over and across the street or boulevard specifically described in Section 1 of this ordinance shall be 3685.8 feet above sea level.

Section 5. The Burlington Northern Inc., its successors and assigns, shall have the right to do all necessary excavation and grading for the construction, repair or maintenance of said tracks, but all that portion of said street or boulevard so excavated or graded shall be replaced in as near the original condition as practicable, and said Burlington Northern Inc., its successors and assigns, shall, during the term of this franchise, keep the portion of said street or boulevard upon which the said tracks are maintained, including the space between the main line tracks and side tracks and the space within any wyes in as good condition and repair as the remainder of said street is maintained, for the full width of said railway between the rails of each track, and for the width of one foot on the outside of the rails of each track.

Section 6. If at any time during the life of this franchise, traffic by the public over the crossing at said Woodland Boulevard is such that some audible or visual warning devices, in addition to warnings and signs now required by law, are reasonably necessary for the safety of the public using the highway at said crossing, the Railway Company will install and thereafter maintain such additional devices as may be prescribed by the Public Utilities Commissioner of Oregon, or other public authority having jurisdiction in the premises.

Section 7. The motive power employed for the operation of trains and cars upon said track shall be steam, diesel, electricity, internal combustion engines, or any other form of power which said company may desire to use, in accordance with good railroad operating standards.

Section 8. All of the rights herein granted shall continue and be in force and effect for a period of ten (10) years from and after the date of the final approval of this ordinance.

Section 9. All franchises or rights herein granted are upon the condition that the Burlington Northern Inc., its successors and assigns, shall within sixty (60) days after the approval of this ordinance, or after it otherwise takes effect, file with the City Recorder a written acceptance of the provisions of this ordinance, provided that nothing contained in this section shall prevent the council from extending the time for the filing of such acceptance, if such extension shall be necessary.

Read for the first time this 16th day of August, 1972.

Read for the second time this 6th day of September, 1972.

Placed upon its passage this 6th day of September, 1972.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 6th day of September, 1972.

Richard E. Gervais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-931

AN ORDINANCE AMENDING THE ZONING ORDINANCE TO ALLOW GROUP BUILDINGS IN AN R-2 ZONE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 3.110.3 of Ordinance NS-796 is amended to read:

"3. Multi-family dwelling provided that such use shall be subject to the provisions of Section 3.126 if the use proposed contains four or more dwelling units whether in one building or more than one building ."

Section 2. Section 3.126 of Ordinance NS-796 is amended to read:

"Site Plan Review for Housing Development. Before any development containing four or more dwelling units, whether the dwelling units are contained in one or more buildings or on more than one lot, may be constructed a site plan shall be submitted to the Planning Commission for its approval in accordance with Article 10. Construction shall be in conformance with plans approved by the Planning Commission. In considering a site plan for a proposed housing development, the Planning Commission shall take into account its impact on nearby residential and commercial property, on the capacity of the street to carry traffic and on the appearance of the street. The Planning Commission may require as a condition of approval:"

Section 3. A new Section 3.126.7 is added to Ordinance NS-796 to read:

"7. Paving and curbing of streets or alleys within the proposed use or serving the proposed use."

Read for the first time this 6th day of September, 1972

Read for the second time this 20th day of September, 1972

Placed upon its passage this 20th day of September, 1972.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 20th day of September, 1972.

Richard E. Gervais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-932

AN ORDINANCE CHANGING THE ZONE OF BLOCKS 24, 25, 26, 27 and 28 OF KENWOOD FIRST ADDITION, BEND, DESCHUTES COUNTY, OREGON FROM R-2 TO R-1.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-796 is amended by changing the Zone Map of the City of Bend to change the following described property from R-2 High Density Residential to R-1 Low Density Residential:

All of Blocks 24, 25, 26, 27 and 28 of First Addition to Kenwood, Bend, Deschutes County, Oregon.

Read for the first time this 6th day of September, 1972

Read for the second time this 20th day of September, 1972

Placed upon its passage the 20th day of September, 1972.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 20th day of September, 1972.

Richard E. Gewaes
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

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ORDINANCE NO. NS-933

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The portion of Block 7, Ellis Subdivision, lying west of the Pilot Butte canal.

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 November, 1972, 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 the hearing.

Read for the first time this 6th day of September, 1972.

Read for the second time this 20th day of September, 1972

Placed upon its passage the 20th day of September, 1972.

YES: 6 NO: 0

Submitted to and approved by the Mayor this 20th day of September, 1972.

Richard E. Gewain
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer OK

ORDINANCE NO. NS-934

AN ORDINANCE AMENDING THE ZONING ORDINANCE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 3.210 of Ordinance No. NS-796 is amended by deleting therefrom:

"9. Travel-trailer park or mobile home park."

Section 2. Section 3.220 of Ordinance No. NS-796 is amended by adding thereto the following conditional use:

"6. Travel-trailer park or mobile home park."

Read for the first time this 20th day of September, 1972

Read for the second time this 4th day of October, 1972

Placed upon its passage this 4th day of October, 1972

YES: 7 NO: 0

Submitted to and approved by the Mayor this 4th day of October, 1972.

Richard E. Gewain
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer OK

ORDINANCE NO. NS-935 NS-935 repealed by NS-1497 passed 7-19-89

AN ORDINANCE AMENDING THE STREET EXCAVATION ORDINANCE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 15 of Ordinance No. NS-772 is amended by deleting the last two sentences and shall read:

"Section 15. Permit Fees. The fee for a permit shall be $3.00 for each 100 feet of work or fraction thereof, or $50.00 for an annual permit unless otherwise provided for by franchise ordinance or other agreement."

Section 2. Section 8 of Ordinance No. NS-772 is amended by adding the following sentence to (b):

"Any person who has made an excavation in a street shall maintain the restored street surface according to City standards for two years from the date of restoration."

Read for the first time this 30th day of September, 1972

Read for the second time this 4th day of October, 1972

Placed upon its passage this 4th day of October, 1972

YES: 7 NO: 0

Submitted to and approved by the Mayor this 4th day of October, 1972

Richard E. Gervais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

1AA061

ORDINANCE NO. NS-936

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

A parcel of land located in the Northwest Quarter of Section 27, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Commencing at the Northwest corner of said Section 27, thence along the North line of said Section 27, North 89°48'12" East, 670.16 feet to the true point of beginning; thence along the North line of said Section 27, North 89°48'12" East, 638.36 feet; thence South 00°11'41" West, 614.69 feet to the right-of-way of Wells Acres Road, thence along the right-of-way of Wells Acres Road, North 83°03'11" West, 618.63 feet; thence North 10°31'48" West, 179.23 feet; thence around a 50 foot radius curve to the right, 120.52 feet (long chord bears North 10°26'28" East, 93.39 feet); thence North 41°45' East, 20.95 feet; thence North 10°31'48" West, 110.98 feet; thence North 144.87 feet to the North line of said Section 27, and the true point of beginning, said parcel containing 8.3 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 6th day of December, 1972, at the hour of 7:30 P.M. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

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

Read for the first time this 20th day of September, 1972

Read for the second time this 4th day of October, 1972

Placed upon its passage this 4th day of October, 1972

YES: 7 NO: 0

Submitted to and approved by the Mayor this 4th day of October, 1972

Richard E. Lewis
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-937

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-919 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 September, 1972, at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

That portion of the Northwest Quarter of the Northwest Quarter (NW 1/4 NW 1/4) of Section Twenty-Severn (27), Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, lying North of the Wells Acres Road and East of the Butler Market Road and described as follows: Beginning at a point on the North line of the Wells Acres Road, said point being located 489.91 feet South and 1072.57 feet west of the Northeast corner of said NW 1/4 NW 1/4; thence South 83° 03' 11" East for 511.84 feet; thence North 13° 03' 11" West for 408.58 feet; thence South 72° 06' 49" West for 194.0 feet to the center of an irrigation lateral; thence South 44°06'49" West for 46.20 feet along said lateral; thence South 56°10'49" West for 147.30 feet along said lateral to an intersection with the Easterly line of the Butler Market Road; thence on a curve to the right, whose central angle is 48°04' and whose radius is 848.51 feet for 182.96 feet, more or less, to an intersection with the North line of the Wells Acres Road; thence South 68° 33' 11" east for 28.53 feet to the point of beginning; said tract to contain 2.92 acres, more or less.

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

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

Read for the first time the 20th day of September, 1972

Read for the second time the 4th day of October, 1972

Placed upon its passage the 4th day of October, 1972

YES: 7 NO: 0

Submitted to and approved by the Mayor this 4th day of October, 1972.

Richard E. Lewis
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

1AA061

ORDINANCE NO. NS-938

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-923 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 September, 1972, at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

The East 58 rods of the Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter of Section Twenty-seven (27), Township Seventeen (17), South Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon.

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

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

Section 5. The above described property annexed by this ordinance shall be zoned PD Planned Development; and the zoning map of the City of Bend shall be changed accordingly.

Read for the first time the 20th day of September, 1972

Read for the second time the 4th day of October, 1972

Placed upon its passage the 4th day of October, 1972

YES: 7 NO: 0

Submitted to and approved by the Mayor this 4th day of October, 1972.

Richard E. Gewais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-939

AN ORDINANCE CHANGING THE ZONE OF LOTS 9 to 12 INCLUSIVE, BLOCK 21, CENTER ADDITION FROM R-1 LOW DENSITY RESIDENTIAL TO C-2 LIMITED COMMERCIAL.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The zone for Lots 9 to 12 inclusive, in Block 21 of Center Addition in Bend, Deschutes County, Oregon is changed from R-1 Low Density Residential to C-2 Limited Commercial zone.

Read for the first time the 20th day of September, 1972

Read for the second time the 18th day of October, 1972

Placed upon its passage the 18th day of October, 1972

YES: 7 NO: 0

Submitted to and approved by the Mayor this 18th day of October, 1972.

Richard E. Gewais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-940

AN ORDINANCE CHANGING THE ZONE OF LOTS 1 THROUGH 14, BLOCK 46, IN RIVERSIDE ADDITION IN BEND, OREGON, FROM M-1 LIGHT INDUSTRIAL ZONE TO R-2 HIGH DENSITY RESIDENTIAL ZONE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The zone for Lots 1 through 14 in Block 46 of Riverside Addition in Bend, Deschutes County, Oregon is changed from M-1 Light Industrial Zone to R-2 High Density Residential Zone.

Read for the first time the 4th day of October, 1972

Read for the second time the 18th day of October, 1972

Placed upon its passage the 18th day of October, 1972

YES: 7 NO: 0

Submitted to and approved by the Mayor this 18th day of October, 1972.

Richard E. Gervais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

1A1061

ORDINANCE NO. NS-941 / NS-941 repealed by NS-1495, passed 7-19-89.

AN ORDINANCE AMENDING THE BUILDING MOVING ORDINANCE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The last sentence of Section 2 (2) of Ordinance No. NS-701 is amended to read:

"Applicant shall provide at applicants expense an escort for the building along the route to be taken in the moving of the building. The escort shall be either a regular or reserve City of Bend Police Officer or some other responsible person approved by the Police Chief. Arrangements for escort shall be made at least twenty-four hours in advance with the Police Chief."

Read for the first time the 4th day of October, 1972

Read for the second time the 18th day of October, 1972

Placed upon its passage the 18th day of October, 1972

YES: 7 NO: 0

Submitted to and approved by the Mayor this 18th day of October, 1972

Richard E. Gervais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-942

AN ORDINANCE VACATING A PORTION OF LOT 12, BLOCK 37, RIVERSIDE ADDITION IN THE CITY OF BEND, OREGON.

The City Commission on the 4th day of August, 1971, having received a request that the following described street right-of-way be vacated:

> A PORTION of Lot 12, Block 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, due east for 50.0 feet to the southeast corner of Lot 12; thence, due north for 140.0 feet to the northeast corner of Lot 12; thence, south 19 degrees 39'13" west for 148.66 feet to the point of beginning;

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

> "NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend, said vacation proceedings to vacate the following described public way:
>
> A PORTION of Lot 12, Block 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, due east for 50.0 feet to the southeast corner of Lot 12; thence, due north for 140.0 feet to the northeast corner of Lot 12; thence, south 19 degrees 39'13" west for 148.66 feet to the point of beginning.
>
> The City Commissioners of the City of Bend, Oregon, have fixed the 15th day of September, 1971, 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 objections to the said vacation proceedings."

to be published once each week for four consecutive weeks in The Bulletin; and said Recorder-Treasurer 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 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice a hearing having been held, and no objections were made, and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation, and that the property should be vacated,

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

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

Read for the first time this 15th day of September, 1971

Read for the second time this 18th day of October, 1972

Placed upon its passage this 18th day of October, 1972

YES: 7 NO: 0

Submitted to and approved by the Mayor this 18th day of October, 1972

ATTEST:

Julie S. Johnson
Recorder-Treasurer

Richard E. Lewis
Mayor

ORDINANCE NO. NS-943

AN ORDINANCE CHANGING THE ZONE OF LOT 4, BLOCK 24, CENTER ADDITION IN BEND, OREGON, FROM R-2 HIGH DENSITY RESIDENTIAL ZONE TO C-2 LIMITED COMMERCIAL ZONE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> The zone for Lot 4, Block 24, Center Addition in Bend, Deschutes County, Oregon, is changed from R-2 High Density Residential Zone to C-2 Limited Commercial Zone.

Read for the first time the 18th day of October, 1972.

Read for the second time the 1st day of November, 1972

Placed upon its passage the 1st day of November, 1972

YES: 4 NO: 0

Submitted to and approved by the Mayor the 1st day of November, 1972.

Richard E. Lewis
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

IAA061

ORDINANCE NO. NS-944

AN ORDINANCE VACATING THE E. 10 FEET OF E. 7th STREET FROM IRVING AVENUE SOUTH TO THE ALLEY IN THE CITY OF BEND, OREGON.

A petition having been presented to the Bend City Commission on the 6th day of September, 1972, requesting that the following described public area:

> The easterly ten (10) feet of East Seventh Street from the south boundary of E. Irving Avenue to the north boundary of Juniper Park, Bend, Oregon, Deschutes County, Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and the City Commission having set a time for formal hearing upon the petition; and the Recorder of the City of Bend having caused the following notice:

NOTICE IS HEREBY GIVEN that vacation proceedings have been initiated by the City Commission of the City of Bend on petition by E. A. Moody, said vacation proceedings to vacate the following described public area:

> The easterly ten (10) feet of East Seventh Street from the south boundary of E. Irving Avenue to the north boundary of Juniper Park, Bend, Oregon.

The City Commissioners of the City of Bend, Oregon, have fixed the 18th day of October, 1972, 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 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 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice of hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation, and that the property should be vacated,

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

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

Read for the first time this 18th day of October, 1972

Read for the second time this 1st day of November, 1972

Placed upon its passage this 1st day of November, 1972

YES: 4 NO: 0

Submitted to and approved by the Mayor this 1st day of November, 1972

Richard E. Gervais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-945

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-933 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 November, 1972, at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

That portion of Block 7, Ellis Subdivision, lying west of the Pilot Butte Canal, Deschutes County, Oregon.

Section 3. That prior to the time of the aforesaid public hearing at least two-thirds of the landowners who own or who also own at least

two-thirds of the land in the area and of real property therein representing at least two-thirds of the assessed value of all real property in the area did consent in writing to the annexation and filed a statement of their consent with the legislative body of the City of Bend.

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

Section 5. The above described property annexed by this ordinance shall be zoned PD Planned Development; and the zoning map of the City of Bend shall be changed accordingly.

Read for the first time the 15th day of November, 1972

Read for the second time the 6th day of December, 1972

Placed upon its passage the 6th day of December, 1972

YES 7 NO: 0

Approved by the Mayor this 6th day of December, 1972

Richard E. Gewais
Mayor

ATTEST:

Recorder-Treasurer

IAA061

ORDINANCE NO. NS-946

AN ORDINANCE VACATING A PUBLIC WAYS IN PORTIONS OF RIVERSIDE ADDITION IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

A request having been submitted to the Bend City Commission that the following described public ways be vacated; and the matter having been submitted to the Bend City Planning Commission for study; and the Bend City Planning Commission having recommended that the public ways described as follows be vacated:

That portion of the Alley in Block 45, Riverside Addition lying between the east line of Studio Road and the west line of East 5th Street;

That portion of Vail Avenue lying between the east line of Studio Road and the west line of East 5th Street;

East Fifth Street from the north line of Underwood Avenue to the easterly right-of-way line of Studio Road.

and the City Commission having set a time for formal hearing upon the requested vacation; 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 of Larry Easter, said vacation proceedings to vacate the following described public ways:

That portion of the Alley in Block 45, Riverside Addition lying between the east line of Studio Road and the west line of East 5th Street;

That portion of Vail Avenue lying between the east line of Studio Road and the west line of East 5th Street;

East Fifth Street from the north line of Underwood Avenue to the easterly right-of-way line of Studio Road.

The City Commission of the City of Bend, Oregon has fixed the 20th day of December, 1972, 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 objections to the said vacation proceedings.

Julia S. Johnson
Recorder-Treasurer

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. This ordinance is specifically conditioned upon the development of a State Office Building complex according to all the terms and specifications contained in a Development Plan which is attached to and made a part of this ordinance. If the project described in the Development Plan is not completed within 18 months from the date of this ordinance this condition shall fail and this ordinance shall not be effective. If the project described in the Development Plan is completed according to all the terms and conditions of the Development Plan within the required time then the City shall file a Certificate of Project Completion with the Deschutes County Clerk and this ordinance shall then be final and effective.

Subject to the condition recited above this vacation is hereby made a matter of record and the City Recorder shall forthwith cause a certified copy of this ordinance to be filed and recorded in the office of the County Clerk for Deschutes County, Oregon.

Read for the first time this 20th day of December , 1972

Read for the second time this 3rd day of January, 1973

Placed upon its passage this 3rd day of January, 1973

YES: 7 NO: 0

Submitted to and approved by the Mayor this 20th day of December, 1972.

Richard E. Gervais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

AMENDED BY ORD. # NS-1327 223
Repealed 4-6-83

ORDINANCE NO. NS-947

AN ORDINANCE REGULATING SOLICITATIONS BY PERSONS ON BEHALF OF NON-COMMERCIAL ORGANIZATIONS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. No person shall solicit money or any other thing of value for or on behalf of any charitable, religious, philanthropic or like organization or person within the City of Bend without first obtaining a permit from the City as provided in this ordinance.

Section 2. For purposes of this ordinance the term "solicit" shall mean a personal request by the solicitor to the prospective giver and shall include but not be limited to a sale of goods or services in connection with the request and the placing of containers to receive contributions.

Section 3. Solicitation permits shall be issued by the City Recorder-Treasurer upon completion of an application for the permit. The application shall be submitted to the City Recorder-Treasurer and shall contain the following information:

(1) The name and purpose of the organization or cause for which the permit is sought.

(2) The address of the organization's principal place of business and the names and addresses of the officers and directors or the principals of the organization.

(3) The amount of money or value which the solicitation activity hopes to raise.

(4) A declaration whether any fees or commissions or remunerations of any kind are to be received by the solicitors for their solicitation activities, and if so , the amount thereof.

(5) The purpose for which the money or the value solicited will be used.

(6) A description of the method which will be used in the solicitation activity.

(7) The period during which the solicitation activities will be conducted.

(8) The estimated total cost of the solicitation activities and its relationship as a percentage of the total amount sought by the solicitation activity.

(9) All organizations which do not have their principal place of business, or which do not maintain a facility or support an activity which benefits from the solicitation activities within the City of Bend shall attach to their application a copy of the organization's application for exemption as filed with the United States Internal Revenue Service and a copy of the organization's information return filed with the Internal Revenue Service for the organization's fiscal period immediately preceding the time for which the solicitation permit is sought. If such an application has not been submitted to the Internal Revenue Service then the applicant shall submit the equivalent information to the Recorder-Treasurer.

(10) Any other information as may be reasonably necessary to determine the nature of the proposed solicitation and the character of the organization.

Section 4. The solicitation shall be conducted and the solicited value shall be used as represented in the application for a permit.

1AA061

Section 5. The applicant shall pay $5.00 as a permit fee upon the issuance of a solicitation permit.

Section 6. Any person who is denied a solicitation permit may appeal such denial to the City Commission.

Section 7. Nothing contained in this ordinance nor in the issuance of a permit shall constitute any endorsement or certification of the solicitation activity by the City of Bend.

Section 8. Any person violating any of the provisions of this ordinance shall, upon conviction, be punished by imprisonment in the City Jail for a period not to exceed 30 days, or by a fine not to exceed $300, or both.

Section 9. The Sections and Subsections of this ordinance are hereby declared severable. The invalidity of any one section or a subsection shall not affect the validity of the remaining provisions.

Read for the first time this 6th day of December, 1972

Read for the second time this 20th day of December, 1972

Placed upon its passage the 20th day of December, 1972

YES: 7 NO: 0

Submitted to and approved by the Mayor the 20th day of December, 1972.

Richard E. Gervais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

at

AMENDED BY ORD. # NS-1130 NS-1327, NS-1323, NS-1382, NS-1397

ORDINANCE NO. NS-948

NS-948 repealed by NS-1498 passed 7-19-89

AN ORDINANCE ADOPTING A UNIFORM FIRE CODE, PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE AND EXPLOSION; ESTABLISHING A BUREAU OF FIRE PREVENTION AND PROVIDING OFFICERS THEREFOR AND DEFINING THEIR POWERS AND DUTIES; REPEALING PRIOR ORDINANCES; AND PROVIDING PENALTIES.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Adoption of Uniform Fire Code. There is hereby adopted by the City of Bend for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain Code known as the Uniform Fire Code recommended by the Western Fire Chiefs Association and the International Conference of Building Officials, being the 1971 edition, except such portions as are deleted, modified or amended by Section 7 of this ordinance. Not less than three (3) copies of said Code have been and are now filed in the office of the City Recorder-Treasurer and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provision thereof shall be controlling within the limits of the City of Bend.

Section 2. Establishment and Duties of Bureau of Fire Prevention.

(1) The Uniform Fire Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City of Bend which is established under this authority and which shall be operated under the supervision

of the Chief of the Fire Department.

(2) The Chief (or Fire Marshal) in charge of the Bureau of Fire Prevention shall be appointed on the basis of examination to determine his qualifications.

(3) The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary.

Section 3. Definitions.

(1) Wherever the word "jurisdiction" is used in the Uniform Fire Code, it shall be held to mean the legal limits of the City of Bend.

(2) Wherever the term "Corporation Counsel" is used in the Uniform Fire Code, it shall be held to mean the City Attorney of the City of Bend.

(3) Wherever the words "Chief of the Bureau of Fire Prevention" are used they shall be held to include "Fire Marshal".

Section 4. Establishment of Limits of Districts in which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks is to be Prohibited.

(1) The limits referred to in Section 15.201 of the Uniform Fire Code in which storage of flammable or combustible 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-929 for flammable liquid other than gasoline.

(2) The limits referred to in Section 15.601 of the Uniform Fire 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 Liquified Petroleum Gases is to be Restricted.

The limits referred to in Section 20.105(a) of the Uniform Fire Code, in which bulk storage of liquified petroleum gas is restricted is hereby established as that property described as comprising "Fire Zone One" in Ordinance No. NS-929.

Section 6. Establishment of Limits of Districts in which Storage of Explosives and Blasting Agents is to be Prohibited.

The limits referred to in Section 11.106(b) of the Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are those limits and regulations prescribed in Ordinance No. NS-277.

Section 7. Amendments Made in the Uniform Fire Code.
The Uniform Fire Code is amended and changed in the following respects:

(1) Section 12.101 is amended to read: Fireworks shall mean and include any combustible or explosive composition or substance, or any combination of such compositions or substances, or any other article which was prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration or detonation, and includes blank cartridges or toy cannons in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents or any other article of like construction or any article containing any explosive or inflammable compound, or any tablets or other device containing any explosive substances or inflammable compound, but does not include sparklers, toy pistols, toy canes, toy guns or other devices in which paper caps containing .25 grains or less of explosive compound are used, if they are so constructed that the hand cannot come in contact with the cap when in place for explosion, the sale and use of which shall be permitted at all times.

(2) Section 27.101(b) is amended by inserting 20 feet for 50 feet as it appears therein. Further, the following sentence is added: An approved waste burner is one made of non-combustible materials with a 1/4 inch mesh cover and without openings into the combustion chamber.

(3) Section 27.105 is amended by deleting paragraph (c) and re-numbering paragraphs (d) & (e) to (c) & (d) respectively. The new paragraph (c) is now amended by inserting 1/4 inch for 1/2 inch as it appears therein.

(4) Section 27.106(a) is amended to read: Any residential incinerator shall be installed in accordance with the provisions of the Uniform Mechanical Code (U.B.C. Vol. II.).

(5) Section 27.112(b) 2. is amended by inserting 20 feet for 25 feet as it appears therein.

(6) All applicable provisions of the Uniform Fire Code shall be subject to the provisions and regulations of Ordinances No. NS-275, NS-277, NS-358, and NS-373.

Section 8. Appeals. Whenever the Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the Fire Prevention Board of Appeals within 30 days from the date of the decision appealed.

Section 9. Penalties.

(1) Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor, punishable by a fine of not more than $500.00 or by imprisonment for not more than 100 days or both. 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 10 days that prohibited conditions are maintained shall constitute a separate offense.

(2) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 10. Repeal of Conflicting Ordinances. Ordinance No. NS-721 is hereby repealed.

Section 11. Validity. If any part of this ordinance is for any reason held to be invalid, the invalidity of that part shall not affect the validity of the remaining parts of this ordinance.

Read for the first time this 6th day of December, 1972

Read for the second time this 20th day of December, 1972

Placed upon its passage the 20th day of December, 1972

YES: 7 NO: 0

Submitted to and approved by the Mayor the 20th day of December, 1972

Richard E. Gervais
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-949

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> The Northeast Quarter of the Northeast Quarter of 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 7th day of February, 1973, at the hour of 7:30 P.M. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

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

Read for the first time this 6th day of December, 1972

Read for the second time this 20th day of December, 1972

Placed upon its passage the 20th day of December, 1972

YES: 7 NO: 0

Submitted to and approved by the Mayor the 20th day of December, 1972.

Richard E. Gervais
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-950

AN ORDINANCE CHANGING ZONE DESIGNATION OF VARIOUS PROPERTIES IN BEND, DESCHUTES, COUNTY, OREGON.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> Lots 4 - 8 inclusive, Block 30, Lot 1, Block 35, Highland Addition from C-2 Limited Commercial to R-2 High Density Zone
>
> and
>
> Lot 1, 2, 3, Block 30, Highland Addition from C-2 Limited Commercial to C-1 Tourist Commercial.

Read for the first time the 6th day of December, 1972

Read for the second time the 20th day of December, 1972

Placed upon its passage the 20th day of December, 1972

YES: 7 NO: 0

Submitted to and approved by the Mayor this 20th day of December, 1972.

Richard E. Lewis
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

AMENDED BY ORD. # NS-1264
REPEALED BY ORD. NO. NS-1899

ORDINANCE NO. NS-951

AN ORDINANCE PROVIDING FOR THE PAYMENT OF ATTORNEYS FEES ON BEHALF OF INDIGENT DEFENDANTS

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. The Municipal Judge may when required by law and upon proper showing of indigency appoint an attorney to represent a person in Municipal Court.

Section 2. When an attorney appointed by the Municipal Judge has completed his services the Municipal Judge may issue an order for the payment of the attorney's expenses and fees from City funds as follows:

(1) Expenses and fees may only be ordered paid after the attorney has submitted to the Municipal Judge an affidavit containing an accurate statement of all reasonable expenses paid or incurred in connection with the attorneys services and a statement of the services performed by the attorney.

(2) Appointed attorneys fees may not exceed the following schedule:

(a) When a plea of guilty is entered or if for any reason the matter is concluded prior to trial $25

(b) When a plea of not guilty is entered and trial is held, $50 for each day of trial, but not exceeding two days in any one case.

(3) Payments ordered by the Municipal Judge pursuant to this ordinance shall not exceed the amounts budgeted by the City Commission for this purpose.

Read for the first time the 20th day of December, 1972

Read for the second time the 3rd day of January, 1973

Placed upon its passage the 3rd day of January, 1973

YES: 7 NO: 0

Submitted to and approved by the Mayor this 3rd day of January, 1973

Preston E. Haller
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

IAA061

ORDINANCE NO. NS-952 ✓ Repealed by ORD. NO. NS-1399

AN ORDINANCE RELATING TO THE TIME AND METHOD OF PAYMENT OF FINES AND COSTS AND PROVIDING FOR THE NON-PAYMENT OF FINES OR COSTS IN MUNICIPAL COURT.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Time and Method of Payment of Fines and Costs.

(1). When a defendant is sentenced to pay a fine or cost, the municipal court may grant permission for payment to be made within a specified period of time or in specified installments. If no such permission is included in the sentence the fine shall be payable forthwith.

(2). When a defendant sentenced to pay a fine or cost is also placed on probation or imposition or execution of sentence is suspended, the court may make payment of the fine or costs a condition of probation or suspension of sentence.

IA0061

Section 2. Effect of Non-payment of Fines or Costs.

(1). When a defendant sentenced to pay a fine defaults in the payment thereof or of any installment, the municipal court on motion of the City Attorney or upon its own motion may require him to show cause why his default should not be treated as contempt of court, and may issue a show cause citation or a warrant of arrest for his appearance.

(2). Unless the defendant shows that his default was not attributable to an intentional refusal to obey the order of the court or to a failure on his part to make a good faith effort to make the payment, the municipal court may find that his default constitutes contempt and may order him committed until the fine, or a specified part thereof is paid.

(3). The term of imprisonment for contempt for non-payment of fines shall be set forth in the committment order, and shall not exceed one day for each $25 of the fine. A person committed for non-payment of a fine shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.

(4) If it appears to the satisfaction of the municipal court that the default in the payment of a fine is not contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount thereof or of each installment or revoking the fine or the unpaid portion thereof in whole or in part.

Section 3. Section 2 of Ordinance NS-563 is repealed.

Section 4. Section 3 of Ordinance NS-563 is amended by substituting $25 for $5 as the amount prisoners will be credited on their fines for each days work they perform while confined in the City Jail.

Read for the first time the 20th day of December, 1972

Read for the second time the 3rd day of January, 1973

Placed upon its passage the 3rd day of January, 1973

YES: 7 NO: 0

Submitted to and approved by the Mayor this 3rd day of January, 1973.

Clinton E. Stadler
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-953

AN ORDINANCE AMENDING THE SIGN CODE TO PERMIT SIGNS MADE OF CERTAIN COMBUSTIBLE MATERIALS IN FIRE ZONE 1.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 29(c) of Ordinance No. NS-749 is amended to read:

"(c) Signs containing combustible materials in Fire Zone 1 shall conform to the following standards:

(1) Wood ground signs shall be a minimum 2 inches thick plank. The face shall not exceed 6 feet in length nor 3 feet in height. All such signs shall conform with the zoning ordinance when located within the required sight clearance areas of streets, driveways, and legal set-backs.

(2) Pole signs shall be located at least 5 feet from a building. A sign face shall be a minimum 2 inches thick plank and shall not project beyond the property line.

(3) Supports: All pole supports shall be a minimum 8 X 8 inches nominal size. All wood placed in ground or within 6 inches of the ground shall be pressure treated to prevent decay.

(4) Wood wall signs: Wood routed wall signs may be installed flat against a building. Such signs shall be a minimum nominal 2 inches thick plank and shall not be wider than the building served nor higher than 15 feet above the level of the sidewalk or grade immediately below the sign.

(5) No sign shall interfere with or project over any portion of an opening in a wall.

(6) No combustible materials other than approved plastics shall be used in the construction of electric signs."

Read for the first time the 6th day of December, 1972.

Read for the second time the 7th day of February, 1973.

Placed upon its passage the 7th day of February, 1973.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 7th day of February, 1973.

Preston E. Waller
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-954

AN ORDINANCE REGULATING THE OBSTRUCTION OF RAILROAD CROSSINGS BY TRAINS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. NS-469 is amended by adding a new section 49-A to read:

"Section 49-A.

(1) No person shall direct or operate a railroad train in such a manner as to block, obstruct or prevent the use of any street for the purpose of travel for a period of time longer than

(a) Five consecutive minutes between 6:00 a.m. and 10:00 p.m.; or
(b) Ten consecutive minutes between 10:00 p.m. and 6:00 a.m.

(2) The time limits provided above in subsection (1) shall not apply if the blockage or obstruction of the street is caused by an accident, emergency or command of a police officer. These matters shall constitute an affirmative defense and the person charged shall have the burden of proving this affirmative defense.

(3) No person in charge of a railroad train shall refuse or fail to take immediately whatever action is reasonably necessary and available to permit an emergency vehicle responding to an emergency to proceed through a railroad crossing. The action reasonably necessary shall include but not be limited to breaking or moving the train and shall be taken without regard to the time limits provided in subsection (1).

(4) As used in this Section 49-A the term "railroad train" means an engine or railroad cars whether coupled or not."

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

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

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

YES: 6 NO: 0

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

Preston E. Waller
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-955 NS-955 repealed by NS-1498, passed 7-19-89.

AN ORDINANCE AMENDING THE UNIFORM FIRE CODE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 12.101 of the Uniform Fire Code is amended to read:

"(1) 'Fireworks' means any combustible or explosive composition or substance, or any combination of such compositions or substances, or any other article which was prepared for the purpose of providing a visible or audible effect by combustion, explosion, deflagration or detonation,

and includes blank cartridges or toy cannons in which explosives are used, balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents or any other article of like construction or any article containing any explosive or inflammable compound, or any tablets or other device containing any explosive substances or inflammable compounds; but does not include:

(a) sparklers, toy pistol paper caps, toy pistols, toy canes, toy guns, or other devices in which paper caps containing .25 grains or less of explosive compound are used, and when the rate of burning and the explosive force of the materials in such devices are not greater than an equivalent weight of F.F.F.G. black powder, and when such devices are constructed that the hand cannot come in contact with the cap when in place for explosion, and the major explosive force is contained or dispelled within the housing or shell of the device, there is no visible flame during discharge, there is no flaming or smouldering of any of the components or parts of the device after discharge, and the device does not produce sufficient heat to readily ignite combustible materials upon which the device may be placed. The sale and use of such devices shall be permitted at all times.

(b) snakes or similar smoke producing material containing not more than 100 grains of combustible substances when there is no visible flame during discharge, there is no aftersmouldering, and the devices do not produce sufficient heat to readily ignite combustible materials upon which the devices may be placed. The sale and use of such devices shall be permitted at all times.

(2) For purposes of this section 'sparklers' means materials of a character that will, when ignited, sparkle without throwing or dropping hot residue capable of igniting combustible materials, attached to a wire or other non-combustible central support, with such materials arranged in a cylindrical shape not more than 10 inches in length nor more than 1/4 inch in diameter and which shall not burn more rapidly than 1 inch in 10 seconds, but not including materials encased within a container of any character. "Explosive substance" or "explosive mixture" as used in this section shall mean any substance so arranged as to burn in less than 1 second. 'Combustible substance' shall mean any substance so arranged as to burn in more than 1 second."

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

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

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

YES: 6 NO: 0

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

Preston E. Waller
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-956

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> The Southwest One-quarter of the Northeast One-quarter (SW 1/4 NE 1/4) of Section Twenty-seven (27), 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 18th day of April, 1973, at the hour of 7:30 P.M. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

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

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

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

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

YES: 6 NO: 0

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

Preston E. Staller
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-957

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> Beginning at a point on the East-West centerline of Section 25, Township 17 South, Range 11 East of the Willamette Meridian, Deschutes County, Oregon, said point also being on the East

right of way of the extension of College Way, and further being South 2,641.08 feet and West 1,346.12 feet of the Northeast (NE) corner of said Section 25; thence following the East right-of-way of the extension of College Way North 07°51'47" West 633.05 feet; thence along the arc of a 520.00 foot radius curve to the right 99.22 feet, the long chord of which bears North 02°23'47" West 99.08 feet; thence North 03°04'12" East 268.92 feet; thence along the arc of a 480.00 foot radius curve to the left 91.34 feet, the chord of which bears North 02°22'54" West 91.20 feet; thence leaving the East right-of-way of the extension of College Way South 89°56'02" West 91.03 feet; thence along the arc of a 390.00 foot radius curve to the left 37.17 feet, the chord which bears North 12°22'17" West 37.16 feet; thence North 15°09'09" West 136.92 feet; thence along the arc of a 331.26 foot radius curve to the right 139.60 feet, the long chord of which bears North 03°01'42" West 138.57 feet; thence North 09°02'41" East 133.24 feet; thence along the arc of a 518.92 foot radius curve to the right 192.35 feet, the long chord of which bears North 19°39'50" East 191.25 feet; thence North 30°16'59" East 112.00 feet; thence along the arc of a 338.14 foot radius curve to the left 182.79 feet, the long chord of which bears North 14°47'46" East 180.58 feet; thence North 00°41'25" West 1,070.00 feet; thence North 49°59'17" East 1,008.97 feet; thence South 48°25'07" East 2,261.30 feet; thence South 00°26'30" West 2,200.00 feet; thence North 89°33'30" West 1,060.00 feet; thence South 89°56'02" West 1,340.11 feet to the point of beginning for this description.

Section 2. In accordance with applicable State statutes the City Commission of the City of Bend, the City legislative body, elects to dispense with submitting the question of annexation to the registered voters of the City, and by this ordinance does fix the 18th day of April, 1973, 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 the hearing.

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

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

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

YES: 6 NO: 0

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

Preston E. Staller
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-958

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> A tract of land located in the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4), of Section Twenty-eight (28), Township Seventeen (17) South, Range Twelve (12), east of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:
>
> Beginning at a point whence the southeast corner of said Northeast Quarter of the Northeast Quarter of Section 28, bears south 89° 22' 22" East, 33.20 feet; thence north 89° 22' 22" West, 170.09 feet; thence north 00° 20' 43" East, 213.43 feet; thence south 89° 22' 22" East, 203.29 feet; thence south 00° 20' 43" West, 13.43 feet; thence south 09° 46' 40" West, 202.56 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 5th day of July, 1973, 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 the hearing.

Read for the first time this 4th day of April, 1973

Read for the second time this 18th day of April, 1973

Placed upon its passage this 18th day of April, 1973

YES: 7 NO: 0

Submitted to and approved by the Mayor this 18th day of April, 1973.

Preston E. Stalker
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS- 959

AN ORDINANCE AMENDING THE RULES AND REGULATIONS FOR USE OF PUBLIC PARKS AND OTHER CITY PROPERTY

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 (2) of Ordinance No. NS-860 is amended to read:

"(2) City property shall mean any other real property owned or controlled by the City of Bend, Oregon, either within or without the City limits, except maintained City streets."

Section 2. A new section 1 (3) of Ordinance No. NS-860 shall read:

"(3) 'Person' means any person, firm or corporation but excludes City personnel or those acting under the direct authority of the City Commission."

Section 3. The first paragraph of section 2 of Ordinance No. NS-860 is amended to read:

"Section 2. Persons using public parks and any other City property shall obey the following rules and regulations:"

Section 4. Section 2 (2) of Ordinance No. NS-860 is amended to read:

"(2) No person shall build any fire except in a stove or fireplace provided therefor. Fires shall not be left unattended and every fire must be extinguished before its user leaves the park. Portable gas, gasoline, charcoal and oil camp stoves may be used in the parks only if in safe operating condition and can only be operated in a safe manner."

Section 5. Section 2 (3) of Ordinance No. NS-860 is amended to read:

"(3) No person shall permit any dog to run at large and all dogs shall be kept in control on a leash at all times. Cats or other animals must be confined in a vehicle or the like or on a leash."

Section 6. Section 2 (11) of Ordinance No. NS-860 is amended to read:

"(11) No person shall drive any motor vehicle in excess of 20 miles per hour in a public park or as otherwise designated."

Section 7. Section 2 (14) of Ordinance No. NS-860 is amended to read:

"(14) No person shall ride or lead any horse in public parks except on a designated bridle path. Horses or other animals shall not be tied to any tree or shrub in such a manner as to cause damage to such tree or shrub."

Section 8. A new section 2 (16) is added to Ordinance No. NS-860 to read:

"(16) No person shall hunt, pursue, trap, kill, injure or disturb the habitat of any bird or animal."

Section 9. A new section 2 (17) is added to Ordinance No. NS-860 to read:

"(17) No person shall possess any loaded firearm."

Section 10. A new section 2 (18) is added to Ordinance No. NS-860 to read:

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

Section 11. A new section 2 (19) is added to Ordinance No. NS-860 to read:

"(19) No person shall erect any signs, markers or instructions without City permission."

Section 12. A new section 2 (20) is added to Ordinance NS-860 to read:

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

Read for the first time this 21st day of March, 1973

Read for the second time this 4th day of April, 1973
Placed upon its passage this 4th day of April, 1973.
YES: 7 NO: 0

Submitted to and approved by the Mayor this 4th day of April, 1973.

Preston Shaller
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-960

AMENDING ORDINANCE NO. NS-929

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 1 of Ordinance No. NS-929 is hereby amended by adding to exceptions to Fire Zone 1: Lots 10 thru 13 inclusive, Block 2, Center Addition.

Section 2. The above identified lots are hereby designated as located within Fire Zone 3.

Read for the first time this 4th day of April, 1973

Read for the second time this 18th day of April, 1973

Placed upon its passage this 18th day of April, 1973

YES: 7 NO: 0

Submitted to and approved by the Mayor this 18th day of April, 1973.

Preston Shaller
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-961

AN ORDINANCE VACATING A PORTION OF THE ALLEY IN BLOCK 24, CENTER ADDITION TO THE CITY OF BEND, OREGON

A petition having been presented to the Bend City Commission on the 21st day of February, 1973 requesting that the following described alley location be vacated:

> The alley in Block 24, Center Addition to Bend from the easterly property line of E. 3rd St. to the westerly line of Lots 5 and 12, Block 24, Center Addition to Bend, and from five feet (5 ft.) west of the westerly line of Lots 7 and 10, Block 24, Center Addition, to the west boundary of E. 4th St. in the City of Bend, County of Deschutes, State of Oregon,

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

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Dr. P. W. Ford said vacation proceedings to vacate the following described alley location:
>
> The alley in Block 24, Center Addition to Bend from the easterly property line of E. 3rd St. to the westerly line of Lots 5 & 12, Block 24, Center Addition to Bend, and from five feet (5 ft.) west of the westerly line of Lot 7 & 10, Block 24, Center Addition, to the west boundary of E. 4th St.
>
> The City Commissioners of the City of Bend have fixed the 4th day of April, 1973 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,
>
> Julia S. Johnson
> Recorder-Treasurer

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 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice the hearing having been held, and no objections were made, and the City Commission having determined that the consent of the owners of the requisite area had been obtained; and the City Commission having determined that the public interest will not be prejudiced by the proposed vacation and that the property should be vacated,

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

IAA061

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

Read for the first time this 4th day of April, 1973

Read for the second time this 18th day of April, 1973

Placed upon its passage the 18th day of April, 1973

YES: 5 ABSTAIN: 2

Submitted to and approved by the Mayor this 18th day of April, 1973

Preston E. Staller
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-962 NS-962 repealed by NS-1496 passed 7-19-89

AN ORDINANCE PRESCRIBING PROCEDURE FOR DEVELOPING SEWER ASSESSMENT DISTRICTS AND ASSESSING SEWER COSTS TO BENEFITED PROPERTIES

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Definitions.

(1) "Owner" or "property owner" shall include persons, firms or corporations having an interest in real property by deed or contract for purchase.

(2) "Sewer facilities" shall include but not be limited to sewer mains, interceptors, drains, manholes, pump stations and any other device used in the delivery of sewage to a sewer plant.

(3) "Sewer assessment district" shall mean the property benefited by the installation of sewer facilities.

Section 2. The City of Bend may create a sewer assessment district for the development of sewer facilities within the district either upon its own motion or upon the petition of the owners of one-half of the property within the district that will be benefited by the project.

Section 3. Resolution of Intent. After receipt of a petition for creation of sewer assessment district or upon its own motion the City Commission shall declare its intention to create a sewer assessment district by resolution. The resolution shall:

1. Describe the boundaries of the sewer assessment district which shall include all of the property to be benefited by the installation of sewer facilities, and

2. Describe the sewer facilities to be installed within the sewer assessment district.

3. Recite the City's estimated cost of the project, and

4. Describe how the cost of the project will be paid, and

5. Recite the place, time and date when remonstrances to the project will be heard.

Section 4. Notice of Resolution. Notice of the resolution directing creation of the sewer assessment district shall be given as follows:

1. The resolution shall be published at least once in a newspaper of general circulation within the City of Bend at least 15 days before the date set by the resolution for hearing remonstrances, and

2. The City Engineer shall post the resolution as nearly as possible at each end and on each side of the sewer assessment district within five days after the passage of the resolution. The City Engineer shall file an affidavit of posting the resolution with the City Recorder-Treasurer.

3. The City Recorder-Treasurer shall mail a copy of the resolution to property owners within the district.

Section 5. Remonstrance.

(1) Any remonstrance to the project must be filed with the City Recorder-Treasurer within 15 days from the date the City Engineer posts a copy of the resolution directing creation of the sewer assessment district. If the remonstrance is signed by the owners of two-thirds or more of the square foot area within the sewer assessment district then the City Commission shall not proceed with the project until it has reconsidered the project and its necessity.

(2) After effective remonstrance and after reconsideration of the project the City Commission may direct that the project continue according to the original resolution directing creation of the sewer assessment district, by modifying the project and amending the resolution or the City Commission may abandon the project.

Section 6. Manner of Doing Work. The project work may be done in whole or in part by the City, by contract, by any other governmental agency, or by any combination thereof. Work must be done according to City standards and specifications.

Section 7. Assessment of Project Cost. The City Commission in adopting a method of assessment for the project may:

1. Use any fair and reasonable method of determining the properties specially benefited by the project and the extent of their benefit within the sewer assessment district.

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. The City Engineer shall apportion the project's costs to each parcel of land within the sewer assessment district and file this apportionment with the City Recorder-Treasurer.

Section 8. Notice of Proposed Assessment. Prior to assessment of the project's cost to benefited properties within the sewer assessment district, the City Commission shall cause the City Recorder-Treasurer to give notice of the proposed assessment to each property owner affected by the proposed assessment within the sewer assessment district as follows:

1. 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 by the project; 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.

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2. The time and place at which objections to the proposed assessment may be made and that all objections to the proposed assessment 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 owner of 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. Objections to Assessment. Any objections to the proposed assessment must be filed with the City Recorder-Treasurer within 15 days after publication of the notice of proposed assessment in the newspaper.

Section 10. 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 proposed assessment and shall determine the amount of assessment to charge against each property to be assessed according to the special benefits accruing to the property from the project and shall by ordinance spread the assessment. 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 shall 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 11. Notice of Assessment. Within ten days after the ordinance spreading the assessments has been passed and entered in the docket of City liens, the City Recorder-Treasurer shall publish and mail a notice of assessment to the owners of the assessed property. The notice of assessment shall recite the date of the assessment ordinance and shall state that upon failure of the owner of the property assessed to make application to pay the assessment in installments within ten days from a certain date which shall be the day notice of assessment was published, 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 notice of assessment 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 12. 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.

(3) Publication of notice shall be done in a newspaper of general circulation within the City of Bend.

Section 13. 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 14. 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, she 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.

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Section 15. 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 12 of this ordinance. There shall be a hearing on objections to the proposed deficit assessment as provided in Section 10 of this ordinance. The deficit shall be assessed as provided in Sections 10 and 11 of this ordinance.

Section 16. 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, 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 assigns, shall be entitled to the rebate.

Section 17. Abandonment of Proceedings. The Commission shall have full power and authority to abandon and rescind proceedings for any sewer assessment district under this ordinance at any time prior to the final completion of the project.

Section 18. Reassessment. Whenever any assessment, deficit, or reassessment for any sewer assessment district 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. Separation of Assessments. Whenever property shall have been assessed in an entire tract, parcel or acreage and subsequently divided into smaller lots or parcels or divided among different owners, any person desiring to have the total assessment apportioned between said smaller lots or parcels may make an application to the City for a separation of the assessment and a determination of the amount due on the portion owned by him. All costs of any separation shall be paid by the person applying for the separation. Separation of assessment shall be solely at the discretion of the City, and upon such terms and conditions required by the City.

No separation of an assessment shall become effective until the applicant has executed an agreement acknowledging the validity of the assessments as separated and waiving any and all errors and irregularities in the proceedings.

Section 20. Curative Provisions. No assessment by this ordinance shall be rendered invalid 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 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 21. Sewers Outside City. The City shall have full power pursuant to ORS 224.010 to 224.170 to extend its sewer facilities outside the City; and to assess the costs of such sewer facilities outside the City to the property specially benefited by the sewer facilities whether such property is inside or outside the City. All such extensions of sewer facilities outside the City and assessments therefor shall be made according to the provisions of this ordinance and the provisions of ORS 224.010 to 224.170.

Section 22. 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 provisions 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.

Read for the first time this 4th day of April, 1973

Read for the second time this 18th day of April, 1973

Placed upon its passage this 18th day of April, 1973

YES: 7 NO: 0

Submitted to and approved by the Mayor this 18th day of April, 1973

Preston Stalker
Mayor

ATTEST:

Julia L. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-963

AN ORDINANCE CHANGING THE ZONE OF LOT 1 and EAST 1/2 OF LOT 2, BLOCK 42, NORTHWEST TOWNSITE SECOND ADDITION IN BEND, OREGON, FROM R-1 LOW DENSITY RESIDENTIAL TO C-1 TOURIST COMMERCIAL ZONE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> The zone for Lot 1 and East 1/2 of Lot 2, Block 42, Northwest Townsite Second Addition in Bend, Deschutes County, Oregon, is changed from R-1 Low Density Residential to C-1 Tourist Commercial Zone.

Read for the first time this 18th day of April, 1973

Read for the second time this 2nd day of May, 1973

Placed upon its passage the 2nd day of May, 1973

YES: 7 NO: 0

Submitted to and approved by the Mayor this 2nd day of May, 1973

Preston Stalker
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-964

AN ORDINANCE CHANGING THE ZONE OF LOTS 1, 2, 3, and 4, BLOCK 43, RIVERSIDE ADDITION IN BEND, OREGON, FROM R-2 HIGH DENSITY RESIDENTIAL TO C-1 TOURIST COMMERCIAL ZONE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

> The zone for Lots 1, 2, 3, and 4, Block 43, Riverside Addition in Bend, Deschutes County, Oregon, is changed from R-2 High Density Residential to C-1 Tourist Commercial Zone.

Read for the first time this 18th day of April, 1973

Read for the second time this 2nd day of May, 1973

Placed upon its passage the 2nd day of May, 1973

YES: 7 NO: 0

Submitted to and approved by the Mayor this 2nd day of May, 1973

Preston Stalker
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-965

AN ORDINANCE VACATING A PORTION OF THE ALLEY IN BLOCK 24, WIESTORIA ADDITION TO BEND, DESCHUTES COUNTY, OREGON

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

A petition having been presented to the Bend City Commission on March 7, 1973, requesting that the following described property in the City of Bend, County of Deschutes, State of Oregon, be vacated:

> The east One Hundred (100') feet of the alley in Block Twenty-four (24), Wiestoria Addition in the City of Bend, County of Deschutes, Oregon, further described as the easterly 100 feet of the alley between Olney Avenue and Penn Avenue, and E. Sixth Street and E. Seventh Street,

and stating the purpose for which the described property is proposed to be used and 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 William H. Ziegler, said vacation proceedings to vacate the following described alley location:
>
> > The east One Hundred (100') feet of the alley in Block Twenty-four (24), Wiestoria Addition in the City of Bend, County of Deschutes, Oregon, further described as the easterly 100 feet of the alley between Olney Avenue and Penn Avenue, and E. Sixth Street and E. Seventh Street.
>
> The City Commissioners of the City of Bend, Oregon, have fixed the 18th day of April, 1973, 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 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 28 days before the hearing specified for said proposed vacation; and upon the appointed time specified in said notice & 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 ORDERED that the above-described alley be, and the same hereby is, vacated and said vacation is hereby made a matter of record. The City Recorder-Treasurer 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 18th day of April, 1973

Read for the second time this 2nd day of May, 1973

YES: 7 NO: 0

Submitted to and approved by the Mayor this 2nd day of May, 1973.

Preston Staller
Mayor

ATTEST:

Julie S. Johnson
Recorder-Treasurer

IAA061

ORDINANCE NO. NS-966

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-957 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 18th day of April, 1973, at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

Beginning at a point on the East-West centerline of Section 25, Township 17 South, Range 11 East of the Willamette Meridian, Deschutes County, Oregon, said point being on the East right of way of the extension of College Way, and further being South 2,641.08 feet and West 1,346.12 feet of the Northeast (NE) corner of said Section 25; thence following the East right of way of the extension of College Way North 07° 51' 47" West 633.05 feet; thence along the arc of a 520.00 foot radius curve to the right 99.22 feet, the long chord of which bears North 02° 23' 47" West 99.08 feet; thence North 03° 04' 12" East 268.92 feet; thence along the arc of a 480.00 foot radius curve to the left 91.34 feet, the chord of which bears North 02° 22' 54" West 91.20 feet; thence leaving the East right of way of the extension of College Way South 89° 56' 02" West 91.03 feet; thence along the arc of a 390.00 foot radius curve to the left 37.17 feet, the chord of which bears North 12° 22' 17" West 37.16 feet; thence North 15° 09' 09" West 136.92 feet; thence along the arc of a 331.26 foot radius curve to the right 139.60 feet, the long chord of which bears North 03° 01' 42" West 138.57 feet; thence North 09° 02' 41" East 133.24 feet; thence along the arc of a 518.92 foot radius curve to the right 192.35 feet, the long chord of which bears North 19° 39' 50" East 191.25 feet; thence North 30° 16' 59" East 112.00 feet; thence along the arc of a 338.14 foot radius curve to the left 182.79 feet, the long chord of which bears North 14° 47' 46" East 180.58 feet; thence North

00° 41' 25" West 1,070.00 feet; thence North 49° 59' 17" East 1,008.97 feet; thence South 48° 25' 07" East 2,261.30 feet; thence South 00° 26' 30" West 2,200.00 feet; thence North 89° 33' 30" West 1,060.00 feet; thence South 89° 56' 02" West 1,340.11 feet to the point of beginning for this description.

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

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

Section 5. The above described property annexed by this ordinance shall be zoned PD Planned Development, and the zoning map of the City of Bend shall be changed accordingly.

Read for the first time the 18th day of April, 1973

Read for the second time the 2nd day of May, 1973

Placed upon its passage the 2nd day of May, 1973

YES: 7 NO: 0

Submitted to and approved by the Mayor this 2nd day of May, 1973.

Preston Staller
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-967

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-956 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 18th day of April, 1973, at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

The Southwest One-quarter of the Northeast One-quarter (SW 1/4 NE 1/4) of Section Twenty-seven (27), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon.

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

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

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Section 5. The above described property annexed by this ordinance shall be zoned R-1 Low Density Residential, except the following described portion, which will be zoned R-2 High Density Residential:

Beginning at the center one-quarter corner of said Section 27 which is North 00° 09' 52" East 2635.15 feet from the South one-quarter corner of said Section 27 thence following along the west line of the southwest one-quarter of the northeast one-quarter in a northerly direction 430.00 feet; thence South 75° 33' 00" East 255.00 feet; thence South 48° 49' 00" East 68.00 feet; thence North 62° 57' 00" East 297.00 feet; thence North 45° 06" 00" East 68.00 feet; thence North 56° 29' 00" East 171.00 feet; thence North 89° 33' 00" East 98.00 feet; thence North 46° 28' 00" East 130.00 feet; thence South 61° 49' 00" East 307.00 feet; thence North 78° 40' 00" East 93.00 feet, more or less, to a point on the east line of the Southwest one-quarter of said Section 27; thence following said line in a southerly direction 561.00 feet; more or less, to the Center east one-sixteenth (CE 1/16) corner of said Section 27; thence South 89° 44' 07" West 1312.61 feet to the point of beginning of this description and there terminating,

and the zoning map of the City of Bend shall be changed accordingly.

Read for the first time the 18th day of April, 1973

Read for the second time the 2nd day of May, 1973
Placed upon its passage the 2nd day of May, 1973.
YES: 7 NO: 0

Submitted to and approved by the Mayor this 2nd day of May, 1973.

Preston Stalker
Mayor

ATTEST:

Jessie S. Johnson
Recorder-Treasurer

254 ~~AMENDED~~ BY ORD. 4 NS-1055

Recodified

ORDINANCE NO. NS-968

AN ORDINANCE REGULATING SIGNS.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Title. This ordinance shall be known as the City of Bend Sign Code.

Section 2. Purpose. The purpose of this code is to improve the appearance of the City of Bend and to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, construction, location, electrification, maintenance of all signs and sign structures not located within a building.

Section 3. Definitions.

(1) "Animated Effect" means a sign effect applying sequential illumination of lights, lamps, bulbs or tubes to depict through apparent movement a moving object, thing, person, animal, or event.

(2) "Building Official" means the officer or the person charged with the administration and enforcement of this code or his duly authorized deputy.

(3) "Curb Line" means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the City Engineer.

(4) "Chaser Effect" means a sign effect which tends to lead the eye by producing a lateral, vertical, lineal or circular movement through sequential flashing of lights, lamps, bulbs or tubes.

(5) "Display Surface" means the area made available by the sign structure for the purpose of displaying an advertising message.

(6) "Electrical Code" means the electric code of the City of Bend, Oregon, a copy of which is on file in the office of the City Recorder.

(7) "Electric Sign" means any sign containing electric wiring.

(8) "Flashing Sign" means an electric sign with an illuminated portion which does not shine continuously and any part of which flashes, pulsates or illuminates intermittently.

(9) "Ground Sign" means a permanent sign which is supported in or upon the ground and not supported by any part of a building or pole sign support.

(10) "Incidental Sign" means signs indicating services, trading stamps, prices, credit cards or other incidental information.

(11) "Incombustible Material" is any material which will not ignite at a temperature of 1200 degrees F during an exposure of five minutes and which will not continue to burn or glow at that temperature. Tests shall be made as specified in the Uniform Building Code.

(12) "Marquee" means a permanent roof structure attached to and supported by a building and projecting over public property, including any object or decoration attached to or part of said marquee, except a sign attached on the underside of a marquee or structural projection.

(13) "Person" means individuals, corporations, firms, partnerships and associations.

(14) "Plastic, Approved" means those plastic materials approved by the Uniform Building Code of the City of Bend.

(15) "Premise Sign" means a sign which carries only advertisements strictly incidental to a lawful use of the premises on which it is located, including signs indicating the business transacted at, services rendered, goods sold or produced on the premises, name of the business, and/or name

of the person occupying the premises.

(16) "Roof Sign" means a sign erected upon or supported by a roof or parapet.

(17) "Rotating Sign" means a sign that rotates 360 degrees.

(18) "Scintillating Effect" means a sign effect employing a sequential illumination of lights, lamps or bulbs, but not tubes, to produce a random twinkling of light.

(19) "Legal Setback Line" means the legal setback line beyond which no building may be built as established by Ordinance of the City of Bend. A legal setback line may be a property line.

(20) "Sign" means any medium including its structure and component parts which is used or intended to be used to attract attention to the subject matter for advertising purposes.

(21) "Sign Structure" means any structure which supports or is capable of supporting any sign. A sign structure may be a single pole and may not be an integral part of a building.

(22) "Sign, Under Marquee" means a sign which is erected or maintained under a marquee and which is supported by the marquee.

(23) "Temporary Sign" means any sign, constructed of cloth, canvas, light fabric, cardboard, plywood, wood, wall board, plastic, sheet metal or other similar light material, with or without frames, which is not permanently erected or permanently affixed to any sign structure, or building and which is not an electric sign or an internally illuminated sign.

(24) "Trim, Non-structural" means molding, battens, caps nailing strips, latticing, cutouts or letters and walkways which are attached to a sign structure.

(25) "Uniform Building Code" means the Uniform Building Code, and Uniform Building Code Standard as promulgated by the International Conference of Building Officials and adopted by the City of Bend, Oregon.

(26) "Wall Sign" means any sign including painted signs attached to, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall.

(27) "Zoning Map" means the official "Zoning Map of the City of Bend" as established by the Zoning Ordinance of the City of Bend, Oregon.

Section 4. Permits.

(1) No sign shall be erected, re-erected, constructed, altered or maintained in the City of Bend in violation of the provisions of this code and a permit shall be required for the signs for each business and a separate permit for each groups of signs on a single supporting structure, except as provided in subsection (4) and (5) of this section. In addition, State electrical permits shall be obtained for electrical connection of signs. Signs shall be completed within six months.

(2) Application for a sign permit shall be made in writing upon forms furnished by the Building Official. The application shall contain the location by street address of the proposed sign structure, name and address of the owner of the proposed sign, name and address of the owner of the real property on which the sign is to be erected if different from the owner of the sign, and name and address of the sign contractor. The Building Official may require the filing of plans or other pertinent information when in his opinion such information is necessary to insure compliance with this code. Standard plans may be filed with the Building Official.

(3) A sign permit fee shall be paid at the time a permit is issued. Permit fees shall be the same as building permit fees as provided in the Uniform Building Code except that permit fees for repair of an existing sign where the sign is removed from the existing structure to another location for repair and then returned to the same location and re-erected on the same structure shall be $5.00. The regular permit fee shall apply to sign repair

work where substantial structural alteration is being made.

(4) No permit shall be required for the following signs but compliance with other provisions of this code shall be required:

a. Painting, repainting or cleaning of an advertising structure or the changing of the advertising copy or message thereon, unless a structural change is made.

b. Signs made of wood or other approved material installed under marquees shall be in compliance with Section 16 of this sign code.

c. Signs constructed of wood or any material permitted by this code with a display surface of six square feet or less, which are not artificially illuminated.

(5) This code does not apply to unlettered barber poles less than 8 feet above the sidewalk level attached to the side of the building not extending into the street or sidewalk more than 15 inches from the side of the building provided the same are safely installed.

Section 5. Establishment of Sign Zones.

(1) For the purpose of this ordinance, the following zones are hereby established:

a. Residential zone, composed of the "R-1" or "R-2" zones as shown on the Zoning Map.

b. Commercial zone, composed of all areas in the City of Bend exclusive of the residential zones set forth in paragraph (a) above and the high density zone hereafter established in paragraph (c).

c. High Density zone, composed of the "C-4" zone as shown on the Official Zoning Map.

Section 6. Location and Number of Signs.

(1) Supports for all signs or such structures shall be placed in or upon private property.

(2) For each parcel of real property in the City of Bend, there shall be permitted only one identifying sign within each 100 feet of street frontage or fraction thereof, except that one identifying sign shall be permitted for each separate occupancy. If the building which contains the business premises advertized by the sign is more than 20 feet from the sign, another sign may be placed on the building to identify the business premises.

(3) Temporary signs shall be limited to one on site sign per business.

(4) In a residential zone, the following signs are permitted:

a. One non-illuminated name plate or home occupation sign having not more than one and one-half square feet in area for each dwelling unit, and shall not project beyond the property line.

b. One temporary non-illuminated sign having not more than six square feet of area advertising the sale, lease or rental of the property on which it is located and shall not project beyond the property line.

c. One temporary non-illuminated sign having not more than 64 square feet in area advertising the sale of a tract of land or subdivision or of lots in a subdivision. Such sign shall be at least 10 feet from property lines.

d. One non-illuminated sign, not exceeding 25 feet in area identifying a conditional use. Such a sign shall be at least 10 feet from the nearest property line.

Scetion 7. Maintenance of Signs.

(1) All signs together with all their supports, braces, guys, and anchors, shall be kept in repair and in property state of preservation.

The display surface of all signs shall be kept neatly painted or posted at all times.

(2) All signs shall be subject to inspection by the Building Official at any reasonable time and footing inspections may be required by the Building Official for all signs having footings. Upon presentation of proper credentials the Building Official may enter at any reasonable time any building, structure, or premises in the City of Bend in performance of his duty under this code.

(3) All signs containing electric wiring shall be subject to provisions of the Electrical Code and the electrical components shall bear the label of a testing agency approved by the Building Official.

(4) All signs shall be kept in good repair.

Section 8. Design.

(1) Signs or sign structures shall be designed to resist wind and seismic forces as specified in this section and the Uniform Building Code. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building in such a manner as not to overstress any of the elements thereof.

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(2) The overturning moment produced from lateral forces shall in no case exceed two-thirds of the dead-load resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead-load resisting moment. Such earth shall be carefully placed and thoroughly compacted.

(3) Wind and seismic leads need not be combined in the design of signs or sign structures; only that loading producing the larger stresses need be used. Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with the wind or seismic loads.

(4) Structural design of all signs shall conform to the requirements of the Uniform Building Code.

(5) The working stresses of wire rope and its fastenings shall not exceed 25 per cent of the ultimate strength of the rope or fasteners.

(6) Anchorage members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical shall not exceed the safe values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pull-out amounting to a force 25 per cent greater than the required resistance to overturning. Anchors and support shall penetrate to a depth below ground greater than that of the frost line.

(7) Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to support safely the loads applied. No wooden blocks or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing.

(8) No anchor or support of any sign shall be connected to, or supported by, an unbraced parapet wall, unless such wall is designed in accordance with the requirements for parapet walls specified in the Uniform Building Code.

Section 9. Material.

(1) Materials for construction of signs and sign structures shall be the quality and grade as specified for buildings in the Uniform Building Code.

(2) In all sign and sign structures the material and detail of construction shall, in the absence of specified requirements, conform to the following:

a. Structural steel shall be of such quality as to conform with the Uniform Building Code Standard. Secondary members in contact with or directly supporting the display surface may be forged of light gauge steel, provided such members are designed in accordance with the specifications of the design of light gauge steel as specified in the Uniform Building Code Standard and in addition shall be galvanized. Secondary members, when formed integrally with the display surface, shall be not less than No. 24 in thickness. When not formed integrally with the display surface, the minimum thickness of the secondary members shall be No. 12 gauge. Minimum thickness of hot-rolled steel members furnishing structural support for signs shall be one-fourth inch (1/4") except that if galvanized, such members shall be not less than one-eighth inch (1/8") thick. Steel pipes shall be of such quality as to conform with the Uniform Building Code Standard. Steel members may be connected with one galvanized bolt provided the connection is adequate to transfer the stresses in the members.

b. Wooden anchors and supports when embedded in the soil, or within six inches of the soil, shall be pressure-treated with an approved preservative. Such members shall be marked and branded by an approved agency recognized by the Uniform Building Code.

c. Non-structural trim and signs under marquees and portable display surfaces may be of wood, metal, approved plastics, or any combination thereof.

d. Display surface may be of any approved material except glass. Glass may be used in any neon tubing and incandescent lamp and tube.

e. The Building Official may require that sufficient 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.

Section 10. Clearance.

(1) Clearance from High Voltage Power Line. Signs shall be located not less than eight feet (8') horizontally and eight feet (8') vertically from overhead electrical conductors which are energized in excess of standard service load as determined by the utility company providing the service. The term overhead conductors as used in this section means any electrical conductor, either bare or insulated, installed above the ground except such conductors as are enclosed in iron pipe or other material covering of equal strength.

(2) Clearance from Fire Escapes, Exits or Standpipes. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe. Signs erected within five feet of an exterior wall in which there are openings within the area of the sign shall be constructed of incombustible material or approved plastics.

Section 11. Projection.

(1) Where projection of signs over alleys is permitted, no sign or sign structure shall project into any public alley below a height of fourteen feet above grade, nor project more than twelve inches horizontally over the alley where the sign is located between fourteen feet to sixteen feet above grade. A sign or sign structure may project not more than 36 inches horizontally over the public alley where the sign or sign structure is located more than 16 feet above grade.

a. When over the legal setback area - minimum 8 feet above the finished grade no decorative base, ground sign, retaining wall or fence shall project over 36 inches above finished grade including such items as flowers, shrubs and like decorations or displays more than 30 inches above ground in street corner site areas when provided for in the Zoning Ordinance.

b. Signs containing combustible materials in Fire Zone I shall conform to the following standards:

(1) Wood ground signs shall be a minimum 2 inches nominal thick plank.

The face shall not exceed 6 feet in length nor 3 feet in height. All such signs shall conform with the Zoning Ordinance when located within the required sight clearance areas of streets, driveways, and legal set-backs.

(2) Pole signs shall be located at least 5 feet from a building. A sign face shall be a minimum 2 inches nominal thick plank and shall not project beyond the property line.

(3) Supports: All pole supports shall be a minimum 8 X 8 inches nominal size. All wood placed in ground or within 6 inches of the ground shall be pressure treated to prevent decay.

(4) Wood wall signs: Wood routed wall signs may be installed flat against a building. Such signs shall be a minimum 2 inches nominal thick plank and shall not exceed the width of the occupancy frontage served nor higher than 15 feet above the level of the sidewalk or grade immediately below.

(5) No sign shall interfere with or project over any portion of an opening in a wall.

(6) No combustible materials other than approved plastics shall be used in the construction of electric signs.

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(2) Projection in Residential Zone. In the Residential zone projection shall conform to the following:

a. No sign shall project over public property.

b. No sign shall extend higher than 12 feet above finished grade level and in no case may a sign extend higher than 12 feet above curb level, or where there is no curb, above the level of the center line of the street.

(3) Projection in a Commercial Zone. In the Commercial zone signs may project over public property as follows:

a. When a curb exists, a minimum of 14 feet above finished grade if over vehicle travelled area, otherwise 10 feet, a minimum of 24 inches behind the curbline.

b. If no curb exists, a minimum of 14 feet above finished grade, maximum 4 feet projection over public property.

(4) Projection in High Density Zone. In the High Density Central Commercial C-4 zone signs may not project over public property or legal set-back line if the clearance of the bottom thereof above the level of the sidewalk or grade immediately below is less than 8 feet. When the clearance of the bottom of the sign above the level of the sidewalk or finished grade immediately below the sign is 8 feet or over, signs may project over public property a maximum of 2 feet. No sign shall extend more than three feet above any adjacent parapet or roof of the supporting building.

Section 12. Electric Signs.

(1) The enclosed shell of electric signs shall be weather tight, excepting that service holes fitted with tight covers shall be provided for each compartment of such sign.

(2) All electrical equipment used in connection with such signs shall be installed in accordance with the Electric Code.

(3) Every electric sign projecting over public property shall have painted on the surface of the sign the name of the erector and the date the sign was erected. Such name and date shall be of sufficient size and contrast to be visible from a reasonable distance.

(4) Signs illuminated by exterior illumination shall have the exterior lights so directed that the light does not shine directly into common vehicular or pedestrian ways.

(5) No electric sign in the Commercial Zone or in the High Density Zone shall be so located so as to cast light on property in an adjacent Residential Zone.

(6) No arrow or directional indicator nor any light or lamp or tube or group of lights or lamps or tubes contained in a single unit shall be erected or maintained within view of any public street unless:

a. Such device is or was constructed as an integral part of a sign and is not later attached or affixed thereto, or;

b. Such device is not illuminated by flashing or intermittent light and the illumination thereof conforms to all sign illumination requirements of this code, or;

c. Such device consists of light or lamps designed and intended to be used solely for illumination of a building or pedestrian or vehicular traffic areas, or;

d. Such device is an official traffic sign or signal.

(7) No lighting or illumination shall be used at any location or in any manner where it may be confused or construed as a traffic control device.

(8) Limitation of Sign Illumination.

a. No exposed or reflective type bulb, incandescent lamp exceeding eleven (11) Watts, or strobe lights shall be used or maintained on the exterior surface of any signs so as to expose the face of the bulb, light or lamp to any public street; provided however, a reflective type lamp bulb may be used, if not exposed to direct view from a public street for illumination of the display surface of a sign.

b. When neon tubing is employed on the exterior surface of a sign for sign illumination, the tubing shall not exceed a capacity of 30 milliamperes rating.

c. No sign shall be erected or maintained which, by use of lighting, illumination or surface reflection creates an unduly distracting and hazardous condition to vehicular or pedestrian traffic or the general public.

(9) Limitation of Flashing Light, Intermittent Light and Chaser Effects and Rotating Signs.

a. No rotating sign shall be a flashing sign nor shall any rotating sign exceed 8 revolutions per minute.

b. No flashing sign, with the exception of signs having a scintillating effect, animated effect or a speller effect shall be erected or maintained unless such sign, when in operation has at least 50 per cent of the total illuminated area of such sign lighted at all times.

c. No flashing sign shall employ a chaser effect or flashing effect consisting of external lights, lamps or bulbs or neon tubes in the form of a sunburst, expanding sunburst, expanding arrow or extending arrow.

d. The interval between the illumination of lights, lamps, bulbs, or neon tubes shall be uniformly patterned so that the flashing sequence is even and regular or the chaser effect produces an apparent motion that is continuous, even and smooth flowing.

e. Where a sign is illuminated by an external light source, no flashing or intermittent light is permitted.

f. No more than one chaser effect shall be permitted on one side of a sign. In the case of a multi-face sign, one chaser effect may be permitted on each side, provided that only one such chaser effect can be seen by a motorist at any one time.

g. No more than one sign involving a chaser effect shall be permitted for each separate business provided that a business fronting on two or more streets shall be permitted one sign employing a chaser effect on each street

frontage provided that only one such sign having a chaser effect shall be visible to motorists at any one time.

h. No chaser effect shall be employed on the same side of the sign as any other flashing sign, whether contained in or upon the sign or external to the sign.

i. No chaser effect which produces an apparent motion in a single direction or path shall be permitted to produce an apparent motion which exceeds 10 feet per second.

j. No chaser effect shall exceed 20 per cent of the illuminated area of the sign on which it is located.

k. Flashing signs shall be limited to on premise signs only.

Section 13. Ground Signs.

(1) Ground signs may have a display surface of combustible materials as established by City of Bend Ordinances and subject to the provisions of this code and the Uniform Building Code.

(2) Wood routed ground signs and other ground signs shall conform with Section 11 of this Ordinance.

Section 14. Roof Signs.

(1) The supporting members of roof signs shall appear to be free of any extra bracing, angle iron, guy wires, cables, etc. All supports shall appear to be an architectural and integral part of the building.

(2) Clearance and Access. Passage clear of all obstructions shall be left under, around and immediately adjacent to all signs exceeding a height 4 feet above the roof thereunder. Such passages shall be not less than 3 feet wide and 4 feet high and shall be at parapet or roof level. There shall be one such passage or access opening as follows:

a. For each roof sign upon a building.

b. For every 50 lineal feet of horizontal roof sign extension.

c. Within 20 feet of walls and parapets when roof signs are at right angles to the face of the building.

Section 15. Temporary Signs.

(1) No temporary sign shall exceed 100 square feet in area. Temporary signs of rigid material shall not exceed 24 square feet in area, or 3 feet in height.

(2) Temporary signs, when 8 feet or more above the ground may project not more than 6 inches over public property.

Section 16. Marquees.

(1) No marquee shall project more than two-thirds of the distance from the property line to the curbline. Clearance from the bottom of the marquee shall be not less than 8 feet above the ground or the pavement below. The horizontal clearance between marquee and the curb line shall be not less than two feet (2').

(2) The maximum height or thickness of a marquee measured vertically from its lowest to its highest point shall not exceed one foot.

(3) 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 supported by a building of Type V construction, shall be of not less than one-hour fire resistive construction.

(4) The roof of a marquee or any part thereof, may be a skylight provided wire glass not less than 1/4" thick is used with no single pane more than 18' wide. Every roof of a marquee shall be sloped to down spouts which shall conduct any drainage from the marquee under the sidewalk to the curb.

(5) Every marquee shall be so located as not to interfere with the operation of any exterior stand pipe or to obstruct clear passage of stairways or exits from buildings or the installation or maintenance of electroliers.

(6) A sign may be attached on the underside of a marquee or structural projection. Such sign shall not exceed 12" in height or 6 feet in length and must have at least 7 feet of clearance between the bottom of the sign and the sidewalk. The location of such signs shall be limited to business entrance ways only.

(7) A roof or mansard shape projection may not project more than two feet over public property. A nonconforming existing roof may be continued indefinitely, but no building permit, alteration or reconstruction of such roof may be permitted which does not bring the roof into conformity with this code, and shall not exceed 15 foot above grade as provided for in the Uniform Building Code for veneer.

Section 17. Removal of Signs.

(1) The Building Official may remove or may order the removal of signs as follows:

a. If the Building Official determines that any sign that is being maintained in violation of the provisions of this code or has been erected without the permit required by this code, he shall give 30 days written notice to the owner of the sign and the owner of the building, structure or premises upon which the sign is located, if known. Such notice shall specify the violation of this code. If the owner of the sign refuses to remove the sign or bring it into compliance or cannot be notified to remove the sign or bring it into compliance with the provisions of this code, the Building Official may order its removal. Where the owner of the sign and/or the owner of the building, structure or premise upon which the sign is located have been notified pursuant to this section or cannot be located after reasonable time, and such person refuses to comply with this code or to remove the sign, the Building Official may remove, or authorize others to remove, such signs at the expense of the owner of the sign, and the owner of the building, structure or premise on which the sign is located and such costs and expenses, including but not limited to notification efforts to secure compliance, the painting out of the sign, sign removal, storage or transportation shall be a lien against the land on which the sign is located and may be collected or foreclosed in the same manner as liens which are entered in the lien dockets of the City of Bend, Oregon.

b. If the Building Official finds that any sign is in violation of this code and that, by reason of its condition, it presents an immediate and serious danger to the public, he may, without prior written notice, order its immediate removal or repair within a period of time that he may specify. The Building Official may remove or authorize others to remove such sign in the event that the person responsible for such sign cannot be found or such person, after notification, refuses to repair or remove it. The owner of the sign and the owner of the building, structure or premise on which the sign is located are jointly and severely liable for the cost of removing such sign as specified in (a) of this sub-chapter and the costs may be a lien upon the land on which the sign is located and may be collected

and foreclosed in the same manner as liens that are entered in the lien dockets of the City of Bend, Oregon.

c. Provision of this code shall not apply to any sign legally and safely constructed and installed, prior to the enactment of this ordinance; provided, that any non-conforming sign shall be removed prior to June 1, 1978.

Temporary Signs, 3 months moritorium suggested.

Section 18. If any part of this ordinance is held unconstitutional the remainder shall not be affected.

Section 19. Penalties. Any person violating any provision of this code shall be guilty of a misdemeanor and any such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of this code is committed, continued or permitted and upon conviction of any such violation such person shall be punishable by a fine and not more than $300 and imprisonment of not more than 90 days or by both such fine and imprisonment.

Section 20. Ordinance No. NS-749 is hereby repealed.

Read for the first time the 2nd day of May, 1973

Read for the second time this 16th day of May, 1973

Placed upon its passage this 16th day of May, 1973

YES: 7 NO: 0

Submitted to and approved by the Mayor this 16th day of May, 1973.

Preston E. Waller
Mayor

ATTEST:

Irene S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-969

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-949 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 7th day of February, 1973, at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

The Northeast Quarter of the Northeast Quarter of Section Thirty-four (34), Township Seventeen (17) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County Oregon.

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

Section 4. In view of the foregoing 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.

Section 5. The above described property annexed by this ordinance shall be zoned PD Planned Development; and the zoning map of the City of Bend shall be changed accordingly.

Read for the first time the 16th day of May, 1973

Read for the second time the 6th day of June, 1973

Placed upon its passage the 6th day of June, 1973

YES: 7 NO: 0

Submitted to and approved by the Mayor this 6th day of June, 1973.

Boston E. Staller
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-970

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

In Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon:

Section 6: A tract of land located in the Northeast Quarter, more particularly described as follows:

Beginning at a point on the East right-of-way line of West 15th Street whence the North Quarter corner bears North 09°14'24" West 695.04 feet; thence North 138.53 feet; thence North 84° 49' 00" East 382.28 feet to the Westerly right-of-way of the Cascade Lakes Highway; thence South 00° 27' 13" East 168.34 feet; thence South 89° 15' 49" West, 381.65 feet to the point of beginning.

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 July, 1973, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

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

Read for the first time the 16th day of May, 1973

Read for the second time this 6th day of June, 1973

Placed upon its passage this 6th day of June, 1973

YES: 7 NO: 0

Submitted to and approved by the Mayor this 6th day of June, 1973

Preston E. Staller
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-971

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

A parcel of land in the East One-half of Section 6, Township 18 South, Range 12 East, of the Willamette Meridian, Deschutes County, Oregon. Being more particularly described as follows:

Beginning at the center One-quarter corner of Section 6, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon; thence North 0° 31' 18" West, 1321.86 feet; thence South 89° 56' 16" East, 301.22 feet; thence South 0° 18' 09" West, 30.00 feet to the South right-of-way of a 60 foot roadway to the true point of beginning of this description; thence South 0° 18' 09" West, 75.00 feet; thence South 19° 20' 16" East, 213.37 feet thence South 6° 06' 46" East, 147.27 feet; thence South 1° 21' 36" West, 138.82 feet; thence South 6° 59' 24" East, 270.16 feet; thence South 32° 19' 24" East, 82.63 feet; thence South 6° 44' 14" East, 156.43 feet; thence South 89° 56' 16" East, 177.19 feet to the West right-of-way of Century Drive; thence in a Northwesterly direction along a 600 foot spiraled curve to the left, the chord of which is North 6° 44' 40" West, 379.80 feet; S=9° 00' A=0.50; thence North 7° 56' 45" West, 360.60 feet; thence in a Northwesterly direction along a 400 foot spiraled curve to the right having an S value of 2° 00', and a value of 0.25, a chord distance of North 7° 51' 31" West, 146.60 feet; thence continuing along said spiraled curve a chord distance of North 7° 26' 36" West, 101.12

feet; thence continuing along said spiraled curve a chord distance of North 6° 55' 21" West, 75.56 feet to the South right-of-way of a 60 foot roadway; thence leaving said spiraled curve North 89° 56' 16" West, 218.54 feet along the South right-of-way of said 60 foot roadway to the true point of beginning.

Containing 4.48 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 18th day of July, 1973, at the hour of 7:30 p.m. o'clock, in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

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

Read for the first time this 16th day of May, 1973

Read for the second time this 6th day of June, 1973

Placed upon its passage this 6th day of June, 1973

YES: 7 NO: 0

Submitted to and approved by the Mayor this 6th day of June, 1973.

Preston E. Walker
Mayor

ATTEST:

Irma S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-972

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-920 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 September, 1972, at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

(a) A tract of land located in the Northeast Quarter of Section 6 in Township 18 South, Range 12, East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: Beginning at a point whence the North quarter corner of said Section 6 bears North 13°59'09" West, 1237.86 feet; thence South 00°22'07" West 90.84 feet; thence East 227.57 feet, more or less, to the westerly right-of-way of Century Drive Highway; thence Northerly along said right-of-way line 91 feet, more or less, to an iron pin; thence north 89°40'23" West, 215.77 feet to the point of beginning.

(b) A tract of land located in the Northeast Quarter, Section 6, Township 18 South, Range 12, East of the Willamette Meridian, more particularly described as follows: Beginning at a point on the East right-of-way line of West 15th Street whence the North quarter corner bears North 09°14'24" West 695.04 feet; thence North 89°15'49" East, 181.65 feet; thence South 00°44'11" East, 150.0 feet; thence North 89°15'49" East 200.0 feet to the Westerly right-of-way of the Cascade Lakes Highway; thence South 01°43'32" East, 171.28 feet; thence North 89°40'23" West 388.71 feet; thence North 314.06 feet to the point of beginning.

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(c) A tract of land located in the Northwest Quarter of the Northeast Quarter of Section 6 in Township 18, South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: Beginning at a point whence the North Quarter corner of said Section 6 bears North 13°59'09" West 1237.86 feet; thence North 0°22'07" East, 200.15 feet, thence South 89°40'23" East, 200 feet to the Westerly right-of-way of Century Drive; thence Southerly along said right-of-way bearing South 4°10'55" East, 200.57 feet; thence North 89°40'23" West, 215.77 feet to the point of beginning: EXCEPT a tract of land located in the Northwest Quarter of the Northeast Quarter of Section 6, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: Beginning at a point on the Westerly right-of-way line of Century Drive Highway, whence the North Quarter corner of said Section 6 bears North 23°11'01" West, 1308.03 feet; thence North 89°40'23" West, 144.95 feet; thence North 00°22'07" East, 60.0 feet; thence South 89°40'23" East, 138.95 feet, more or less to the Westerly right-of-way line of Century Drive Highway; thence southerly along said right-of-way line 60.30 feet; more or less to the point of beginning.

(d) A tract of land located in the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section Six (6), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: Beginning at a point on the Westerly right-of-way line of Century Drive Highway, whence the North Quarter corner of said Section 6 bears North 23°11'01" West, 1308.03 feet; thence North 89°40'23" West, 144.95 feet; thence North 00°22' 07" East, 60.0 feet; thence south 89°40'23" East, 138.95 feet, more or less to the Westerly right-of-way line of Century Drive Highway, thence southerly along said right-of-way line 60.30 feet, more or less to the point of beginning.

(e) A tract of land located in the Northwest Quarter of the Northeast Quarter of Section 6, Township 18 South, Range 12, East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows: Beginning at a point whence the North Quarter corner of said Section 6 bears North 13°59'09" West, 1237.86 feet; thence North 89°40'23" West,

187.40 feet to a point on the east right-of-way line of West Fifteenth Street extended; thence North along said right-of-way 200.14 feet; thence South 89°40'23" East, 188.71 feet; thence South 00°22'07" West, 200.15 feet to the point of beginning.

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

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

Section 5. The above described property annexed by this ordinance shall be zoned C-1, Tourist Commercial Zone in the easterly 150 feet and R-2, High Density Residential Zone in the westerly portion of the property extending to the east right-of-way line of South 15th Street; and the zoning map of the City of Bend shall be changed accordingly.

Read for the first time the 6th day of September, 1972

Read for the second time the 20th day of June, 1973

Placed upon its passage the 20th day of June, 1973.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 20th day of June, 1973.

Thurston E. Stalker
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-973

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-936 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 December, 1972 at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and placed 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 Northwest Quarter of Section 27, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Commencing at the Northwest corner of said Section 27, thence along the North line of said Section 27, North 89°48'12" East, 670.16 feet to the true point of beginning; thence along the North line of said Section 27, North 89°48'12" East, 638.36 feet; thence South 00°11'41" West, 614.69 feet to the right-of-way of Wells Acres Road, thence along the right-of-way of Wells Acres Road, North 83°03'11" West, 618.63 feet; thence North 10°31'48" West, 179.23 feet; thence around a 50 foot radius curve to the right, 120.52 feet (Long chord bears North 10°26'28" East, 93.39 feet); thence North 41°45' East, 20.95 feet; thence North 10°31'48" West, 110.98 feet; thence North 144.87 feet to the North line of said Section 27, and the true point of beginning, said parcel containing 8.3 acres, more or less.

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

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

Section 5. The above described property annexed by this ordinance shall be zoned PD Planned Development; and the zoning map of the City of Bend shall be changed accordingly.

Read for the first time this 6th day of June, 1973

Read for the Second time this 20th day of June, 1973

Placed upon its passage this 20th day of June, 1973.

YES: 7 NO: 0

Submitted to and approved by the Mayor this 20th day of June, 1973

Preston E. Stoller
Mayor

ATTEST:

Lucia S. Johnson
Recorder-Treasurer

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ORDINANCE NO. NS-974

AN ORDINANCE AMENDING THE PLANNED DEVELOPMENT PROVISIONS OF THE ZONING ORDINANCE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 3.810 of Ordinance No. NS-796 is amended to read:

"Planned Development Zone Designation

Section 3.810. Purpose and Utilization. The purpose of PD zone designation is to permit flexibility in the design and development of larger tracts of land. Planned developments, involving the careful application of design, are encouraged to achieve a more functional, esthetically pleasing and harmonious living environment within the City than might be achieved otherwise through strict adherence to the regulations of this ordinance. The objectives of this ordinance may be achieved by the development of planned units which do not conform with the more conventional standard of design and improvement. A planned unit development may include lots, streets and other improvements in an arrangement which will accommodate a variety of dwelling types and a variety of land uses which are made to compliment each other and harmonize with existing or planned uses in the vicinity, by innovation in design. PD zone objectives will be accomplished by adding the designation "PD" to a specified area within an R-1 or R-2 zone and in such designated areas all of the standards and requirements of the particular zone shall apply except as specifically modified by the provisions of these sections relating to the "PD" designation."

Section 2. Section 3.820 of Ordinance No. NS-796 is amended to read:

"Section 3.820. Standards and Requirements. Approval of a request for a PD zone designation is dependent upon the submission of an acceptable plan and satisfactory assurance that it will be carried out. The following minimum standards and requirements shall apply:

1. A dwelling use permitted in any zone may be permitted in a PD designated zone.

2. A mobile home may bepermitted in a PD designated zone when approved by the Planning Commission.

3. The minimum area for a PD designated zone shall be three acres.

4. Developments in a PD designated zone which either provide for or contemplate private streets and ways and common areas within the development which will be or are proposed to be maintained by the owners of units or lots within a PD development instead of being publicly maintained must organize and maintain an owner's association. The owner's association shall:

   a. Consist of all the owners of units or lots within the development and membership in the association must be required of all owners.

   b. Adopt and record bylaws as provided by ORS 91.555.

   c. Adopt bylaws that contain the provisions required by ORS 91.560.

   d. Have the power to create a lien upon the unit or lot for services, labor or material lawfully chargeable as common expenses as provided in ORS 91.580. The association's power to create such a lien shall exist whether or not the property is submitted to the Oregon Unit Ownership Law (ORS 91.505 - 91.675).

   e. If the property is not submitted to the Unit Ownership Law the association shall also create by contract the right to claim a lien upon any unit or lot for services, labor or material chargeable as common expenses. This lien may be created by covenants between the association and the property owners and shall supplement the lien created by (d) above.

f. Be approved by the City.

g. Require all owners of units or lots within the development to consent to and pay any assessment against their properties made by the City of Bend to pay the reasonable value of services, labor or material expended by the City for common expenses where such City expenditures are made because the owners or the owner's association does not provide the necessary services, labor or material for common expenses.

5. Roads in PD designated developments shall meet the following standards:

a. All public roads and ways shall be developed to City standards.

b. Private roads shall be minimum 14 feet wide paved surface for one-way traffic; minimum 20 feet wide paved surface for two-way traffic; parallel parking as permitted shall require minimum additional 8 feet wide paving; and streets shall be paved and curbed according to City standards except as varied by this subsection. In addition to these requirements the Planning Commission may specify other requirements including but not limited to increased pavement width.

c. Pedestrian walkways shall be provided as needed for adequate pedestrian and bicycle traffic; shall be constructed with Portland cement or asphaltic concrete; shall be minimum 5 feet wide when placed adjacent to private streets; and shall be constructed according to City standards except as varied by the provisions of this section or by the Planning Commission.

6. All utility facilities shall be installed underground and in accordance with City standards.

7. Density in a PD designated R-1 zone shall not exceed 6 dwelling units per gross acre and density in any other PD designated zone shall not exceed 20 dwelling units per gross acre.

8. Front yard, side yard and rear yard setback lines shall be not less than 20 feet in a PD designated R-1 zone or a PD designated zone adjacent to an R-1 zone.

9. Building heights in a PD designated area within an R-1 zone or adjacent to an R-1 zone shall not exceed one story within 50 feet from the P-D designated area boundary; two stories between 50 feet and 150 feet from the P-D designated area boundary; and not more than three stories anyplace within the P-D designated zone shall be determined by the Planning Commission.

10. Off-street parking in a PD designated area shall be provided as follows: At least three parking spaces per dwelling unit shall be provided for developments in R-1 - PD zone; and developments in R-2 - PD zones or any other PD designated zone shall provide off-street parking as provided in Section 4.050 of this ordinance. At least one parking space shall be within 50 feet of the unit served by the space and any other required parking spaces shall be within 300 feet of the unit. Provisions shall also be made for storage of boats, campers, and trailers as approved by the Planning Commission.

11. Signs shall not contain more than 32 square feet of total signing area. Each major access to the development within the PD designated area shall be allowed one sign. The signing area shall include all face area of the sign whether broken or solid. Architectural supports for the signs shall not be included in the signing area. Signs will be allowed in the setback areas only if they do not conflict with the clear vision requirements of this ordinance. All plans for signs must be submitted to the Planning Commission for approval.

12. Repetition in housing types (i.e. duplex, triplex, and the like) shall be discouraged unless of a type which provides architectural variety within the development.

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13. Building separations within the development shall provide adequate light and air as determined by the Planning Commission.

14. All non-open space lots shall meet the minimum area and width requirements of the R-1 zone.

15. The design of all PD designated zone projects shall provide direct access for all units and lots to open space, areas and facilities.

Section 3. The first paragraph of Section 3.830.1 of Ordinance No. NS-796 is amended to read:

"1. An applicant shall submit to the Planning Commission ten copies of a preliminary plan for development of the property. The plans shall be submitted at least ten days prior to the meeting at which it will be considered. The plan shall show at a suitable scale the following information:"

Section 4. Section 3.830.2(d) of Ordinance No. NS-796 is amended to read:

"The development will not overload adjacent streets, utilities or other community facilities."

Section 5. Section 3.830.3 of Ordinance No. NS-796 is amended to read:

"3. The Planning Commission shall hold a public hearing on the PD zone application after the applicant has complied with the procedural provisions of this ordinance. After public hearing the Planning Commission may grant preliminary approval of the PD plans and recommend adoption of a PD designated zone to the City Commission. Final approval of the plan of a planned development within the PD designated zone may be given after the PD zone change becomes effective."

Section 6. Section 3.830.4 of Ordinance No. NS-796 is amended to read:

"4. The final plan for the planned development within the PD designated zone shall be submitted to the Planning Commission within twelve months from the time the Planning Commission approved the preliminary plan. The final plan shall contain all of the information and comply with all the requirements of this ordinance."

Section 7. New subsections 5, 6 and 7 are added to 3.830 of Ordinance No. NS-796 to read:

"5. A planned development may be developed in phases and portions of the overall plan may be given final approval by the Planning Commission.

6. The requirements of this ordinance relating to planned developments within a PD designated zone are in addition to and do not excuse compliance with the subdivision platting requirements where applicable as required by State law and City ordinance and the Oregon Unit Ownership Law.

7. When a PD zone change is approved the zone map shall be changed by adding the PD designation to the zone, i.e. R-1, PD or R-2 PD."

Section 8. Section 1.030 of Ordinance No. NS-796 is amended by adding the following new subsections to read:

"31(a) 'Open space' being a common area designated on the plans of a planned development within a PD designated zone which is permanently set aside for the common use of the owners as an open area.

31(b) "Open space lot' means a lot which abuts upon an open space for a distance of ten feet or more."

Read for the first time this 6th day of June, 1973

Read for the second time this 20th day of June, 1973

Placed upon its passage this 20th day of June, 1973

YES: 7 NO: 0

Submitted to and approved by the Mayor this 20th day of June, 1973.

Preston E. Stoller
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

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ORDINANCE NO. NS-975

AN ORDINANCE CHANGING THE ZONE OF LOTS 6, 7, 11, 12, 13, 14 & 15, Block 2, KEYSTONE TERRACE ADDITION IN BEND, OREGON, FROM R-2 HIGH DENSITY RESIDENTIAL ZONE TO C-2 LIMITED COMMERCIAL ZONE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The Zone for Lots 6,7,11,12,13,14 & 15, Block 2, Keystone Terrace Addition in Bend, Deschutes County, Oregon, is changed from R-2 High Density Residential Zone to C-2 Limited Commercial Zone.

Read for the first time the 20th day of June, 1973

Read for the second time the 5th day of July, 1973

Placed upon its passage this 5th day of July, 1973
YES: 6 NO: 0

Submitted to and approved by the Mayor the 5th day of July, 1973

Preston E. Stoller
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-976

AN ORDINANCE CHANGING THE ZONE OF LOT 4 and the West ½ of LOT 5, BLOCK 21, CENTER ADDITION FROM R-1 LOW DENSITY RESIDENTIAL TO C-2 LIMITED COMMERCIAL ZONE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The Zone for Lot Four and the west one-half of Lot Five, Block 21, Center Addition in Bend, Deschutes County, Oregon, is changed from R-1 Low Density Residential Zone to C-2 Limited Commercial Zone.

Read for the first time the 20th day of June, 1973

Read for the second time the 5th day of July, 1973
Placed upon its passage the 5th day of July, 1973
YES: 6 NO: 0

Submitted to and approved by the Mayor the 5th day of July, 1973

Preston E. Waller
Mayor

ATTEST:

Julia S. Johnson
recorder-Treasurer

ORDINANCE NO. NS-977

AN ORDINANCE VACATING THE ALLEY IN BLOCK 12,LYTLE ADDITION TO THE CITY OF BEND, OREGON

A petition having been presented to the Bend City Commission on the 16th day of May, 1973, requesting that the following described alley location be vacated:

The alley in Block Twelve (12), Lytle Addition to Bend, further described as the block bounded by Seward Avenue, Thurston Avenue, Division Street and East First Street in the City of Bend, Deschutes County, State of Oregon,

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

Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Werner Fohrer said vacation proceedings to vacate the following described alley location:

The alley in Block Twelve (12), Lytle Addition in the City of Bend, County of Deschutes, State of

Oregon, further described as the block bounded by Seward Avenue, Thurston Avenue, Division Street and East First Street,

The City Commissioners of the City of Bend have fixed the 20th day of June, 1973, at 7:30 P.M. in the City Hall, 720 Wall Street, Bend, Oregon as the time and place for hearing upon the said vacation proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings,

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

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

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

Read for the first time this 20th day of June, 1973

Read for the second time this 5th day of July, 1973

Placed upon its passage this 5th day of July, 1973

YES: 6 NO: 0

Submitted to and approved by the Mayor this 5th day of July, 1973

Preston E. Staller
Mayor

ATTEST:

Lucia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-978

AN ORDINANCE CHANGING THE ZONE OF LOTS 12 THRU 16, BLOCK 38, RIVERSIDE ADDITION IN BEND, OREGON, FROM R-2 HIGH DENSITY RESIDENTIAL ZONE TO C-2 LIMITED COMMERCIAL ZONE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The zone of Lots 12, 13, 14, 15 & 16, Block 38, Riverside Addition in Bend, Deschutes County, Oregon, is changed from R-2 High Density Residential Zone to C-2 Limited Commercial Zone.

Read for the first time the 20th day of June, 1973

Read for the second time the 5th day of July, 1973

Placed upon its passage the 5th day of July, 1973

YES: 6 NO: 0

Submitted to and approved by the Mayor the 5th day of July, 1973

Preston E. Stalder
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-979

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-958 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, 1973, at the hour of 7:30 P.M., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

A tract of land located in the Northeast Quarter of the Northeast Quarter (NE ¼, NE ¼), of Section Twenty-eight (28) Township Seventeen (17) South, Range Twelve (12), east of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at a point whence the southeast corner of said Northeast Quarter of the Northeast Quarter of Section 28, bears

south 89° 22' 22" East, 33.20 feet; thence North 89° 22' 22" West, 170.09 feet; thence North 00° 20' 43" East, 213.43 feet; thence south 89° 22' 22" east, 203.29 feet; thence South 00° 20' 43" West, 13.43 feet; thence South 09° 46' 40" West 202.56 feet to the point of beginning.

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

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

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

Read for the second time the 18th day of July, 1973

Placed upon its passage this 18th day of July, 1973

YES: 7 NO: 0

Submitted to and approved by the Mayor this 18th day of July, 1973

Preston E. Stalles
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-980

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-970 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 18th day of July, 1973 at the hour of 7:30 P.M., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of

Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

A parcel of land located in the Northeast Quarter of Section 6, Township 18 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at a point on the East right-of-way line of West 15th Street whence the North Quarter corner bears North 09° 14' 24" West 695.04 feet; thence North 138.53 feet; thence North 84° 49' 00" East 382.28 feet to the Westerly right-of-way of the Cascade Lakes Highway; thence South 00° 27' 13" East 168.34 feet; thence South 89° 15' 49" West, 381.65 feet to the point of beginning.

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

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

Section 5. The above described property annexed by this ordinance shall be zoned C-1 Limited Commercial Zone; and the zoning map of the City of Bend shall be changed accordingly.

Read for the first time the 18th day of July, 1973

Read for the second time the 1st day of August, 1973

Placed upon its passage the 1st day of August, 1973

YES: 6 NO: 0

Submitted to and approved by the Mayor the 1st day of August, 1973

Preston E. Waller
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-981

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-971 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 18th day of July, 1973, at the hour of 7:30 P.M., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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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 in the East One-half of Section 6, Township 18 South, Range 12 East, of the Willamette Meridian, Deschutes County, Oregon. Being more particularly described as follows:

Beginning at the center One-quarter corner of Section 6, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon; thence North 0° 31' 18" West, 1321.86 feet; thence South 89° 56' 16" East, 301.22 feet; thence South 0° 18' 09" West, 30.00 feet to the South right-of-way of a 60 foot roadway to the true point of beginning of this description; thence South 0° 18' 09" West, 75.00 feet; thence South 19° 20' 16" East, 213.37 feet; thence South 6° 06' 46" East, 147.27 feet; thence South 1° 21' 36" West, 138.83 feet; thence South 6° 59' 24" East, 270.16 feet; thence South 32° 19' 24" East, 82.63 feet; thence South 6° 44' 14" East, 156.43 feet; thence South 89° 56' 16" East, 177.19 feet to the West right-of-way of Century Drive; thence in a Northwesterly direction along a 600 foot spiraled curve to the left, the chord of which is North 6° 44' 40" West, 379.80 feet; S=9° 00' A=0.50; thence North 7° 56' 45" West, 360.60 feet; thence in a Northwesterly direction along a 400 foot spiraled curve to the right having an S value of 2° 00', and a value of 0.25, a chord distance of North 7° 51' 31" West, 146.60 feet, thence continuing along said spiraled curve a chord distance of North 7° 26' 36" West, 101.12 feet; thence continuing along said spiraled curve a chord distance of North 6° 55' 21" West, 75.56 feet to the South right-of-way of a 60 foot roadway; thence leaving said spiraled curve North 89° 56' 16" West, 218.54 feet along the South right-of-way of said 60 foot roadway to the true point of beginning,

Containing 4.48 acres, more or less.

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

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

constituted part of the City of Bend and the boundaries of the City shall be extended to include the aforedescribed real property.

Read for the first time the 18th day of July, 1973

Read for the second time the 1st day of August, 1973

Placed upon its passage the 1st day of August, 1973

YES: 6 NO: 0

Submitted to and approved by the Mayor the 1st day of August, 1973.

Preston E. Waller
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE No. NS-982

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

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

A portion of the E 1/2 of the NE 1/4 of Section 29, and a portion of the SE 1/4 of the SE 1/4 of Section 20, Township 17 South, Range 12 East, of the Willamette Meridian, Deschutes County, Oregon. Being more particularly described as follows:

Beginning at a point on the East line of the 1931 location of U. S. Highway No. 97 (now referred to as E. 1st Street) said point also being located on the South line of the NE 1/4 of the NE 1/4 of Section 29, Township 17 South, Range 12 East, of the Willamette Meridian, Deschutes County, Oregon; thence Westerly along said line to the Easterly bank of the Deschutes River; thence following said Easterly bank in a Southerly and Westerly direction to the West line of the E 1/2 of the NE 1/4 of Section 29; thence Northerly along the West line of the E 1/2 of the NE 1/4 of Section 29, to the North line of Section 29; thence Easterly along the section line between Sections 20 and 29, to the Easterly bank of the Deschutes River; thence following said Easterly bank in a Northerly direction to the North line of the SE 1/4 of the SE 1/4 of Section 20; thence following said line in an Easterly direction to the Northeasterly line of the old Dalles-California Highway, 1920 location; thence following said Northeasterly line of the old Dalles-California Highway in a Southeasterly direction and crossing the new location of the U. S. Highway No. 97, 1961 location to the Easterly line of U. S. Highway No. 97; thence Southerly along the Easterly line of U. S. Highway No. 97, 1961 location and the Easterly line of the 1931 location of U. S. Highway No. 97, (now referred to as E. 1st Street) to the point of beginning,

containing 64.666 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 19th day of September, 1973, at the hour of 7:30 p.m., in the City Commission Chambers at the City Hall as the time and place for a public hearing before the said City Commission on the question of annexation at which time the registered voters of the City may be heard on the said question.

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

Read for the first time this 18th day of July, 1973

Read for the second time this 1st day of August, 1973

Placed upon its passage this 1st day of August, 1973

YES: 6 NO: 0

Submitted to and approved by the Mayor this 1st day of August, 1973

Preston E. Stalker
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

IAA061

ORDINANCE NO. NS-983

AN ORDINANCE RELATING TO PARKING IN MUNICIPAL PARKING LOTS

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 10 (b) of Ordinance No. NS-469 is amended to read:

"Section 10. Method of Parking. *** (b) Where parking space markings are placed on a street or in a municipally owned or maintained parking lot, no person shall stand or park a vehicle other than at the indicated direction and within a single marked space, unless the size or shape of such vehicle makes compliance impossible."

Section 2. Section 11(f) of Ordinance No. NS-469 is amended to read:

"Section 11. Prohibited Parking. *** (f) Any vehicle anywhere on a municipally owned parking lot for longer than two consecutive hours in any 24 hour period except where the parking space has been leased to the owner of the vehicle or where otherwise regulated."

Section 3. A new Section 11-A is added to Ordinance No. NS-469 as follows:

"Section 11-A. Application to Municipal Parking Lots. All provisions of this ordinance relating to parking shall include and be applicable to municipally owned or municipally maintained 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 this Ordinance for violations of this or any other ordinance relating to parking the same as if issued by regular City of Bend police officers."

Section 4. Section 26 of Ordinance No. NS-469 is amended to read:

"Section 26. Other Parking Violations. *** The owner or operator may, for the following parking violations, to-wit: improper parking, overtime parking, parking in loading zone, parking in alley, parking in pedestrian lane, within the first 24-hour period from and after the notice was attached to such vehicle, pay the amount of 50 cents; ***."

Read for the first time the 18th day of July, 1973

Read for the second time this 1st day of August, 1973

Placed upon its passage this 1st day of August, 1973

YES: 6 NO: 0

Submitted to and approved by the Mayor this 1st day of August, 1973

Preston E. Waller
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-984

AN ORDINANCE VACATING THE ALLEY IN BLOCK 43, RIVERSIDE ADDITION TO THE CITY OF BEND, OREGON

A petition having been presented to the Bend City Commission on the 1st day of August, 1973, requesting that the following described alley location be vacated:

The alley in Block Forty-three (43), Riverside Addition to Bend, further described as the block bounded by East 4th Street, Thurston Avenue, East 5th Street and Seward Avenue in the City of Bend, Deschutes County, State of Oregon,

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

Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Patricia Harley said vacation proceedings to vacate the following described alley location:

The alley in Block forty-three (43), Riverside Addition to Bend, further described as the block bounded by East 4th Street, Thurston Avenue, East 5th Street and Seward Avenue in the City of Bend, Deschutes County, State of Oregon,

The City Commissioners of the City of Bend have fixed the 5th day of September, 1973, at 7:30 P.M., in the City Hall, 720 Wall Street, Bend, Oregon as the time and place for hearing upon the said vacation proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings.

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

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

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

Read for the first time this 5th day of September, 1973

Read for the second time this 19th day of September, 1973
Placed upon its passage this 19th day of September, 1973

YES: 5 NO: 0

Submitted to and approved by the Mayor this 19th day of September, 1973

Preston E. Waller
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-985

AN ORDINANCE VACATING PORTION OF THE ALLEY IN BLOCK 5, STATE HIGHWAY ADDITION TO THE CITY OF BEND, OREGON

A petition having been presented to the Bend City Commission on the 18th day of July, 1973, requesting that the following described alley location be vacated:

That portion of the alley that lies south of and adjacent to Lots 5, 6, 7, 8, 9 and 11, in Block 5, State Highway Addition in the City of Bend, Deschutes County, State of Oregon,

and stating the purpose for which the described property is proposed to be used and the reason for such vacation; and there being appended to the

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

> Notice is hereby given that vacation proceedings have been initiated by the City Commission of the City of Bend on a petition filed by Dale L. Woodruff said vacation proceedings to vacate the following described alley location:
>
> That portion of the alley that lies south of and adjacent to Lots 5, 6, 7, 8, 9 and 11, in Block 5, State Highway Addition in the City of Bend, Deschutes County, State of Oregon,
>
> The City Commissioners of the City of Bend have fixed the 5th day of September, 1973, at 7:30 p.m., in the City Hall, 720 Wall Street, Bend, Oregon as the time and place for hearing upon the said vacation proceedings at which time the City Commission will receive and hear all objections to the said vacation proceedings,

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

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

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

Read for the first time this 5th day of September, 1973

Read for the second time this 19th day of September, 1973

Placed upon its passage this 19th day of September, 1973

YES: 5 NO: 0

Submitted to and approved by the Mayor this 19th day of September, 1973

Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-986

AN ORDINANCE AMENDING THE ZONING ORDINANCE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 3.210 of Ordinance No. NS-796 is amended by adding thereto item 12.

Section 3.210

12. Beauty shop, barber shop, or other related personal service business.

Read for the first time the 1st day of August, 1973

Read for the second time the 15th day of August, 1973

Placed upon its passage the 15th day of August, 1973

YES: 7 NO: 0

Submitted to and approved by the Mayor the 15th day of August, 1973

Preston E. Waller
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

IAA061

ORDINANCE NO. NS-987

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-982 the City Commission of the City of Bend, the City legislative body, did elect to dispense with submitting the question of annexation of the following described real property to the registered voters of the City of Bend and did fix the 19th day of September, 1973, at the hour of 7:30 p.m., in the City Commission Chambers of the City Hall, Bend, Oregon, as the time and place for the registered voters of the City of Bend to appear and be heard on the question of annexation of the following described real property, and did cause notice thereof to be published once each week for two successive weeks prior to the day of hearing in a newspaper of general circulation in the City of Bend and did cause notice of the hearing to be posted in four public places in the City for a like period which said hearing was held at the time and place aforesaid.

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

A portion of the E 1/2 of the NE 1/4 of Section 29, and a portion of the SE 1/4 of the SE 1/4 of Section 20, Township 17 South, Range 12 East, of the Willamette Meridian, Deschutes County, Oregon. Being more particularly described as follows:

Beginning at a point on the East line of the 1931 location of U. S. Highway No. 97 (now referred to as E. 1st Street) said point also being located on the South line of the NE 1/4 of the NE 1/4 of Section 29, Township 17 South, Range 12 East, of the Willamette Meridian, Deschutes County, Oregon; thence Westerly along said line to the Easterly bank of the Deschutes River; thence following said Easterly

bank in a Southerly and Westerly direction to the West line of the E 1/2 of the NE 1/4 of Section 29; thence Northerly along the West line of the E 1/2 of the NE 1/ 4 of Section 29, to the North line of Section 29; thence Easterly along the section line between Sections 20 and 29; to the Easterly bank of the Deschutes River; thence following said Easterly bank in a Northerly direction to the North line of the SE 1/4 of the SE 1/4 of Section 20; thence following said line in an Easterly direction to the Northeasterly line of the old Dalles-California Highway, 1920 location; thence following said Northeasterly line of the old Dalles-California Highway in a Southeasterly direction and crossing the new location of the U. S. Highway No. 97, 1961 location to the Easterly line of U. S. Highway No. 97; thence Southerly along the Easterly line of U. S. Highway No. 97, 1961 location and the Easterly line of the 1931 location of U. S. Highway No. 97, (now referred to as E. 1st Street) to the point of beginning,

containing 64.666 acres, more or less.

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

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

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

Read for the second time the 3rd day of October, 1973

Placed upon its passage the 3rd day of October, 1973

YES: 7 NO: 0

Approved by the Mayor this 3rd day of October, 1973

Preston E. Stalley
Mayor

ATTEST:

Lucia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-988

AN ORDINANCE AMENDING THE SIGN CODE

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 17 (1) (c) of Ordinance No. NS-968 is amended to read:

(c) Those signs which were legally and safely constructed and installed prior to the enactment of this Ordinance may remain until June 1, 1978 but they must be removed by June 1, 1978 if they do not conform to the provisions of this ordinance. All temporary signs must be removed by the 15th day of November, 1973.

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

Read for the second time the 3rd day of October, 1973

Placed upon its passage the 3rd day of October, 1973

YES: 7 NO: 0

Approved by the Mayor this 3rd day of October, 1973

Preston E. Staller
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-989 NS-989 repealed by NS-1497, passed 7-19-89

AN ORDINANCE AMENDING THE STREET EXCAVATION ORDINANCE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 4 (b) of Ordinance No. NS-772 is amended to read:

Section 4. Security.

(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 two years 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.

Section 2. Section 10 of Ordinance No. NS-772 is amended to read:

Section 10. Inspection by Superintendent of Public Works and Maintenance of Excavation. The permittee 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 permittee shall be required to maintain the area worked upon for a period of two years from its completion, and any repairs necessitated by the work within two years of its completion may be made by the City, after notice to the permittee and paid from permittee's security deposit.

Read for the first time the 3rd day of October, 1973

Read for the second time the 17th day of October, 1973
Placed upon its passage the 17th day of October, 1973
YES: 6 NO: 0

Submitted to and approved by the Mayor the 17th day of October, 1973

Preston E. Waller
Mayor

ATTEST:

Recorder-Treasurer

ORDINANCE NO. NS-990

AN ORDINANCE AMENDING ORDINANCE NO. NS-819

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 6 of Ordinance No. NS-819 is hereby amended to read:

For collection in containers holding 32 gallons or less:

a. One pickup of one can each week	
* curb or roadside	$2.50 per month
** backyard or other	$3.00 per month
b. One pickup of additional can each week	
* curb or roadside	$1.50 per month
** backyard or other	$2.00 per month
c. Special pickup	$1.50 per can

* Curbside means "at the curb," "foot of the driveway," "at the alley," " where the truck or scooter can drive to the pickup area."

** Any location other than "curb pickup."

For collection of containers holding 1 cubic yard or 1-1/2 cubic yards (Seven 32 gallon cans = 1 yard ten 32 gallon cans = 1-1/2 yards)

a. One pickup for 1 cubic yard each week	$14.00 per month plus container rent and maintenance
b. One pickup of 1-1/2 cubic yards each week	$18.00 per month plus container rent
c. Additional pickups for container collections shall be charged by multiplying these rates by the number of additional pickups per week or pro rate part of monthly rate.	

For collections in containers holding 20 gallons or less for persons age 65 or older the rate will be $1.50 per month for one pickup per week if such persons apply to the refuse collector for this reduced rate.

$1.50 curb rate
$2.00 backyard rate

Compactor Rates:

a. 1-3 yard container	Double loose rate
b. 4-6 yard container	Triple loose rate

Collection of bulk refuse:

$3.00 for each yard per pickup or $15 for each hour of work requiring one truck and one man or $25 for each hour of work requiring one truck and 2 men.

Rate increases for extra distance to container or bulk refuse from pickup point:

Up to 75 feet	Regular rate
75 to 100 feet	Additional 25%
100 to 125 feet	Additional 50%
125 to 150 feet	Additional 75%
Over 150 feet	Additional 100%

Pickups inside buildings and different floors:

Pickup inside building	Additional 50%
Pickup from one flight above or one flight below ground level	Additional 75%
Two flights above or below ground level	Additional 75%

Read for the first time the 3rd day of October, 1973

Read for the second time the 17th day of October, 1973

Placed upon its passage the 17th day of October, 1973

YES: 6 NO: 0

Approved by the Mayor this 17th day of October, 1973

Preston E. Waller
Mayor

ATTEST:

Julian S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-991

AN ORDINANCE AMENDING ORDINANCE NO. NS-820

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 6 of Ordinance No. NS-820 is hereby amended to read:

For collection in containers holding 32 gallons or less:

a. One pickup of one can each week

* curb or roadside	$2.50 per month
** backyard or other	$3.00 per month

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b. One pickup of additional can each week

* curb or roadside	$1.50 per month
** backyard or other	$2.00 per month

c. Special pickup $1.50 per can

* Curbside means "at the curb," "foot of the driveway," "at the alley," "where the truck or scooter can drive to the pickup area."

** Any location other than "curb pickup."

For collection of containers holding 1 cubic yard or 1-1/2 cubic yards (Seven 32 gallon cans = 1 yard ten 32 gallon cans = 1-1/2 yards)

a. One pickup for 1 cubic yard each week	$14.00 per month plus container rent and maintenance
b. One pickup of 1-1/2 cubic yards each week	$18.00 per month plus container rent

c. Additional pickups for container collections shall be charged by multiplying these rates by the number of additional pickups per week or pro rate part of monthly rate.

For collections in containers holding 20 gallons or less for persons age 65 or older the rate will be $1.50 per month for one pickup per week if such persons apply to the refuse collector for this reduced rate. $1.50 curb rate $2.00 backyard rate

Compactor Rates:

a. 1-3 yard container	Double loose rate
b. 4-6 yard container	Triple loose rate

Collection of bulk refuse:

$3.00 for each yard per pickup or $15 for each hour of work requiring one truck and one man or $25 for each hour of work requiring one truck and 2 men.

Rate increases for extra distance to container or bulk refuse from pickup point:

Up to 75 feet	Regular rate
75 to 100 feet	Additional 25%
100 to 125 feet	Additional 50%
125 to 150 feet	Additional 75%
Over 150 feet	Additional 100%

Pickups inside buildings and different floors:

Pickup inside building	Additional 50%
Pickup from one flight above or one flight below ground level	Additional 75%
Two flights above or below ground level	Additional 75%

Read for the first time the 3rd day of October, 1973

Read for the second time the 17th day of October, 1973

Placed upon its passage the 17th day of October, 1973

YES: 6 NO: 0

Approved by the Mayor this 17th day of October, 1973

Preston E. Stalker
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

JAA061

ORDINANCE NO. NS-992

AN ORDINANCE CHANGING THE ZONE OF LOT 14, WEST HALF OF 13, BLOCK 42, WIESTORIA ADDITION IN BEND, OREGON, FROM R-2 HIGH DENSITY RESIDENTIAL ZONE TO C-2 LIMITED COMMERCIAL ZONE.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

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

The Zone for Lots 14, West half of 13, Block 42, Wiestoria Addition in Bend, Deschutes County, Oregon is changed from R-2 High Density Residential Zone to C-2 Limited Commercial Zone.

Read for the 1st time the 17th day of October, 1973

Read for the 2nd time the 7th day of November, 1973

Placed upon its passage the 7th day of November, 1973

YES: 5 NO: 0

Submitted to and approved by the Mayor this 7th day of November, 1973

Preston E. Stalker
Mayor

ATTEST:

Julia S. Johnson
Recorder-Treasurer

ORDINANCE NO. NS-993

AN ORDINANCE AMENDING ORDINANCE NO. NS-737 RELATING TO VAGRANCY.

THE CITY OF BEND DOES ORDAIN AS FOLLOWS:

Section 1. Section 26 of Ordinance No. NS-737 is hereby amended to read:

Section 26. Loitering and Begging. A person commits the crime of loitering or begging if he:

(1) loiters in or near a school building or grounds, or not having any reason or relationship involving custody of or responsibility for a student, and not having written permission from anyone authorized to grant the same; or

(2) wanders abroad and begs, or goes about from door to door of private or commercial and business establishments, or places himself in or upon any public way or public place to beg or receive alms for himself.

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

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

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

YES: 6 NO: 0

Approved by the Mayor this 21st day of November, 1973

Preston E. Stalker
Mayor

ATTEST:

Lucia S. Johnson
Recorder-Treasurer