
CODE OF THE CITY OF REDMOND

Revised January, 2003

Continuous revision from this date
forward.

FOREWORD

This volume contains the revised code of the City of Redmond. The code has been adopted by a single ordinance to replace all previous general ordinances and code provisions of the City, except as noted in the adopting ordinance and the new code provisions. This code is a consolidation of the effective provisions of general ordinances and code provisions that have now been repealed.

The procedure followed in preparing the new code involved several steps. The content of each chapter of the prior code was reviewed by the City Attorney, who drafted changes to bring existing provisions up-to-date and to improve procedures. The Bureau of Governmental Research and service staff reviewed the draft and offered suggestions and comments for improvements. The City Attorney then incorporated any changes desired by the city and presented each chapter to the Council for consideration and approval. After all chapters were drafted, reviewed and approved by the Council, the individual chapters were reviewed a final time and integrated as one unit prior to the adoption of the entire code by the Council.

Ed Fitch, City Attorney had major responsibility for the legal review of existing provisions and drafting work for the new code. Robert McWilliams, City Manager, provided valuable assistance in the preparation of the code. On the Bureau staff, Sandra Arp, Legal Consultant, and Garey Butler, Legal Associate, were responsible for reviewing proposed code material, and Sandra Deal Trent, Codification Assistant, supervised production and publication of the code.

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GUIDE FOR MAINTAINING THE REDMOND CODE

The Code may be kept up-to-date at all times by following these suggested procedures:

Each new ordinance adopted by the Council should be classified as general or special. General ordinances are those which amend or add to the Redmond Code and deal with administrative organization and procedures or are regulatory in nature. Special ordinances include those of restricted application, such as those providing for bond issues, tax levies, elections, franchises, contracts, easements, street dedications, extensions or vacations, and public improvements.

All ordinances, whether general or special, should be numbered in consecutive order. The original copy of each ordinance should be filed in numerical order in the Recorder's Office after being properly signed. Special ordinances should not be included in this Code.

At the time of drafting a general ordinance, the City Attorney should assign a code number to the substantive provisions, based on the subject matter of the provision. Following adoption of a general ordinance, the substantive provisions should be added to the Code. Where such provisions substitute for existing code provisions and are of similar length, the substitution may be made by recopying the page or pages involved and inserting the new pages in place of the previous ones. Where new provisions are added to the Code, it may be necessary to insert additional pages.

ORDINANCES AMENDING CODE PROVISIONS

General ordinance provisions which amend existing code provisions should be assigned the same code numbers as the amended provisions, as shown in the following suggested ordinance form:

ORDINANCE NO.

AN ORDINANCE AMENDING CODE SECTION NUMBERED 2.100; AND DECLARING AN EMERGENCY.

The City of Redmond ordains as follows:

SECTION 1.

Section 2.100 of the Redmond Code is amended to read as follows:

"2.100 Meetings.

(1) Unless determined otherwise by the council, the regular . . ."

SECTION 2. Emergency clause. [If required.]

When the Code is amended, a notation in brackets stating the number and date of the amending ordinance should follow the new substance of the amendment, e.g. [Section 2.100 amended by Ordinance No. _____, enacted _____, 200_____.]

ORDINANCES REPEALING CODE SECTIONS

When an ordinance repeals a Code section, the text of the repealed section should be taken out of the Code, and a notation in brackets stating the number and date of the repealing ordinance should follow the number of the repealed section, e.g., 2.100 [Section 2.100 repealed by Ordinance No. _____, enacted _____, 200_____.]

ORDINANCES ADDING NEW CODE SECTIONS

General ordinances added to the Code should be assigned code section numbers based on the subject matter of the ordinance, as shown in the following suggested ordinance form:

Section 1. The Redmond Code is hereby amended by the addition of the following sections:

"2.101 Place of Meetings. The place of meetings . . ."

When an addition is made to the Code, a notation in brackets stating the number and date of the ordinance should follow the substantive material of the added section, e.g., [Section 2.101 added Ordinance No. _____, enacted _____, 200_____]]

The expansion of this Code by the addition of new provisions may be made in two ways: (1) when the new provisions relate to a subject which cannot be placed within any chapter of the original organization, a new chapter may be created; and (2) when the new provisions relate to the subject matter contained within a general chapter heading, section numbers which have been reserved throughout the present chapter may be used. Within each chapter, numbers have been reserved between sections; and blocks of numbers have also been reserved.

If new provisions are being added to already existing Code provision, either the numbers reserved between sections or after the last section of a subheading may be used, depending upon where the new provisions should logically be placed within the chapter. (E.g., in Chapter 2 on Government, if the City should wish to add a section on place of meetings, such a section could be given the number 2.101 and placed after 2.100 on meetings.)

If the new provisions are such that they should be classified as a new subheading under a chapter heading, then a block of the reserved numbers in the chapter may be used. In determining the numbers to give the various new sections under a new subheading, numbers should be reserved between the new sections also, to provide for future expansion.

In arranging the code chapters, an attempt has been made to leave sufficient room for expansion under the present numbering system with three digits after the decimal. However, if it should become necessary to expand any chapter to the point where three digits after the decimal are insufficient, then the whole subheading should be renumbered with four digits after the decimal.

Occasionally, it may be necessary to re-enact a chapter or subchapter entirely in order to reorganize material within a chapter and to rationalize the numbering system.

Redmond Code

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Redmond Code

CHAPTER 1: GENERAL PROVISIONS

- 1.005 Code Designated.** All ordinances included in this and the following chapters shall constitute and be designated the "Redmond Code" and will hereafter be referred to as "Code." When referring to specific sections of the Redmond Code, the letters "RC" should precede the numerical designation.
- 1.010 Definitions and Rules of Construction.** The following definitions and rules of construction shall be observed, unless inconsistent with the intent of the council or the context clearly requires otherwise:
- Airport.** Roberts Field, Redmond Municipal Airport.
- City.** Redmond, Oregon.
- Computation of time.** The time within which an act is to be done is computed by excluding the first day and including the last unless the last day falls upon a legal holiday as defined in ORS 187.010 and 187.020 or on Saturday, in which case the last day is also excluded.
- Council.** Common council of the City.
- County.** Deschutes County, Oregon.
- Day.** The period of time between any midnight and the midnight following.
- Daytime; nighttime.** "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.
- Department, board, commission, office, officer or employee.** A department, board, commission, office, officer or employee of the City.
- Gender.** The masculine gender includes the feminine and neuter.
- Manager.** The City Manager.
- Minor.** A person under the age of 21 years, unless otherwise stated.
- Number.** The singular number includes the plural, and the plural the singular.
- Official time.** Whenever certain hours are named herein, they shall mean the standard of time as set out in ORS 187.110.
- Or; and.** "Or" may be read "and," and "and" may be read "or," if the sense requires it.
- ORS.** Oregon Revised Statutes.
- Owner.** A part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of the building or land, or vendee in possession under a land sale contract.
- Peace officer.** A City Police or other officer specified in ORS 161.015.
- Person.** An individual, corporation, association, firm, partnership or joint stock company.
- Personal property.** Every species of property, except real property, as herein defined.
- Process.** A writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.
- Property.** Both real and personal property.
- Real Property.** Lands, tenements and hereditaments.
- Recorder.** The City Recorder.
- Shall, may.** "Shall" is mandatory, and "may" is permissive.
- State.** The State of Oregon.
- Tenant or occupant.** A person holding a written or an oral lease of, or who occupies, the whole or a part of the building or land, either alone or with others.
- Tenses.** The present tense includes the past and future tenses, and the future includes the present.

To. "To" means "to and including" when used in reference to a series of sections of this code or when reference is made to ORS.

Week. Seven consecutive days.

Writing. "Writing" includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise.

Year. A calendar year, except where otherwise provided.

1.015 Continuation of Existing Ordinances. The provisions appearing in this code, so far as they are the same as those of ordinances or prior code sections existing at the time of the effective date of this code, shall be considered as continuations thereof and not as new enactments.

1.020 Effect of Repeal of Ordinances. The repeal of an ordinance shall not revive an ordinance in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect a punishment or penalty incurred before the repeal took effect, nor a suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

1.025 Severability of Parts of Code. It is hereby declared to be the intention of the Council that the sections, subsections, paragraphs, sentences, clauses and phrases of this code are severable; and if any phrase, clause, sentence, paragraph, subsection or section of this code is 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 code.

1.030 Section Titles Not Part of Law. Section titles in this code are not part of the substance of the code.

1.035 Construction. The provisions of this code and all proceedings under it are to be construed with a view to effecting its objectives and promoting justice.

1.040 Amendment and Repeal of Code Sections. This code is the general and permanent law of the City. The Council may enact three types of general ordinances to affect this code. Such ordinances may (1) amend the code to change existing provisions; (2) may add new provisions to the code; or (3) may repeal existing code provisions. A general ordinance shall specifically amend or repeal a particular section of this code, and a general ordinance creating a new code section shall integrate the new section into the numbering system and organization of this code.

1.045 Service and Proof of Notice.

1. Except when this code provides a specific procedure for giving notice, whenever oral or written notice is required by this code, the notice may be given either by personal delivery to the person to be notified or by deposit in an official mailbox in a sealed, postage-prepaid envelope, addressed to the last known business or residence address of the person to be notified. The time when the notice is deposited in a mailbox is considered the time when the notice is given.
2. Proof of giving notice may be made by the certificate of any officer or employee of the City or by affidavit of any person 18 years of age or older.

- 1.050 Offenses Outside City Limits.** When permitted by Oregon law, an act made unlawful by this code shall constitute an offense when committed on any property owned or leased by the City, even though outside the corporate limits of the City.
- 1.055 Soliciting or Confederating to Violate Code.** No person shall solicit, aid, abet, employ or engage another, or confederate with another to violate a provision of this code.
- 1.060 Attempt to Commit Offenses.** A person who attempts to commit any of the offenses mentioned in this code, but who for any reason is prevented from consummating such act, shall be deemed guilty of an offense.
- 1.065 Separate Violations.** When in this code an act is prohibited or is made or declared to be unlawful or an offense, or the doing of an act is required or the failure to do an act is declared to be unlawful or an offense, each day a violation continues shall constitute a separate offense.
- 1.070 Repeal.** All ordinances of a general and permanent nature and prior code sections not contained in this code and not excluded by Section 1.075 are hereby repealed.
- 1.075 Exclusions.** Notwithstanding inclusion within this code of the general subject matter, in whole or in part, this code does not repeal or amend: any special ordinance affecting the general public on a temporary basis; any ordinance relating to or resulting from annexation, naming of streets and public places or property acquisition or disposal of property, vacation of streets, public places or plats; any ordinance relating to waiver of fees or code provisions, bids or contracts; any ordinance fixing or changing a zone classification of property; any ordinance relating to budget; any ordinance granting a permit; any ordinance adopting a building or fire code; any franchise ordinance; nor any planning, zoning or land development ordinance.
- 1.080 Amendments of Fees.** The Council may amend any fees set forth in this code by resolution. The Recorder is authorized to change the fees set forth in this code upon passage of a resolution affecting the fees.
- 1.085 Editing of Code.** In preparing the codified editions of ordinances for publication and distribution the City Attorney shall not alter the sense, meaning, effect or substance of any ordinance, but, within such limitations, may renumber sections and parts of sections of the ordinances, change the wording of headings, rearrange sections, change reference numbers to agree with renumbered chapters, sections or other parts, substitute the proper subsection, section or chapter or other division numbers, strike out figures or words which are merely repetitious, change capitalization for the purpose of uniformity, and correct manifest clerical or typographical errors.
- 1.100 General Penalty.** A violation of this code for which a penalty is not specifically provided is a Class B civil infraction.
- 1.105 Attorney Fees.** In the event the City files an action at law or in equity to enforce the terms of any regulatory provision of its city Code, the City may recover, in addition to the recovery of its costs and disbursements, a reasonable attorney fee in the discretion of the Court.

[Section 1.105 added by Ord. #1999-23 passed June 8, 1999]

1.110 Stop Work Authority. In addition to any other remedy available to the City under this Code or state law for the enforcement of the City's regulations, the City Manager, or in the City Manager's absence the Acting City Manager, may issue or cause to be issued "stop-work" or other similar orders necessary to immediately abate violations of the City Code. Said Order(s) shall be effective immediately upon delivery to the person allegedly violating the Code or, in the event the violation concerns the City's Development code, upon the posting of the Order at the affected property in a place or locale reasonably calculated to apprise affected person(s) of the existence and terms of the Order.

[Section 1.110 added by Ord. #1999-23 passed June 8, 1999]

1.115 Appeal. A person against whom a "stop-work" or other similar Order is issued may, within thirty (30) days after the Order is delivered, or, in the event the violation concerns the City's Development Code, within thirty (30) days after posting of the Order, appeal in writing to the City Council by filing notice of appeal with the City Recorder.

The notice of appeal shall state:

- A. The name and address of the appellant.
- B. The reason the "stop-work" Order is improper.
- C. The City Council shall hear and determine the appeal on the basis of the written statement and any additional evidence it considers appropriate.

The hearing shall be held within seventy-two (72) hours (excluding weekends and holidays) after receiving written notice of appeal. The City Council may continue the hearing on the request of either party for good cause shown. A written notice of the hearing shall be mailed to appellant immediately upon the hearing being scheduled.

At the hearing, the appellant may present testimony and oral argument, personally or by counsel, and any additional relevant evidence. The Rules of Evidence used by the courts of law do not apply, and the decision of the City Council after the hearing is final.

[Section 1.115 added by Ord. #1999-23 passed June 8, 1999]

1.130 Animals in City Office Buildings. The following regulations shall apply to all City of Redmond office buildings.

1. City of Redmond office buildings are defined as those buildings containing office space including, but not limited to, Redmond Police Department, Redmond Fire Department, Redmond City Hall, Roberts Field Airport facilities, and Redmond Public Works.
2. No person shall bring any animal into any City of Redmond office building except for government or individual service animals. Individual service animals are defined by the Americans with Disabilities Act.
3. A violation of this Section shall constitute a Class A civil infraction. In addition to a civil infraction, any person entering onto the premises with an animal which is not excepted from the provisions of Subsection 2 may be ordered by the City Manager or designee to leave the premises.

[Section 1.130 added by Ord. #1999-29 passed September 28, 1999]

[Section 1.130 amended by Ord. #2010-02 passed February 23, 2010]

Review of Applications for Compensation under Article 1, Section 18 of the Constitution of Oregon (Ballot Measure 7 Passed 11-7-00)

1.200 Purposes. The purpose of this Section is to accomplish the following regarding applications for compensation under Article 1, Section 18 of the Constitution of Oregon as amended by Ballot Measure 7, passed 11-7-00: Process claims quickly, openly, thoroughly, and consistently with the Oregon and U.S. Constitutions; Enable persons with claims to have an adequate and fair opportunity to present them to the City's decision maker; Preserve and protect limited public funds; and, Establish a record of decision capable of appellate review.

[Section 1.200 added by Ord. #2000-22 passed December 5, 2000]

1.202 Definitions.

Affiliated owner. Means any entity, business, association, partnership, corporation, limited liability company, limited partnership, limited liability partnership which share ownership, control, lease or management of more than 25% ownership or leasehold interest in the Property.

Appraisal. An appraisal by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon.

Exempt Regulation. (a) a regulation which imposes regulation required under federal law, to the minimum extent required by federal law; or (b) a regulation prohibiting the use of a property for the purpose of selling pornography, performing nude dancing, selling alcoholic beverages or other controlled substances, or operating a casino or gaming parlor, or (c) a regulation governing historically and commonly recognized nuisance laws, and the criminal laws of Oregon and the City of Redmond.

Manager. The City Manager or designee.

Property. Any real property and any structure built or sited on the property, aggregate and other removable minerals, and any forest product or other crop grown on the property. It includes only a single parcel or contiguous parcels in single ownership. It does not include contiguous parcels or parcels not contiguous that are under different ownerships.

Property owner. A person who is the sole fee simple owner of the property, or all owners whose interests add up to a fee simple interest in property (including all persons who represent all recorded interests in property, including co-owners, holders of less than fee simple interests, leasehold owners, and security interest holders).

Reduction in Value. Difference in the fair market value of the property before and after application of the regulation, and shall include the net cost to the landowner of an affirmative obligation to protect, provide, or preserve wildlife habitat, natural areas, wetlands, ecosystems, scenery, open space, historical, archaeological or cultural resources, or low income housing.

Regulation. Any law, rule, ordinance, resolution, goal or other enforceable enactment of the City of Redmond.

[Section 1.202 added by Ord. #2000-22 passed December 5, 2000]

1.204 Pre-Application Conference.

1. Before submitting an application for compensation, the applicant must schedule and attend a pre-application conference with the Manager to discuss the application for compensation.

2. To schedule a pre-application conference, the applicant must contact the Manager. The pre-application conference is for the applicant to provide a summary of the applicant's application for compensation to the Manager and for the Manager to provide information to the applicant about the process and timeline for the application. The Manager may provide the applicant with a written summary of the pre-application conference within 10 days after it is held.
3. The Manager is not authorized to settle any application for compensation at a pre-application conference. Any omission or failure by staff to recite to an applicant all relevant applicable land use regulations will not constitute a waiver or admission by the City.
4. A pre-application conference is valid for six months from the date it is held. If no application is filed within six months of the conference, the applicant must schedule and attend another conference before the City will accept a claim application. The Manager may waive the pre-application requirements if, in the Manager's opinion, the application does not warrant that step.

[Section 1.204 added by Ord. #2000-22 passed December 5, 2000]

1.206 Application for Compensation.

1. Application, Completeness, Completeness Review and Tolling of Article 1, Section 18, Constitution of Oregon 90-Day Action Requirement.
 - A. An application for compensation shall be submitted for review upon forms established by the Manager. An application shall consist of all materials required by this Section. An application will not be accepted for filing until found to be complete by the Manager after all application materials required by this Section have been submitted.
 - B. The Manager shall conduct a completeness review within 15 days after submittal of the proposed application and shall advise the applicant, in writing, of any material remaining to be submitted. The applicant shall submit the material needed for completeness within 30 days of the written notice that material remains to be submitted. If the applicant fails to provide the materials necessary to make the application complete within 30 days the application shall not be accepted for filing.
 - C. The 90 day period for action by the City specified in Article 1, Section 18 of the Constitution of Oregon shall begin on the date the Manager deems it complete and accepts it for filing. The Manager shall note the date of completeness and filing in writing upon the application. A notification of completeness shall be mailed to the applicant.
2. Material Required to be Submitted as Part of Application for Compensation. An application for compensation shall be for a property and shall be submitted on forms established by the Manager and shall consist of all materials required by this Section and will not be accepted for filing without all of the following information:
 - A. An application fee to be paid in advance of acceptance for filing to cover the costs of completeness review and application processing. This fee shall be established by resolution of the Council. The application fee shall be refunded if the City or an appellate body determines that just compensation should be paid.
 - B. A completed application for compensation form.
 - C. Identification of the name, physical address, street address, and phone number of the person filing the application for compensation. If the person filing the application is not the property owner of the real property this information must

also be provided for the property owner and authorization to act on behalf of the property owner of the person filing must be provided.

- D. A legal description of the property that is the subject of the application as well as a common address for the property.
- E. Proof that the property allegedly affected by the regulation is in the exclusive fee simple ownership of the applicant or that the applicant has the consent of all owners, including co-owners and all security interests in the aggrieved parcel. The name and mailing address of all owners other than the applicant must be provided.
- F. A Title Report, including title history and including a statement of the date the applicant acquired ownership of the property and shows the ownership interests of all owners of the property.
- G. A copy of the regulation that allegedly restricts the use of the real property and has allegedly caused a reduction in the fair market value of the subject property in issue, including the date the regulation was first passed, applied or first enforced on the subject property. A copy of the regulation in existence, and applicable to the property, immediately before the regulation that was imposed and allegedly restricts the use of the real property and caused a reduction in fair market value.
- H. A copy of a written appraisal by an appraiser, qualified as such in the state of Oregon, indicating the amount of the alleged reduction in the fair market value of the property by showing the difference in the fair market value of the property before and after application of the regulation. If the claimed reduction in fair market value of the property is based on an alleged net cost to the landowner of an affirmative obligation to protect, provide, or preserve wildlife habitat, natural areas, wetlands, ecosystems, scenery, open space, historical, archaeological or cultural resources or low income housing the appraisal shall establish that net cost.
- I. A statement explaining how the regulation restricts the use of private real property and why the regulation has the effect of reducing the value of the property upon which the restriction is imposed.
- J. A statement of the effect a release of the regulation on the property would have on the potential development of the property, stating the greatest degree of development that would be permitted if the identified regulation were released from the property.
- K. A copy of all reports, plans, site plans and other documents submitted relevant to the claim.
- L. A copy of the site plan and drawings related to the use of the property in a readable/legible 8½ by 11-inch format for inclusion in the application record.
- M. A statement of the relief sought by the applicant.
- N. The applicant may request an extension for filing a complete application for a continuance of review of a complete application. A request for extension or continuance shall be deemed a waiver of the 90-day deadline contained in Section 18, Article 1, of the Oregon Constitution and this Section for the period of the extension or continuance.

[Section 1.206 added by Ord. #2000-22 passed December 5, 2000]

1.208 Process of Review of Application for Compensation.

1. The Manager shall have the duty to assess any application for compensation and make a recommendation to the City Council on the disposition of the application for compensation.
2. Before the Manager may make a recommendation on a request for compensation the Manager shall provide notice of the application for compensation in accordance with the provisions of this Section.
3. Notice of the application for compensation shall be by mailed notice provided to the applicant and to owners of record of property on the most recent property tax assessment roll where such property is located within three hundred (300) feet of the property which is the subject of the notice. Additional mailed notice shall be sent to Oregon Department of Land Conservation and Development, Oregon Department of Justice, 1000 Friends of Oregon, Oregonians in Action, and such other as the City shall designate by Council resolution.
4. The notice under subsection (4) of this Section shall:
 - A. Explain the nature of the application, the compensation sought and the Regulation that causes the compensation to be alleged to be due;
 - B. Set forth the street address or other easily understood geographical reference to the subject property;
 - C. State the date written comments are due or, if a hearing has been requested, the date, time and location of the hearing;
 - D. Include the name of a City representative to contact and the telephone number where additional information may be obtained;
 - E. State that a copy of the application and all documents submitted by the applicant are available for inspection at no cost and that copies will be provided at reasonable cost;
 - F. Include a general explanation of the requirements for submission of written comments or, if a hearing is to be held, the requirements for submission of testimony and evidence and the procedure for conduct of hearings; and
 - G. Explain that the Council may waive the requirement for this specific property in lieu of compensation.
5. Any person may present written comments to the Manager that address the application for compensation. The comments must be received by the Manager within 14 calendar days from the date on the notice. The applicant shall have an additional 7 calendar days to respond to any written comments received by the Manager.
6. The Manager shall make a recommendation to the City Council based on all of the information presented. The recommendation to the City Council may include establishing any relevant conditions for compensation, should compensation be recommended.
7. The City Council shall conduct a public hearing when all documents or evidence relied upon by the applicant have been submitted to the Manager as a part of the application. Persons other than the applicant may submit documents or evidence at the hearing.
8. Any staff report used at the hearing shall be available at least seven days prior to the hearing. If the City Council reopens a record to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue. The failure of a person entitled to receive notice who does not receive notice as provided in this Section shall not invalidate such proceedings if the local government can demonstrate by affidavit that such notice was given. The notice provisions of this Section shall not restrict the giving of notice by other means, including posting, newspaper publication, radio and television.
9. The hearing before the City Council shall be based upon the staff report, the record of the Manager's review and all documents or evidence submitted to the City Council. The

- City Council shall allow written and/or oral arguments based on the record to be made by the applicant and any party entitled to receive notice of the City Council review.
10. Prior to the hearing, the Manager shall make a recommendation to the City Council as to whether compensation shall be paid, the amount of compensation to be paid, and whether one or more specifically articulated regulations are to be waived as to the property for which compensation was sought. A copy of the Manager's recommendation and date, time, and place of the City Council meeting at which the recommendation will be reviewed shall be sent, via first class mail, not less than seven days before the City Council meeting to the applicant and to each party which provided written comments and/or participated in the hearing provided the party provided a mailing address to the City as part of the hearing process.
 11. The City Council shall, by majority vote of those present and voting, determine whether compensation is granted, the amount of compensation, whether any exceptions to the requirement for compensation apply or whether the regulation should be deemed not to apply to the applicants property. Not less than seven days after the City Council meeting a copy of the City Council decision shall be sent, via first class mail, to the applicant and to each party which participated in the Manager or City Council review process provided the party provided a mailing address to the City as part of the review process.
 12. The Manager may, in the Manager's discretion, retain the services of an appraiser to appraise the Property and the application for compensation, for the purposes of determining whether or not the cited regulation has had the effect of reducing the fair market value of the Property and for other purposes relevant to the application.
 13. The burden of proof of any material element shall be upon the Applicant for all matters required to be shown that the Property Owner is entitled to just compensation, and shall be upon the City to show that the regulation is exempt from the obligation for compensation. The burden of proof standard shall be by the preponderance of the evidence.
 14. This Section shall be interpreted in a manner consistent with Article I, Section 18 of the Constitution of Oregon as amended by Ballot Measure 7, passed November 7, 2000 and implementing Oregon Statutes or regulations as interpreted by Oregon courts.

[Section 1.208 added by Ord. #2000-22 passed December 5, 2000]

1.210 Conditions of Approval, Revocation of Decision and Transfer of Approval Rights.

1. The City Council may establish any relevant conditions of approval of compensation, should compensation be granted.
2. Failure to comply with any condition for compensation is grounds for revocation of the approval of the application for compensation and grounds for recovering any compensation paid.
3. In the event an applicant, or the applicant's successor in interest, fails to fully comply with all conditions of approval or otherwise does not comply fully with the City's approval, the City may institute a revocation or modification proceeding under this Section.
4. Unless otherwise stated in the City's decision, any claim approved under this Section runs with the property and is transferred with ownership of the property. Any conditions, time limits or other restrictions imposed with a claim approval will bind all subsequent owners of the property for which the claim was granted.

[Section 1.210 added by Ord. #2000-22 passed December 5, 2000]

1.212 Ex Parte Contacts, Conflict of Interest and Bias. The following rules govern any challenges to the recommending Manager's or City Councilor's participation in review/recommendation or hearing of applications for compensation:

1. Any factual information obtained by the recommending Manager or a City Councilor outside of information provided by City staff and outside of the context of formal written comments or hearing will be deemed an ex parte contact. Prior to the close of the record the recommending Manager or a City Councilor that has obtained any material factual information through an ex parte contact must declare the content of that contact and allow any interested party to rebut the substance of that contact. This rule does not apply to contacts between City staff and the recommending Manager or a City Councilor.
2. Whenever the recommending Manager or a City Councilor, or any member of their immediate family or household, has a financial interest in the outcome of a particular compensation matter that recommending Manager or City Councilor must not participate in the deliberation or decision on that matter.
3. All decisions in compensation matters must be fair, impartial and based on the applicable review standards and the evidence in the record. Any recommending Manager or City Councilor who is unable to render a decision on this basis in any matter must refrain from participating in the deliberation or decision on that matter.

[Section 1.212 added by Ord. #2000-22 passed December 5, 2000]

1.214 Attorney Fees On Delayed Compensation. If a claim for compensation under Section 18, Article I, of the Oregon Constitution and this Ordinance is denied or not fully paid within 90 days of the date of filing, Applicants reasonable attorney fees and expenses necessary to collect the compensation will be added as additional compensation provided compensation is awarded to Applicant. If a claim for compensation under Article 1, Section 18 of the Constitution of Oregon and this Section is denied or not fully paid within 90 days of the date of filing, and the Applicant commences suit or action to collect compensation, if the City is the prevailing party in such action, then City shall be entitled to any sum which a court, including any appellate court, may adjudge reasonable as attorney's fees. In the event the prevailing party is represented by "in-house" counsel, the prevailing party shall nevertheless be entitled to recover reasonable attorney fees based upon the reasonable time incurred and the attorney fee rates and charges reasonably and generally accepted in Redmond, Oregon for the type of legal services performed.

[Section 1.214 added by Ord. #2000-22 passed December 5, 2000]

1.216 Availability of Funds to Pay Claims. Compensation can only be paid based on the availability and appropriation of funds for this purpose.

[Section 1.216 added by Ord. #2000-22 passed December 5, 2000]

1.218 Severability. If any phrase, clause, or part of this Section is found to be invalid by a court of competent jurisdiction, the remaining phrases, clauses and parts shall remain in full force and effect.

[Section 1.218 added by Ord. #2000-22 passed December 5, 2000]

1.500 Recording of Documents. The following City of Redmond documents shall be recorded with the Deschutes County Clerk's office:

1. Site improvement agreements
2. Land division agreements
3. Sidewalk improvement agreements
4. Shared access agreements
5. Shared parking agreements
6. Agreement to participate in the formation of a local improvement district
7. Shared well agreement
8. Certificate of dangerous building
9. Termination notice of dangerous building
10. Resolution establishing a local improvement district
11. Reimbursement district formation resolution
12. Public improvement agreements

[Section 1.500 added by Ord. #2001-13 passed June 12, 2001]

[Section 1.500 amended by Ord. #2005-23 passed November 22, 2005]

1.505 Recording of Documents in the City Electronic Lien Docket. The following City of Redmond documents shall be recorded in the City of Redmond Electronic Lien Docket:

1. Reimbursement Agreements
2. Local Improvement District Assessment Ordinances
3. System Development Charge Deferred Agreements and Installment Payment Plans
4. Urban Renewal Loans and Grants
5. Past Due and Final Utility Bills
6. Code Enforcement Abatement Costs and Citations

[Section 1.505 added by Ord. #2005-23 passed November 22, 2005]

[Section 1.505 amended by Ord. #2018-04 passed April 10, 2018]

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Redmond Code

CHAPTER 2: GOVERNMENT AND ADMINISTRATION

COUNCIL

2.100 Meetings.

1. Unless determined otherwise by the Council, the regular meetings of the Council shall be held on the second and fourth Tuesdays of each month at the Council Chambers at 7:00 p.m. If the regular meeting of the Council falls on a holiday, the Council shall meet instead on the day following, at 7:00 p.m.
2. Special meetings of the Council may be called and held as provided by the city charter and state law.
3. Adjourned meetings may be held at such times as the Council may determine.

[Section 2.100 amended by Ord. #90-02 passed March 13, 1990]

2.102 Meeting Attendance.

1. Councilors shall attend all council meeting at the hour appointed and remain until the close of the session, unless excused. The Council, when in session, or any three members when there is no quorum present at the appointed hour for a meeting, may compel the attendance of absent members. In such cases, the Police Chief or other peace officer shall be sent with a written order signed by the presiding officer of the Council or, in the presiding officer's absence, three members, to bring the absent councilor before the Council.
2. Unless excused, should a councilor fail, neglect or refuse to attend the regular meetings of the Council for 60 days, that office may be declared vacant by the Council and filled as provided by the city charter.

2.104 Order of Business. In the conduct of council business, the following procedure shall be substantially followed:

1. Roll Call.
2. Pledge of allegiance and invocation.
3. Consent agenda.
4. Comments from citizens at the meeting.
5. Public hearings.
6. Appeals.
7. Ordinances.
8. Resolutions.
9. Reports from the manager and staff.
10. Additional comments from citizens at the meeting.
11. Miscellaneous business.
12. Adjournment.

2.106 Presiding Officer. The presiding officer shall be the Mayor, who shall preserve order and decorum. The presiding officer may speak on all questions of order, subject to appeal to the Council. In cases of appeal, the presiding officer shall have the last right of debate and shall state the question as follows: "Shall the decision of the presiding officer be upheld?"

2.108 Manner of Voting. All questions shall be voted on and recorded except those involving ordinances, in which case a roll call shall be had (in alphabetical order for the first motion of each meeting and rotating in alphabetical order with each successive motion of the meeting). If the presiding officer doubts or if a division of the council is called for, a roll call shall be had. The Council may require members to vote on a given issue.

[Section 2.108 amended by Ord. #98-03 passed January 13, 1998]

[Section 2.108 amended by Ord. #1999-15 passed March 9, 1999]

2.110 Reconsideration. When a question has been decided, any member who voted in the majority may move for a reconsideration. If the motion to reconsider is made the same day of the passage of the matter in question, however, no motion for the reconsideration of a vote shall be made after the ordinance, resolution or act has left the possession of the Council.

2.112 Debate and Withdrawal of Motions. A motion shall not be debated until it has been seconded and distinctly stated by the presiding officer and reduced to writing, if so desired by any member. It shall be read by the Recorder when required by members for information. A motion may be withdrawn at any time before amendment.

2.114 Reparation of Ordinances. All ordinances shall be prepared by the City Attorney. No ordinances shall be prepared for presentation to the council unless ordered by a majority vote of the Council, or requested by the Mayor or Manager, or prepared by the City Attorney with the approval of the Mayor or Manager.

2.116 Enforcement of Decorum. The Chief of Police, or such member or members of the police department as the chief may designate, shall be sergeant-at-arms of the council meetings. The Sergeant-at-Arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the council meetings. Upon instructions of the presiding officer, the sergeant-at-arms shall place any person who violates the order and decorum of the meeting under arrest and cause the person to be prosecuted under the provisions of the code or ordinances of the City. Violation of this section shall be prosecuted by a complaint signed by the presiding officer.

2.118 Procedure. All cases not specifically provided for in this code or in the charter of the city shall be governed by *Roberts Rules of Order, Revised Edition*.

ELECTIONS

2.120 Nominations.

1. Any qualified elector may be nominated to be a candidate for election to the position of either Mayor or City Councilor. An elector may not be a candidate for both offices. The nomination shall be by petition as prescribed by state law. The name of such an elector shall be printed upon the ballot whenever a completed nominating petition which conforms substantially to the form required by the City Recorder has been filed with the City Recorder. The number of signatures on a petition requisite to its being duly prepared shall be equal to one percent of the vote cast by registered voters in the electoral district for all candidates for Governor at the last general election at which a candidate for Governor was elected to a full term.

2. The form, content and the filing date for nominating petitions shall be as prescribed by State law.

[Section 2.120 added by Ord. #594 passed July 10, 1984]
[Section 2.120 amended by Ord. #96-24 passed July 9, 1996]
[Section 2.120 amended by Ord. #98-02 passed January 13, 1998]
[Section 2.120 amended by Ord. #98-39 passed September 22, 1998]
[Section 2.120 amended by Ord. #2000-07 passed May 23, 2000]
[Section 2.120 amended by Ord. #2000-17 passed August 22, 2000]
[Section 2.120 amended by Ord. #2002-09 passed May 28, 2002]

2.125 Certificate of Signatures.

[Section 2.125 added by Ord. #594 passed July 10, 1984]
[Section 2.125 amended by Ord. #96-14 passed March 26, 1996]
[Section 2.125 deleted by Ord. #98-02 passed January 13, 1998]

RECORDS

2.130 Records.

2.132 Records Destruction.

[Sections 2.130 and 2.132 deleted by Ord. #98-03 passed January 13, 1998]

INITIATIVE AND REFERENDUM

- 2.180 Power.** The power of initiative and referendum reserved to the people by the Constitution of the State shall be exercised in the manner provided by ORS Chapter 250.

[Section 2.180 amended by Ord. #93-06 passed February 23, 1993]

- 2.181 Explanatory Statements.** In all measures initiated or referred by petition in which there is a County voters' pamphlet, the City of Redmond shall submit an explanatory statement for inclusion in said voters' pamphlet.

[Section 2.181 added by Ord. #2009-16 passed December 8, 2009]

2.182 Initiative Petitions.

2.184 Referendum Petitions.

2.186 Verification of Signatures.

2.188 Signature Requirements.

2.190 Filing of Petitions.

[Sections 2.182 through 2.190 deleted by Ord. #93-06 passed February 23, 1993]

PERSONAL PROPERTY DISPOSITION

- 2.200 Custody of Property by Police Department.** If any property is taken into custody of the city by reason of seizure, abandonment, or for any other reason, the property shall be held by the Redmond Police Department at the expense and risk of the owner or person

lawfully entitled to possession of the property. Property held under this section shall include property found or received by city employees during the course of their work.

[Section 2.200 amended by Ord. #96-12 passed April 23, 1996]

[Section 2.200 amended by Ord. #2005-05 passed January 25, 2005]

2.202 Reclaiming Property. Within 60 days after such property is taken into possession, except when confiscated or held as evidence, the owner or person lawfully entitled to possession may reclaim the same upon application to the police department, submission of satisfactory proof of ownership or right to possession, and payment of charges and expenses, if any, incurred in the storage, preservation and custody of the property.

[Section 2.202 amended by Ord. #96-12 passed April 23, 1996]

[Section 2.202 amended by Ord. #2005-05 passed January 25, 2005]

2.204 Sale of Property.

1. Property that has been held for more than 60 days and is not reclaimed by a person entitled to possession, not required to be maintained by the police department, or that is not disposed of in another manner as provided in this chapter shall be sold at public auction.
2. The sale shall occur after the notice of intent to dispose has been given as required by ORS 98.245. Notice of the sale shall be given by publication in a newspaper of general circulation in the city at least 10 days before the date of sale, giving the time and place of sale and generally describing the property to be sold. The public auction shall be conducted in such manner as the Chief of Police determines is best suited to maximize the proceeds of the sale, including the use of electronic auctions. The city manager may enter into contracts for the conduct of the auctions.
3. All sales of property shall be for cash to the highest and best bidder.
4. If no bids are entered for the property, the property shall be disposed of as the City Manager directs.
5. The proceeds of a sale shall be first applied to payment of the cost of the sale and the expense incurred in the preservation, storage and custody of the property. Any balance as well as any monies turned over to the Police Department and not claimed shall be credited to the general fund of the City.
6. Sales under this section shall be without the right of redemption.

[Section 2.204 amended by Ord. #96-12 passed April 23, 1996]

[Section 2.204 amended by Ord. #2001-06 passed March 13, 2001]

[Section 2.204 amended by Ord. #2005-05 passed January 25, 2005]

2.206 Certificate of Title. At the time of the payment of the purchase price, the Police Chief shall execute a certificate of sale in duplicate, the original to be delivered to the purchaser and a copy to be kept on file in the office of the Recorder. The certificate shall contain the date of sale, the consideration paid, a brief description of the property and a stipulation that the City does not warrant the condition or title of the property other than the return of the purchase price in case the title is for any reason invalid.

2.208 Dangerous or Perishable Property. Notwithstanding the provision of ORS Chapter 98, any property coming into the possession of the Police Chief which is determined to be

dangerous or perishable may be disposed of immediately, without notice, in a manner as determined to be in the public interest.

2.209 Transfer of Property to City or Other Non-Profit Organization. In lieu of a sale of the property described in Code Section 2.204, the Chief of Police, with the approval of the City Council, may transfer any portion of unclaimed property to the City for use by the City or to a non-profit organization for use or sale by that organization.

[Section 2.209 added by Ord. #2001-06 passed March 13, 2001]

[Section 2.209 amended by Ord. #2005-05 passed January 25, 2005]

2.210 Scope. Sections 2.200 to 2.208 shall apply to all personal property except motor vehicles now or hereafter in custody of the City.

2.215 Reward.

1. Any person who communicates information to the City leading to the arrest and conviction of a person or persons for damaging any city property, equipment, signs or parks shall be given a reward, payable by the City, and in an amount to be determined by the City, but not to exceed \$500.00.
2. No public official may claim this reward.
3. When the efforts of several persons contribute to produce the information leading to the arrest and conviction, the reward will be apportioned among those contributing according to the value of their contribution as determined by the Council.
4. The amount of the reward shall be determined and payment shall be approved by a motion of the Council.

PERSONNEL REGULATIONS

2.220 Adoption.

[Section 2.220 deleted by Ord. #98-03 passed January 13, 1998]

COMMISSIONS AND CONTRACT REVIEW BOARD

2.300 Commissions. Commissions of the City shall include the Planning Commission, Budget Committee, Parks Commission, Redmond Commission for Art in Public Places, Redmond Development Commission, Juniper Golf Commission, Airport Commission, and Historic Landmarks Commission.

[Section 2.300 amended by Ord. #90-12 passed November 13, 1990]

[Section 2.300 amended by Ord. #98-03 passed January 13, 1998]

[Section 2.300 amended by Ord. #2001-07 passed May 8, 2001]

[Section 2.300 amended by Ord. #2012-09 passed July 24, 2012]

2.302 General Provisions.

[Section 2.302 deleted by Ord. #98-03 passed January 13, 1998]

Historical Commission

2.310 Purpose.

[Section 2.310 amended by Ord. #97-08 passed March 11, 1997]
[Section 2.310 deleted by Ord. #2011-02 on March 8, 2011]

2.311 Membership.

[Section 2.311 added by Ord. #98-03 passed January 13, 1998]
[Section 2.311 deleted by Ord. #2011-02 on March 8, 2011]

2.312 Terms of Office.

[Section 2.312 deleted by Ord. #2011-02 on March 8, 2011]

2.313 Quorum - Rules, Regulations, and Procedures.

[Section 2.313 added by Ord. #98-03 passed January 13, 1998]
[Section 2.313 deleted by Ord. #2011-02 on March 8, 2011]

2.314 Meetings.

[Section 2.314 deleted by Ord. #2011-02 on March 8, 2011]

2.316 Duties and Powers.

[Section 2.316 deleted by Ord. #2011-02 on March 8, 2011]

Redmond Transportation Commission

2.320 Purpose.

[Section 2.320 deleted by Ord. #90-12 passed November 13, 1990]
[Section 2.320 added by Ord. #94-01 passed January 11, 1994]
[Section 2.320 amended by Ord. #97-29 passed June 10, 1997]
[Section 2.320 amended by Ord. #98-04 passed January 13, 1998]
[Section 2.320 deleted by Ord. #1999-26 passed June 22, 1999]

2.321 Membership.

[Section 2.321 added by Ord. #94-01 passed January 11, 1994]
[Section 2.321 amended by Ord. #98-04 passed January 13, 1998]
[Section 2.321 deleted by Ord. #1999-26 passed June 22, 1999]

2.322 Term.

[Section 2.322 deleted by Ord. #90-12 passed November 13, 1990]
[Section 2.322 added by Ord. #94-01 passed January 11, 1994]
[Section 2.322 amended by Ord. #98-04 passed January 13, 1998]
[Section 2.322 deleted by Ord. #1999-26 passed June 22, 1999]

2.323 Quorum - Rules, Regulations, and Procedures.

[Section 2.323 added by Ord. #94-01 passed January 11, 1994]
[Section 2.323 amended by Ord. #98-04 passed January 13, 1998]
[Section 2.323 deleted by Ord. #1999-26 passed June 22, 1999]

2.324 Compensation.

[Section 2.324 deleted by Ord. #90-12 passed November 13, 1990]
[Section 2.324 added by Ord. #94-01 passed January 11, 1994]
[Section 2.324 amended by Ord. #98-04 passed January 13, 1998]
[Section 2.324 deleted by Ord. #1999-26 passed June 22, 1999]

2.325 Powers and Duties.

[Section 2.325 added by Ord. #94-01 passed January 11, 1994]
[Section 2.325 amended by Ord. #95-09 passed March 25, 1995]
[Section 2.325 amended by Ord. #97-29 passed June 10, 1997]
[Section 2.325 amended by Ord. #98-04 passed January 13, 1998]
[Section 2.325 deleted by Ord. #1999-26 passed June 22, 1999]

2.326 Reports.

[Section 2.326 deleted by Ord. #90-12 passed November 13, 1990]
[Section 2.326 added by Ord. #94-01 passed January 11, 1994]
[Section 2.326 amended by Ord. #98-04 passed January 13, 1998]
[Section 2.326 deleted by Ord. #1999-26 passed June 22, 1999]

2.327 Sunset.

[Section 2.327 added by Ord. #94-01 passed January 11, 1994]
[Section 2.327 deleted by Ord. #97-04 passed February 11, 1997]

Traffic Safety Commission

2.330 Purpose.

2.332 Membership.

2.334 Term.

2.336 Quorum – Rules, Regulations, and Procedures.

2.338 Compensation.

2.340 Powers and Duties.

[Sections 2.330 through 2.340 added by Ord. #93-34 passed October 26, 1993]
[Sections 2.330 through 2.340 amended by Ord. #96-37 passed October 8, 1996]
[Sections 2.330 through 2.340 deleted by Ord. #98-04 passed January 13, 1998]

2.341 Voting, Procedure, Removal.

[Section 2.341 added by Ord. #95-09 passed March 25, 1995]
[Section 2.341 amended by Ord. #96-37 passed October 8, 1996]
[Section 2.341 deleted by Ord. #98-04 passed January 13, 1998]

2.342 Reports.

2.344 Sunset.

[Sections 2.342 through 2.344 added by Ord. #93-34 passed October 26, 1993]

[Sections 2.342 through 2.344 amended by Ord. #96-37 passed October 8, 1996]

[Sections 2.342 through 2.344 deleted by Ord. #98-04 passed January 13, 1998]

Redmond Urban Area Planning Commission

2.350 Redmond Urban Area Planning Commission. The Redmond Urban Area Planning Commission shall be the planning commission for the City of Redmond as authorized in ORS 227.020.

[Section 2.350 amended by Ord. #2014-18 passed October 28, 2014]

2.351 Purpose Statement. The purpose of the Redmond Urban Area Planning Commission is to serve in an advisory role to the City Council on the development and implementation of the City of Redmond's Comprehensive Plan and its associated planning documents. The Redmond Urban Area Planning Commission also serves in a quasi-judicial capacity on land-use decisions for the City of Redmond, in order to ensure that the City of Redmond grows and develops in an orderly fashion with adequate resources for housing, business, industry, transportation, recreation, culture, comfort, health and welfare of its population so that residents and businesses enjoy a high quality of life. The Redmond Urban Area Planning Commission shall also serve as the citizen involvement committee for the City of Redmond.

[Section 2.351 added by Ord. #2014-18 passed October 28, 2014]

2.352 Responsibilities / Scope. The Redmond Urban Area Planning Commission in an advisory capacity to the City Council shall:

1. Recommend to the Council, Board of County Commissioners and other public authorities plans for:
 - A. Regulating the future growth, development and beautification of the Redmond area.
 - B. Development within the Redmond area of proper sanitation, public utilities, and transportation facilities.
 - C. Appropriate public incentives for overall energy conservation.
2. Review and make recommendations regarding the City's Comprehensive Plan and its adopted plans, the Land Development Code and other detailed land-use and strategic plans that impact current and future development and quality of life in Redmond.
3. Conduct public hearings on land development proposals and issue land-use decisions in compliance with City of Redmond, Deschutes County, State of Oregon and Federal regulations.
4. Recommend to the City Council, Board of County Commissioners, and other public authorities plans for promotion, development and regulation of the economic needs of the community.
5. Make economic surveys and study the needs of present and potential industrial and other business needs of the Redmond area.
6. The Planning Commission may also review and prepare recommendations to the City Council in the following categories of area-wide Public Works Capital Improvement Programs.
 - A. Public buildings.

- B. Sanitary sewer systems.
 - C. Water systems.
 - D. Street systems.
 - E. Traffic systems.
 - F. Street illumination projects.
 - G. On-street and off-street parking programs.
 - H. Park and recreation programs.
 - I. Other area-wide capital programs, as may be assigned by the Council and/or Board of County Commissioners.
7. Any other activities which are consistent with the above responsibilities.

[Section 2.352 amended by Ord. #91-21 passed June 11, 1991]

[Section 2.352 amended by Ord. #93-15 passed April 13, 1993]

[Section 2.352 amended by Ord. #98-37 passed September 8, 1998]

[Section 2.352 amended by Ord. #2006-01 passed January 24, 2006]

[Section 2.352 amended by Ord. #2014-18 passed October 28, 2014]

2.353 Powers and Duties. The Redmond Urban Area Planning Commission shall:

1. Act in an advisory capacity to the Redmond City Council regarding the City's comprehensive planning program, using citizen input and public hearings when appropriate, for the Redmond area.
2. Serve in a quasi-judicial capacity on land development proposals, conducting public hearings and issuing decisions.
3. Act as the Citizens Involvement Committee for the Redmond area and advise the governing bodies on Citizen Involvement programs.
4. Study and propose measures that are advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the City and the Redmond area.
5. Except as otherwise set forth by the City Council, the Redmond Urban Area Planning Commission may exercise any or all of the powers and duties enumerated in ORS 227.090, such as the following:
 - A. The laying out, widening, extending and locating of public thoroughfares, parking of vehicles, relief of traffic congestion;
 - B. Betterment of housing and sanitation conditions;
 - C. Establishment of districts for regulating the use, height, area, bulk and other characteristics of buildings and structures related to land development;
 - D. Plans for regulating the future growth, development and beautification of the city in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, and plans consistent with future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper service of public utilities and telecommunications utilities, including appropriate public incentives for overall energy conservation and transportation facilities.
 - E. Plans for promotion, development and regulation of industrial and economic needs of the community in respect to industrial pursuits.
6. Coordinate its activities with other jurisdictions, planning bodies and districts.
7. Do and perform all other acts and things necessary or proper to carry out the provisions of ORS 227.010 (Definition for ORS 227.030 to 227.300) to 227.170 (Hearing procedure), 227.175 (Application for permit or zone change) and 227.180 (Review of action on permit application).

[Section 2.353 added by Ord. #2014-18 passed October 28, 2014]

2.354 Membership.

1. **Number of Members.** The Redmond Urban Area Planning Commission shall be comprised of seven members.
2. **Residency.** Members should reside within the Redmond Urban Growth Boundary.
3. **Qualifications.** No more than two voting members of the Commission may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of occupation, business, trade or profession.
4. **Appointments.** The Mayor, with the approval of the City Council, shall appoint all members.
5. **Terms.** All members shall be appointed for four year terms.
6. **Removal.** A commission member may be removed by the appointing governing body for misconduct, nonperformance of duty, or three successive unexcused absences from regular meetings. The non-appointing body may, by motion, request that a member be removed by the appointing body. If the appropriate governing body finds misconduct, nonperformance of duties or three successive unexcused absences from regular meetings by the member, the member shall be removed. The Mayor may recommend, with the City Council's approval, the removal on any commission member without cause.
7. **Ex-Officio Youth.** One ex-officio youth (18 years of age and under) shall be appointed by the Mayor, without regard to jurisdictional restrictions, to serve a one year term. The Ex-Officio Youth shall not be a voting member.

[Section 2.354 amended by Ord. #98-37 passed September 8, 1998]

[Section 2.354 deleted by Ord. #2006-01 passed January 24, 2006]

[Section 2.354 amended by Ord. #2014-18 passed October 28, 2014]

2.355 Officers.

1. **Chairperson / Vice-Chairperson.** At its first meeting of each year, the Redmond Urban Area Planning Commission shall elect from among its membership a chairperson and vice-chairperson. The Chairperson or Vice-Chairperson, acting as Chairperson, shall have the right to make or correct motions and vote on all matters before the Commission. A majority of the Commission may replace its Chairperson or Vice-Chairperson with another member at any time during the calendar year.
2. **Annual Report to City Council.** The Chairperson of the commission shall make an annual report to the Redmond City Council which highlights accomplishments for the past year and work plan for the upcoming fiscal year, or more often as the Chairperson deems appropriate, or at the request of the Council.
3. **Redmond Development Committee Member.** The Chairperson or designee may serve as a member of the Redmond Development Committee.

[Section 2.355 added by Ord. #2014-18 passed October 28, 2014]

2.356 Meetings / Quorums.

1. **Meeting Schedule.** The Commission shall meet at least once a month. Not less than one meeting every two months shall be devoted in part or in full to comprehensive planning for the Redmond Urban Area.
2. **Meeting Conduct.** The Rules of Parliamentary Law and Practice as in Robert's Rules of Order Revised Edition shall govern each commission meeting. The Commission may

establish rules, regulations and procedures for its operation consistent with the laws of the State, City and County.

3. **Open to the Public.** All meetings shall be open to the public.
4. **Quorum.** A majority of the members of the committee shall constitute a quorum. Quorum will be based on the number of people officially appointed to the commission at the time and shall not include vacancies.
5. **Voting.** The concurrence of the majority of members present at a Commission meeting shall be necessary to address any questions before it.

[Section 2.356 amended by Ord. #2014-18 passed October 28, 2014]

2.357 Expenses / Reimbursement. Commission members shall receive no compensation. Any expense incurred by a commission member must be authorized by the City Manager or designee prior to incurring the expense, including reimbursements.

[Section 2.357 amended by Ord. #2014-18 passed October 28, 2014]

2.358 Special Provisions.

1. The Redmond Urban Area Planning Commission shall operate within the laws and guidelines of the federal government, the State of Oregon, Deschutes County and the City of Redmond.
2. The Mayor may appoint, with the concurrence of the City Council, an ad-hoc committee to address issues that are not under the purview of the existing commission.
3. Redmond Urban Area Planning Commission members must annually submit a Statement of Economic Interest to the Oregon Government Ethics Commission as required in ORS 244.050.

[Section 2.358 amended by Ord. #98-03 passed January 13, 1998]

[Section 2.358 amended by Ord. #1999-34 passed December 14, 1999]

[Section 2.358 amended by Ord. #2014-18 passed October 28, 2014]

2.359 Staff Support. Staffing shall be determined by the City Manager or City Manager designee.

[Section 2.359 amended by Ord. #2014-18 passed October 28, 2014]

2.360 Meetings.

[Section 2.360 amended by Ord. #98-03 passed January 13, 1998]

[Section 2.360 deleted by Ord. #2014-18 passed October 28, 2014]

2.362 Removal.

[Section 2.362 deleted by Ord. #2014-18 passed October 28, 2014]

2.364 Expenses.

[Section 2.362 deleted by Ord. #2014-18 passed October 28, 2014]

2.366 Powers and Duties.

[Section 2.366 amended by Ord. #1999-26 passed June 22, 1999]
[Section 2.366 deleted by Ord. #2014-18 passed October 28, 2014]

2.368 Jurisdiction.

[Section 2.368 amended by Ord. #98-37 passed September 8, 1998]
[Section 2.368 deleted by Ord. #2014-18 passed October 28, 2014]

2.370 Advisory Powers.

[Section 2.370 deleted by Ord. #2014-18 passed October 28, 2014]

Budget Committee

2.372 Membership. The Budget Committee shall be composed of members in accordance with the provisions of ORS 294.336.

2.374 Powers and Duties. The Budget Committee shall exercise those powers and duties described in ORS Chapter 294.

Parks Committee

2.380 Purpose Statement. To plan, develop, and provide stewardship for City of Redmond's parks and open spaces while preserving natural areas and maximizing public enjoyment.

[Section 2.380 deleted by Ord. #90-12 passed November 13, 1990]
[Section 2.380 added by Ord. #90-12 passed November 13, 1990]
[Section 2.380 amended by Ord. #1999-35 passed December 14, 1999]
[Section 2.380 amended by Ord. #2014-18 passed October 28, 2014]

2.382 Responsibilities / Scope. The Parks Committee shall act in an advisory capacity to the City Council on matters pertaining to the operation, maintenance, improvements, facilities, and recreation activities under the jurisdiction of the City.

[Section 2.382 deleted by Ord. #90-12 passed November 13, 1990]
[Section 2.382 added by Ord. #90-12 passed November 13, 1990]
[Section 2.382 amended by Ord. #93-10 passed March 12, 1993]
[Section 2.382 amended by Ord. #1999-35 passed December 14, 1999]
[Section 2.382 amended by Ord. #2014-18 passed October 28, 2014]

2.384 Duties and Powers. The responsibilities of the Committee shall consist of the power and duty to advise the City Council concerning the management, care, improvements, and control of current and future public parks and recreation facilities.

Specifically:

1. Define the objectives of park and recreation facilities and services and make plans and general policies aligning them.
2. Recommend the form of recreation or cultural activities which should be conducted on park facilities.
3. Recommend park policy and regulations.
4. Recommend park development goals and implementation timeframes.
5. Keep the public informed of park and recreation priorities and programs.

6. Recommend rates and service charges associated with the use of any City park and recreation facilities.
7. Coordinate volunteer park projects.
8. Identify and seek alternative funding sources for park and recreation development.
9. Recommend fiscal plans to achieve City park and recreation goals.
10. Review and suggest annual budgets for park development to City staff as part of the annual budget process.
11. Any other activities as assigned which are consistent with the above responsibilities.

[Section 2.384 deleted by Ord. #90-12 passed November 13, 1990]

[Section 2.384 added by Ord. #90-12 passed November 13, 1990]

[Section 2.384 amended by Ord. #1999-35 passed December 14, 1999]

[Section 2.384 amended by Ord. #2014-18 passed October 28, 2014]

2.386 Membership.

1. **Number of Members.** The Parks Committee shall be comprised of seven members.
2. **Residency.** The members shall reside within the boundaries of the Redmond School District 2J.
3. **Representation.** Individual seats are not geographically designated; however, a majority of the members should reside within the Urban Growth Boundary.
4. **Appointments.** The Mayor, with the approval of the City Council, shall appoint all members.
5. **Terms.** All terms are for four (4) years.
6. **Removal.** A Committee member may be removed by the appointing governing body for misconduct, non-performance of duty, or three successive unexcused absences from regular meetings. The non-appointing body may, by motion, request that a member be removed by the appointing body. If the appropriate appointing governing body finds misconduct, nonperformance of duties or three successive unexcused absences from regular meetings by the member, the member shall be removed. The Mayor can recommend, with the City Council's approval, the removal of any committee member without cause.
7. **Ex-Officio Members.** One ex-officio youth (18 years of age and under) shall be appointed by the Mayor, without regard to jurisdictional restrictions, to serve a one year term. The Mayor may appoint one ex-officio member from the Redmond Area Park and Recreation District. Ex-officio representatives shall not be voting members.

[Section 2.386 deleted by Ord. #90-12 passed November 13, 1990]

[Section 2.386 added by Ord. #90-12 passed November 13, 1990]

[Section 2.386 amended by Ord. #2014-18 passed October 28, 2014]

2.388 Officers.

1. **Chairperson / Vice-Chairperson.** At the first meeting of each year, the Parks Committee shall elect from among its membership a Chairperson and Vice-Chairperson. The Chairperson, or Vice-Chairperson acting as chairperson, shall have the right to make or correct motions and vote on all matters before the Committee. A majority of the Committee may replace its Chairperson or Vice-Chairperson with another member at any time during the calendar year.
2. **Annual Report to City Council.** The Chairperson of the commission shall make an annual report to the Redmond City Council outlining accomplishments for the past year and work plan for the following year, or more often as the Chairperson deems appropriate, or at the request of the Council.

3. **Redmond Development Committee Member.** The Chairperson or designee may serve as a member of the Redmond Development Committee.

[Section 2.388 deleted by Ord. #90-12 passed November 13, 1990]

[Section 2.388 added by Ord. #90-12 passed November 13, 1990]

[Section 2.388 amended by Ord. #2014-18 passed October 28, 2014]

2.390 Meeting / Quorum.

1. **Meeting Schedule.** The Parks Committee shall hold regular meetings, recommended at least once every other month, or more often if the need exists as determined by the Committee. The Committee may have a special meeting when four of its members issue a request for a meeting, filed with the City Recorder, who shall call such a meeting and notify the chairperson thereof.
2. **Meeting Conduct.** The Rules of Parliamentary Law and Practice as in Robert's Rules of Order Revised Edition shall govern each committee meeting.
3. **Open to the Public.** All meetings shall be open to the public.
4. **Quorum.** A majority of the members of the Committee members shall constitute a quorum. Quorum will be based on the number of people officially appointed to the Committee at the time and should not include vacancies.

[Section 2.390 deleted by Ord. #90-12 passed November 13, 1990]

[Section 2.390 added by Ord. #2014-18 passed October 28, 2014]

- 2.392 Expenses / Reimbursements.** Committee members shall receive no compensation. Any expense incurred by a committee member must be pre-authorized by the City Manager or designee.

[Section 2.392 deleted by Ord. #90-12 passed November 13, 1990]

[Section 2.392 added by Ord. #90-12 passed November 13, 1990]

[Section 2.392 amended by Ord. #2014-18 passed October 28, 2014]

2.394 Special Provisions

1. The Redmond Parks Committee shall operate within the laws and guidelines of the federal government, the state government, Deschutes County and the City of Redmond.
2. **Ad Hoc Committees.** The Mayor may appoint an ad hoc committee to address issues that are not under the purview of the existing Committee.
3. **Solicitation of Funding.** The Committee may solicit or receive any gifts or bequests of money or other personal property, or any donation to be applied, principal or income, for either temporary or permanent use of the parks, grounds or other recreational purposes.

[Section 2.394 added by Ord. #90-12 passed November 13, 1990]

[Section 2.394 amended by Ord. #1999-35 passed December 14, 1999]

[Section 2.394 amended by Ord. #2014-18 passed October 28, 2014]

- 2.396 Staff Support.** Staffing shall be determined by the City Manager or City Manager designee.

[Section 2.396 added by Ord. #90-12 passed November 13, 1990]

[Section 2.396 amended by Ord. #1999-35 passed December 14, 1999]

[Section 2.396 amended by Ord. #2014-18 passed October 28, 2014]

2.397 Voting, Procedure, Removal.

[Section 2.397 added by Ord. #95-09 passed March 25, 1995]

[Section 2.397 amended by Ord. #98-03 passed January 13, 1998]

[Section 2.397 amended by Ord. #1999-35 passed December 14, 1999]

[Section 2.397 deleted by Ord. #2014-18 passed October 28, 2014]

2.398 Conducting Activities.

[Section 2.398 added by Ord. #90-12 passed November 13, 1990]

[Section 2.398 amended by Ord. #1999-35 passed December 14, 1999]

[Section 2.398 deleted by Ord. #2014-18 passed October 28, 2014]

2.399 Solicitation of Funding.

[Section 2.399 added by Ord. #90-12 passed November 13, 1990]

[Section 2.399 deleted by Ord. #2014-18 passed October 28, 2014]

Contract Review Board

2.400 Definitions. For the purpose of this chapter, the following words and phrases shall have the following meanings:

Board. Means the local Contract Review Board as established in Section 2.32.020.

Informal price quote. Means the procedure whereby the city manager or designee ascertains by correspondence, telephone calls, or by direct contact (a) the various prices for the items involved, quoted by a number of reliable firms that shall have the item for sale or (b) the cost for the public improvement to be performed. The city recorder shall maintain all records and evidence of such informal bids

Public contract. Means any purchase, lease, or sale by the city of personal property, public improvements or services other than agreements, which are exclusively for personal services.

Public improvement. Means any construction or improvements on real property by or for the city.

[Section 2.400 amended by Ord. #2001-21 passed August 4, 2001]

[Section 2.400 amended by Ord. #2005-10 passed June 28, 2005]

2.402 Contract Review Board. The City Council of the City of Redmond is designated as the Local Contract Review Board. The Local Contract Review Board may delegate its powers and responsibilities consistent with ORS 279A, 279B, and 279C, the Oregon Public Contracting Code, the Attorney General's Model Rules, and the Redmond Municipal Code.

[Section 2.402 amended by Ord. #2005-10 passed June 28, 2005]

2.404 Contracting Agency. The City Manager is designated as the City's Contracting Agency and is further designated as the Purchasing Agent for the City of Redmond. The City Manager, or the Manager's designee, is delegated and is authorized to exercise all authorities granted by ORS 279A, 279B, and 279C, the Attorney General's Model Rules, and by ordinance or resolution.

[Section 2.404 amended by Ord. #95-39 passed November 28, 1995]

[Section 2.404 amended by Ord. #2001-21 passed August 14, 2001]

[Section 2.404 amended by Ord. #2001-26 passed November 27, 2001]

[Section 2.404 amended by Ord. #2005-10 passed June 28, 2005]

2.405 Leases.

[Section 2.405 added by Ord. #95-39 passed November 28, 1995]

[Section 2.405 deleted by Ord. #2005-10 passed June 28, 2005]

2.406 Model Rules. Except as provided in this chapter, or by subsequent ordinance or resolution, the Model Rules adopted by the Attorney General under ORS 279A, 279B, and 279C, as they now exist, and as they may be amended in the future, are hereby adopted as the City's public contracting rules.

[Section 2.406 amended by Ord. #2005-10 passed June 28, 2005]

2.408 City Manager Contracting Authority. The City Manager, or designee, shall have contracting authority as follows:

1. **Small Procurements.** To enter into contracts for procurement of goods or services not to exceed \$10,000 by any manner deemed practical or convenient including by direct selection or award.
2. **Intermediate procurements.** To enter into contracts for procurement of goods or services, or contract amendments, not to exceed \$150,000 by seeking at least three informally solicited competitive price quotes or competitive proposals from prospective contractors. The City shall keep a written record of the sources of the quotes or proposals received. If three quotes or proposals are not reasonably available, fewer may be accepted, but the City shall make a written record of the effort made to obtain the quotes or proposals. The contract shall be awarded to the contractor whose quote will best serve the interests of the City, taking into account price as well as experience, expertise, product functionality, suitability for a particular purpose and contractor responsibility.
3. **Sole Source.** To enter into contracts for goods or services when the City Manager determines in writing and in accordance with any applicable rules that the goods or services, or class of goods or services, are available from only one source.
4. **Emergency Procurements.** To enter into contracts for the emergency procurement of goods or services when an emergency exists. The City Manager shall document the nature of the emergency and describe the method used for the selection of the particular contractor.

[Section 2.408 amended by Ord. #98-03 passed January 13, 1998]

[Section 2.408 amended by Ord. #2005-10 passed June 28, 2005]

[Section 2.408 amended by Ord. #2012-08 passed June 19, 2012]

[Section 2.408 amended by Ord. #2014-01 passed January 14, 2014]

2.409 Alternative Contracting Methods. In addition to the Model Rules described in Section 2.406, the Board may utilize the following alternative contracting methods:

1. Contracts for public improvements not exceeding one-hundred thousand dollars (\$100,000), or transportation projects not exceeding fifty thousand (\$50,000), may be made

by an informal quote where the local contract review board determines that awarding the contract in this manner is in the best interest of the City.

[Section 2.409 added by Ord. #2005-10 passed June 28, 2005]

[Section 2.409 amended by Ord. #2012-08 passed June 19, 2012]

2.410 Competitive bids exemption. All public contracts and public improvements shall be based on competitive bids, except:

1. Purchases through federal programs as provided by ORS 279A.180 or otherwise made with or the cost of which is provided by other public agencies or the federal government;
2. Contracts for any item that is available only through one company, firm or individual, with the determination of a sole source based on written findings consistent with state law;
3. Change orders or contract amendments to existing public contracts that are reasonably related to the scope of work under the original contract.
4. Emergency contracts provided that the Board complies with any requirements of ORS 2790A, 279B, 279C and the Model Rules in making the exemption.
5. Contracts for public improvements that are being constructed by a developer as a part of a proposed development, including any oversizing or further extension of those improvements, or other offsite improvements required to be constructed by the developer but which may be funded in part by the City.
6. Any other contract (including sole source and brand name specification contracts) where the public interest would be promoted by exemption the contract from the competitive bidding process, provided that the Board complies with any requirements of ORS 279A, 279B, 279C and the Model Rules in making the exemption.
7. Any other contract exempted by state law or the Model Rules.

[Section 2.410 amended by Ord. #2001-21 passed August 14, 2001]

[Section 2.410 amended by Ord. #2005-10 passed June 28, 2005]

2.412 Bid Rejection. The board may reject any bid not in compliance with all prescribed public bidding procedures and requirements and may reject all bids if it is in the public interest to do so.

[Section 2.412 amended by Ord. #2005-10 passed June 28, 2005]

2.414 Bidder Disqualification. The board may disqualify any bidder on a contract if:

1. The bidder does not have sufficient financial ability to perform the contract. Evidence that the person can acquire a surety bond in the amount and type required shall be sufficient to establish financial ability; or
2. The bidder does not have equipment available to perform the contract; or
3. The bidder does not have personnel of sufficient experience to perform the contract; or
4. The bidder has breached contractual obligations to public and private contracting agencies; or
5. For such other reasons as may be allowed by statute or board rule.

[Section 2.414 amended by Ord. #2005-10 passed June 28, 2005]

2.416 Appeal of Disqualification. A bidder who has been disqualified may appeal such disqualification to the board as follows:

1. The bidder shall, within three (3) business days from receipt of notice of disqualification, notify the city manager in writing that they wish to appeal the disqualification.

2. Upon receipt of such written notice of appeal, the city manager shall inform the board.
3. Upon receipt of the notice of appeal, the board shall notify the person appealing of the time and place of the hearing.
4. The board shall conduct the hearing according to the statutory requirement and decide the appeal within ten (10) days after receiving the notification and shall set forth in writing the reasons for its decisions.

[Section 2.416 amended by Ord. #2005-10 passed June 28, 2005]

2.418 Additional authority. In addition to the powers and duties established by this chapter, the board shall have such additional powers as authorized by state law and administrative rule.

[Section 2.418 added by Ord. #88-07 passed March 8, 1988]

[Section 2.418 amended by Ord. #95-04 passed January 24, 1995]

[Section 2.418 amended by Ord. #2005-10 passed June 28, 2005]

2.420 Surplus Property. The City Manager shall have the authority to dispose of surplus property by any means determined to be in the best interest of the City, including but not limited to, transfer to other departments, government agencies, non-profit organizations, sale, trade, auction, or destruction, provided however that disposal of personal property have a residual value of more than \$1,000 shall be subject to authorization by the Board.

[Section 2.420 added by Ord. #88-07 passed March 8, 1988]

[Section 2.420 amended by Ord. #2001-21 passed August 14, 2001]

[Section 2.420 amended by Ord. #2005-10 passed June 28, 2005]

2.422 Personal Service Contracts.

1. Personal service contracts are those that require specialized technical, creative, professional or communication skills and knowledge, and that the quality of services depends on attributes that are unique to the service provider. Personal service contracts will be used to retain the service of independent contractors other than architects, engineers and land surveyors.
2. The city manager is authorized to establish the selection criteria and procedure for the selection of personal service contractors. The procedures may include any of the procedures authorized for the procurement of goods and services under the City Code or Model Rules, including direct appointment.

[Section 2.422 added by Ord. #2005-10 passed June 28, 2005]

2.425 Proposal Evaluation Criteria.

[Section 2.425 added by Ord. #88-07 passed March 8, 1988]

[Section 2.425 deleted by Ord. #2005-10 passed June 28, 2005]

2.430 Change Orders.

[Section 2.430 added by Ord. #95-31A passed October 24, 1995]

[Section 2.430 amended by Ord. #1999-21 passed June 22, 1999]

[Section 2.430 deleted by Ord. #2005-10 passed June 28, 2005]

2.435 Additional Authority.

[Section 2.435 amended by Ord. #95-31A passed October 24, 1995]

[Section 2.435 deleted by Ord. #2005-10 passed June 28, 2005]

Redmond Committee for Art in Public Places

2.440 Purpose Statement. The purpose of the Redmond Committee for Art in Public Places is to introduce art into select public locations and situations in order to create a unique sense of place and enhance community identity throughout Redmond.

[Section 2.440 added by Ord. #2006-08 passed May 23, 2006]

[Section 2.440 amended by Ord. #2014-18 passed October 28, 2014]

2.441 Responsibilities / Scope. The Redmond Committee for Art in Public Places in an advisory capacity to the City Council shall:

1. Create and maintain a public art inventory
2. Recommend policies and advise and propose strategies regarding Arts and Culture in Redmond.
3. Promote outreach and engagement of the community in the Public Art Program.
4. Collaborate with other governmental agencies, volunteer organizations, etc. in the advancement of Arts and Culture planning and programming in Redmond.
5. Recommend financing alternatives and resources for Arts and Culture in Redmond.
6. Any other activities which are consistent with the above responsibilities.

[Section 2.441 added by Ord. #2006-08 passed May 23, 2006]

[Section 2.441 amended by Ord. #2014-18 passed October 28, 2014]

2.442 Duties and Powers. The Redmond Committee for Art in Public Places shall:

1. Provide recommendations regarding specific art projects and their locations to the City Council for approval.
2. Support the City Council with developing the City art collection by making recommendations on the acquisition of artwork through various means including donations and commissions.
3. Inventory and maintain the City art collection including an annual inventory and work with the Public Works Department to facilitate any necessary repairs.
4. Develop an inventory list of all publicly owned sites for potential future art installations.
5. Recommend funding procedures for ongoing programs from various sources.
6. Identify and provide educational and awareness opportunities associated with public art and help facilitate their implementation.
7. Assist other City commissions and committees and agencies in using public art to enhance and enrich the lives of visitors and residents.
8. Provide connections with other local, regional and national organizations working for the benefit of art and preservation of artistic values, and other similar activities.
9. Identify and establish communications with groups and organizations that enrich Redmond life by bringing cultural and artistic values and artifacts to the City.
10. Collaborate with public and private agencies to consider the aesthetics of art and its placement in the community.
11. Provides input as part of the annual budget process regarding the City's investment in arts related funding.

[Section 2.442 added by Ord. #2006-08 passed May 23, 2006]

[Section 2.442 amended by Ord. #2014-18 passed October 28, 2014]

2.443 Membership.

1. **Number of Members.** The Redmond Committee for Art in Public Places shall be composed of nine members
2. **Residency.** Members should reside within the Redmond School District 2J Boundary.
3. **Representation.** Individual seats are not geographically designated; however a majority of the members should reside within the Urban Growth Boundary.
4. **Appointments.** The Mayor, with the approval of the City Council, shall appoint all members.
5. **Terms.** All terms are for four years.
6. **Removal.** A committee member may be removed by the appointing governing body for misconduct, nonperformance of duty, or three successive unexcused absences from regular meetings. The non-appointing body may, by motion, request that a member be removed by the appointing body. If the appropriate governing body finds misconduct, nonperformance of duties or three successive unexcused absences from regular meetings by the member, the member shall be removed. The Mayor can recommend, with the City Council's approval, the removal of any committee member without cause.
7. **Ex-Officio Youth.** One ex-officio youth (18 years of age and under) shall be appointed by the Mayor, without regard to jurisdictional restrictions, to serve a one year term. The Ex-Officio Youth shall not be a voting member.

[Section 2.443 added by Ord. #2006-08 passed May 23, 2006]

[Section 2.443 amended by Ord. #2014-18 passed October 28, 2014]

2.444 Officers.

1. **Chairperson / Vice-Chairperson.** At its first meeting of each year, the Redmond Committee for Art in Public Places shall elect from among its membership a chairperson and vice-chairperson. The Chairperson or vice-chairperson, acting as chairperson, shall have the right to make or correct motions and vote on all matters before the Committee. A majority of the Committee may replace its chairperson or vice-chairperson with another member at any time during the calendar year.
2. **Annual Report to City Council.** The Chairperson of the committee shall make an annual report to the Redmond City Council outlining accomplishments for the past year and work plan for the following year or more often as the Chairperson deems appropriate, or at the request of the Council.
3. **Redmond Development Committee Member.** The Chairperson or designee may serve as a member of the Redmond Development Committee.

[Section 2.444 added by Ord. #2006-08 passed May 23, 2006]

[Section 2.444 amended by Ord. #2014-18 passed October 28, 2014]

2.445 Meetings / Quorums.

1. **Meeting Schedule.** The Committee shall meet as required to accomplish their objectives.
2. **Meeting Conduct.** The Rules of Parliamentary Law and Practice as in Roberts Rules of Order Revised Edition shall govern each committee meeting.
3. **Open to the Public.** All meetings shall be open to the public.
4. **Quorum.** A majority of the members of the committee shall constitute a quorum. Quorum will be based on the number of people officially appointed to the committee at the time and should not include vacancies.

[Section 2.445 added by Ord. #2006-08 passed May 23, 2006]

[Section 2.445 amended by Ord. #2014-18 passed October 28, 2014]

2.446 Expenses / Reimbursement. Committee members shall receive no compensation. Any expense incurred by a committee member must be pre-authorized by the City Manager or designee.

[Section 2.446 added by Ord. #2006-08 passed May 23, 2006]

[Section 2.446 amended by Ord. #2014-18 passed October 28, 2014]

2.447 Special Provisions.

1. The Redmond Committee for Art in Public Places shall operate within the laws and guidelines of the federal government, the state government, Deschutes County and the City of Redmond.
2. The Mayor may appoint an ad-hoc committee to address issues that are not under the purview of the existing committee.

[Section 2.447 added by Ord. #2014-18 passed October 28, 2014]

2.448 Staff Support. Staffing shall be determined by the City Manager or City Manager designee.

[Section 2.448 added by Ord. #2014-18 passed October 28, 2014]

Sewer and Water Board

2.450 Board. A Water and Sewer Board is hereby established for the City of Redmond. The purpose of the Board is to direct the delivery of sewer and water services by the City of Redmond. The Board shall further administer the sewer and water funds for the City of Redmond.

[Section 2.450 added by Ord. #91-11 passed April 9, 1991]

2.455 Designation of Board. The City Council is hereby designated as the Sewer and Water Board.

[Section 2.455 added by Ord. #91-11 passed April 9, 1991]

2.460 Franchise. The right and franchise to operate sewer and water service within the City of Redmond is hereby granted to the Board.

[Section 2.460 added by Ord. #91-11 passed April 9, 1991]

2.465 Fee. The Sewer and Water Board shall pay to the City a franchise fee or charge, which is set by resolution, from the gross operating revenues of the sewer and water funds. The fee shall be paid quarterly on or before the last day of the month following the calendar quarter.

[Section 2.465 added by Ord. #91-11 passed April 9, 1991]

[Section 2.465 amended by Ord. #98-33 passed June 23, 1998]
[Section 2.465 amended by Ord. #2002-11 passed June 25, 2002]

Redmond Development Committee

2.470 Purpose. The purpose of the Redmond Development Committee is to bring together resources to achieve the City of Redmond's vision of an economically vibrant community through the implementation of the Redmond Development Plan (Plan).

[Section 2.470 added by Ord. #2009-07 passed July 28, 2009]
[Section 2.470 amended by Ord. #2014-18 passed October 28, 2014]

2.471 Responsibilities / Scope. Redmond Development Committee in an advisory capacity to City Council shall:

1. Create and foster the execution of a comprehensive strategy to foster 10,000 new century jobs by 2030 for the City of Redmond, by:
 - A. Targeting emerging technology sectors that generate commercial or industrial jobs while retaining and expanding our existing job base.
 - B. Expanding learning opportunities for all ages, actively engaging all levels of education.
 - C. Strengthening the health and livability of our community, creating an inviting community where people will want to live, work and invest.
 - D. Building a sustainable community infrastructure.
 - E. Encouraging regional planning, cooperation and participation in pursuit of economic development opportunities.
2. Report to the City Council on an ongoing basis to assure the Plan remains current and relevant.
3. Review City economic development activities and make recommendations to the City Council on their effectiveness.
4. Any other activities, as assigned, which are consistent with the above responsibilities.

[Section 2.471 added by Ord. #2009-07 passed July 28, 2009]
[Section 2.471 amended by Ord. #2014-18 passed October 28, 2014]

2.472 Duties and Powers. The Redmond Development Committee shall advise the City Council by:

1. Creating and coordinating a community-wide plan for economic and urban development with clear and quantifiable objectives.
2. Promoting the City of Redmond for new business.
3. Promoting the economic interests of the existing business enterprises.
4. Fostering a community-wide resource network.
5. Aligning economic development strategies with the educational community to both prepare and retain people for Redmond's economy.

[Section 2.472 added by Ord. #2009-07 passed July 28, 2009]
[Section 2.472 amended by Ord. #2014-18 passed October 28, 2014]

2.473 Membership.

1. **Number of Members.** The Redmond Development Committee shall be comprised of eleven members.
2. **Residency.** Members should reside within the Redmond School District.

3. **Representation.** Individual seats are not geographically designated, however a majority of the members should reside within the Urban Growth Boundary.
4. **Composition of Members.** The members of the Redmond Development Committee shall be comprised of the chairpersons of the Redmond Urban Area Planning Commission, Redmond Historic Landmarks Commission, Redmond Airport Committee, Parks Committee, Redmond Committee for Art in Public Places, Downtown Urban Renewal Advisory Committee, Redmond Bicycle and Pedestrian Advisory Committee, Redmond Housing and Community Development Committee, and designated representatives from the Redmond Chamber of Commerce, Redmond Economic Development, Inc., the Redmond Area Park and Recreation District, and Redmond School District. Committee representation may be adjusted by the Mayor with approval of the City Council.
5. **Appointments.** The Mayor, with the approval of the City Council, shall appoint all members.
6. **Terms.** Terms shall be for one (1) year.
7. **Removal.** A committee member may be removed by the appointing governing body for misconduct, nonperformance of duty, or three successive unexcused absences from regular meetings. The non-appointing body may, by motion, request that a member be removed by the appointing body. If the appropriate governing body finds misconduct, nonperformance of duties or three successive unexcused absences from regular meetings by the member, the member shall be removed. The Mayor can recommend, with City Council's approval, the removal of any committee member without cause.
8. **Ex-Officio Youth.** One ex-officio youth (18 years of age and under) shall be appointed by the Mayor, without regard to jurisdictional restrictions, to serve a one year term. The Ex-Officio Youth shall not be a voting member.

[Section 2.473 added by Ord. #2009-07 passed July 28, 2009]

[Section 2.473 amended by Ord. #2014-18 passed October 28, 2014]

2.474 Officers.

1. **Chairperson / Vice-Chairperson.** At its first meeting of each year, the Redmond Development Committee shall elect from among its membership a chairperson and vice-chairperson. The Chairperson or vice-chairperson, acting as chairperson, shall have the right to make or correct motions and vote on all matters before the Committee. A majority of the Committee may replace its chairperson or vice-chairperson with another member at any time during the calendar year.
2. **Annual Report to City Council.** The Chairperson of the committee shall make an annual report to the Redmond City Council outlining accomplishments for the past year and work plan for the upcoming fiscal year, or more often as the Chairperson deems appropriate, or at the request of the Council.

[Section 2.474 added by Ord. #2009-07 passed July 28, 2009]

[Section 2.474 amended by Ord. #2014-18 passed October 28, 2014]

2.475 Meetings / Quorums.

1. **Meeting Schedule.** The Committee shall meet as required to accomplish their objectives.
2. **Meeting Conduct.** The Rules of Parliamentary Law and Practice as in Roberts Rules of Order Revised Edition shall govern each committee meeting.
3. **Open to the Public.** All meetings shall be open to the public.

4. **Quorum.** A majority of the members of the Committee shall constitute a quorum. Quorum will be based on the number of people officially appointed to the Committee at the time and should not include vacancies.

[Section 2.475 added by Ord. #2009-07 passed July 28, 2009]

[Section 2.475 amended by Ord. #2014-18 passed October 28, 2014]

- 2.476 Expenses / Reimbursement.** Committee members shall receive no compensation. Any expense incurred by a committee member must be pre-authorized by the City Manager or designee.

[Section 2.476 added by Ord. #2009-07 passed July 28, 2009]

[Section 2.476 amended by Ord. #2014-18 passed October 28, 2014]

2.477 Special Provisions.

1. The Redmond Development Committee shall operate within the laws and guidelines of the federal government, the state government, Deschutes County and the City of Redmond.
2. The Mayor may appoint an ad-hoc committee to address issues that are not under the purview of the existing committee.

[Section 2.477 added by Ord. #2009-07 passed July 28, 2009]

[Section 2.477 amended by Ord. #2014-18 passed October 28, 2014]

- 2.478 Staff Support.** Staffing shall be determined by the City Manager or City Manager designee.

[Section 2.478 added by Ord. #2009-07 passed July 28, 2009]

[Section 2.478 amended by Ord. #2014-18 passed October 28, 2014]

Redmond Housing and Community Development Committee

- 2.480 Purpose.** The purpose of the Redmond Housing and Community Development Committee is to review and recommend housing, neighborhood revitalization, and community development programs addressing the continuum of housing and human services needs for the purpose of enhancing community health and well-being.

[Section 2.480 added by Ord. #2014-18 passed October 28, 2014]

- 2.481 Responsibilities / Scope.** The Redmond Housing and Community Development Committee in an advisory capacity to City Council shall:

1. Foster participation of citizens and local officials in making decisions on the City of Redmond's housing and human services programs through the Citizen Participation Plan, public hearings and other means.
2. Evaluate and make recommendations regarding the city's housing, community development and human services programs.
3. Evaluate, review and implement the City of Redmond's Community Development Block Grant program in accordance with federal regulations.
4. Evaluate, review and implement the City of Redmond's Affordable Housing Plan.
5. Any other activities which are consistent with the above responsibilities.

[Section 2.481 added by Ord. #2014-18 passed October 28, 2014]

2.482 Duties and Powers. The Redmond Housing and Community Development Committee shall advise the City Council by:

1. Monitoring and assessing the continuum of housing and human services needs of the community, and utilize this information to advise the City Council regarding policy and funding strategies relating to housing and human services.
2. Fostering public knowledge and support of official City housing and human services programs.
3. Enhancing partnerships between the public and private sectors by promoting integrated approaches that provide decent housing, a suitable living environment, and expanded opportunities for low and moderate-income persons.
4. Investigating federal, state, county and private funding for implementation of housing and human services programs.
5. Evaluating, reviewing, and recommending to the Planning Commission and the City Council innovative land use strategies and programs targeted at promoting a broad variety of housing types.
6. Monitoring housing discrimination complaints and corrective actions within the City and to report to the City Council measures taken to further equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, sex sexual orientation, gender identity, national origin, source of income, or familial status.

[Section 2.482 added by Ord. #2014-18 passed October 28, 2014]

2.483 Membership.

1. **Number of Members.** The Redmond Housing and Community Development Committee shall be comprised of nine members.
2. **Residency.** A majority of the members should reside within the Redmond Urban Growth Boundary.
3. **Representation.** The members of the Redmond Housing and Community Development Committee shall be comprised of at least one member who possesses knowledge, qualifications, or experience in the housing construction industry, one member who possesses knowledge, qualifications, or experience in the housing development industry; one member who possesses knowledge, qualifications, or experience in the human services industry; one member who lives in the city limits and has been a recipient of housing assistance; one member who lives in the city limits and has been a recipient of human services programs; and four general members of the public.
4. **Appointments.** The Mayor, with the approval of the City Council, shall appoint all members.
5. **Terms.** All terms are for four years. All full terms shall begin on January 1, with four of the original Committee being appointed for a term of two years, and five members being appointed for a term of four years. Thereafter, all members shall be appointed for four year terms. Any vacancy on the Redmond Housing and Community Development Committee shall be filled by the appropriate governing body for the unexpired term.
6. **Removal.** A committee member may be removed by the appointing governing body for misconduct, nonperformance of duty, or three successive unexcused absences from regular meetings. The non-appointing body may, by motion, request that a member be removed by the appointing body. If the appropriate governing body finds misconduct, nonperformance of duties or three successive unexcused absences from regular

meetings by the member, the member shall be removed. The Mayor can recommend, with Council approval, the removal of any committee member without cause.

7. **Ex-Officio Youth.** One ex-officio youth (18 years of age and under) shall be appointed by the Mayor, without regard to jurisdictional restrictions, to serve a one year term. The Ex-Officio Youth shall not be a voting member.

[Section 2.483 added by Ord. #2014-18 passed October 28, 2014]

2.484 Officers.

1. **Chairperson / Vice-Chairperson.** At its first meeting of each year, the Redmond Housing and Community Development Committee shall elect from among its membership a chairperson and vice-chairperson. The Chairperson or vice-chairperson, acting as chairperson, shall have the right to make or correct motions and vote on all matters before the Committee. A majority of the Committee may replace its chairperson or vice-chairperson with another member at any time during the calendar year.
2. **Annual Report to City Council.** The Chairperson of the committee shall make an annual report to the Redmond City Council outlining accomplishments for the past year and work plan for the upcoming fiscal year, or more often as the Chairperson deems appropriate, or at the request of the Council.
3. **Redmond Development Committee Member.** The Chairperson or designee may serve as a member of the Redmond Development Committee.

[Section 2.484 added by Ord. #2014-18 passed October 28, 2014]

2.485 Meetings / Quorums.

1. **Meeting Schedule.** The Committee shall meet as required to accomplish their objectives.
2. **Meeting Conduct.** The Rules of Parliamentary Law and Practice as in Roberts Rules of Order Revised Edition shall govern each committee meeting.
3. **Open to the Public.** All meetings shall be open to the public.
4. **Quorum.** A majority of the members of the Committee shall constitute a quorum. Quorum will be based on the number of people officially appointed to the Committee at the time and should not include vacancies.

[Section 2.485 added by Ord. #2014-18 passed October 28, 2014]

- 2.486 Expenses / Reimbursement.** Committee members shall receive no compensation. Any expense incurred by a committee member must be pre-authorized by the City Manager or designee prior to incurring the expense, including reimbursements.

[Section 2.486 added by Ord. #2014-18 passed October 28, 2014]

2.487 Special Provisions.

1. The Redmond Housing and Community Development Committee shall operate within the laws and guidelines of the federal government, the state government, Deschutes County and the City of Redmond.
2. The Mayor may appoint an ad-hoc committee to address issues that are not under the purview of the existing committee.

[Section 2.487 added by Ord. #2014-18 passed October 28, 2014]

2.488 Staff Support. Staffing shall be determined by the City Manager or City Manager designee.

[Section 2.488 added by Ord. #2014-18 passed October 28, 2014]

Juniper Golf Committee

2.490 Purpose Statement. The purpose of the Juniper Golf Committee is to advise the City Council on issues pertaining to operation and management of the Juniper Golf Course.

[Section 2.490 added by Ord. #2010-12 passed December 7, 2010]

[Section 2.490 amended by Ord. #2014-18 passed October 28, 2014]

2.491 Responsibilities / Scope. Juniper Golf Committee shall act in an advisory capacity to the City Council.

[Section 2.491 added by Ord. #2010-12 passed December 7, 2010]

[Section 2.491 amended by Ord. #2014-18 passed October 28, 2014]

2.492 Duties and Powers.

1. Monitor the administration of the City's management agreement with the contract operator at the Juniper Golf Course.
2. Review and approve the operator's annual fiscal year budget and operating plan.
3. Review monthly financial reports.
4. Review course fee structure.
5. Provide an annual report to the City Council.
6. Perform additional duties and functions as may be required from time to time by specific action and direction of the City Council.

[Section 2.492 added by Ord. #2010-12 passed December 7, 2010]

[Section 2.492 amended by Ord. #2014-18 passed October 28, 2014]

2.493 Membership.

1. **Number of Members.** The Juniper Golf Committee shall be composed of five members.
2. **Residency.** There are no residency requirements.
3. **Representation.** Individual seats are not geographically designated; however the Committee shall include at least one (1) member of the Juniper Golf Club, inasmuch as the Club exists and member(s) are willing to serve.
4. **Appointments.** The Mayor, with the approval of the Council, shall appoint all members.
5. **Terms.** Terms shall be for four (4) years.
6. **Removal.** A committee member may be removed by the appointing governing body for misconduct, non-performance of duty, or three successive unexcused absences from regular meetings. The non-appointing body may, by motion, request that a member be removed by the appointing governing body. If the appropriate governing body finds misconduct, non-performance of duties or three successive unexcused absences from regular meetings by the member, the member shall be removed. The Mayor can recommend, with City Council approval, the removal on any committee member without cause.

7. **Ex-Officio Youth.** One ex-officio youth (18 years of age and under) shall be appointed by the Mayor, without regard to jurisdictional restrictions, to serve a one year term. The Ex-Officio Youth shall not be a voting member.

[Section 2.493 added by Ord. #2010-12 passed December 7, 2010]

[Section 2.493 amended by Ord. #2014-18 passed October 28, 2014]

2.494 Officers.

1. **Chairperson / Vice-Chairperson.** At its first meeting of each year, the Juniper Golf Committee shall elect from among its membership a Chairperson and Vice-Chairperson. The Chairperson or Vice-Chairperson, acting as Chairperson, shall have the right to make or correct motions and vote on all matters before the Committee. A majority of the Committee may replace its Chairperson or Vice-Chairperson with another member at any time during the calendar year.
2. **Annual Report to City Council.** The Chairperson of the committee shall make an annual report to the Redmond City Council outlining accomplishments for the past year and work plan for the upcoming fiscal year, or more often as the Chairperson deems appropriate, or at the request of the Council.
3. **Redmond Development Committee Member.** The Chairperson or designee may serve as a member of the Redmond Development Committee.

[Section 2.494 added by Ord. #2010-12 passed December 7, 2010]

[Section 2.494 amended by Ord. #2014-18 passed October 28, 2014]

2.495 Meetings / Quorums.

1. **Meeting Schedule.** The Juniper Golf Committee shall hold regular meetings, recommended at least once every other month, or more often if the need exists as determined by the Committee. The Committee may have a special meeting when four of its members issue a request for a meeting, filed with the City Recorder, who shall call such a meeting and notify the chairperson thereof.
2. **Meeting Conduct.** The Rules of Parliamentary Law and Practice as in Robert's Rules of Order Revised Edition shall govern each committee meeting. The Committee may establish rules, regulations and procedures for its operation consistent with the laws of the State, City and Deschutes County.
3. **Open to the Public.** All meetings shall be open to the public.
4. **Quorum.** A majority of the members of the Committee shall constitute a quorum. Quorum will be based on the number of people officially appointed to the Committee at the time and should not include vacancies.

[Section 2.495 added by Ord. #2010-12 passed December 7, 2010]

[Section 2.495 amended by Ord. #2014-18 passed October 28, 2014]

- 2.496 Expenses / Reimbursements.** Committee members shall receive no compensation. Any expenses incurred by a committee member must be authorized by the City Manager or designee prior to incurring the expense, including reimbursements.

[Section 2.496 added by Ord. #2010-12 passed December 7, 2010]

[Section 2.496 amended by Ord. #2014-18 passed October 28, 2014]

2.497 Special Provisions.

1. The Mayor may appoint, with concurrence of the City Council, an ad hoc committee to address issues that are not under the purview of the existing Committee.
2. Annual Budget and Operating Plan. Juniper Golf Committee shall prepare an annual budget and operating plan which includes projections of rounds played and revenues and expenditures associated with golf, pro-shop, and food and beverage operations. The plan shall include contributions to debt service, reserve funds, and the general fund in addition to business and marketing plans and strategies as appropriate. The plan shall be prepared and submitted by February 1st of each calendar year for Budget Committee and City Council consideration and referenced in the City budget document.

[Section 2.497 added by Ord. #2010-12 passed December 7, 2010]

[Section 2.497 amended by Ord. #2014-18 passed October 28, 2014]

2.498 Staff Support. Staffing shall be determined by the City Manager or City Manager designee.

[Section 2.498 added by Ord. #2014-18 passed October 28, 2014]

NUISANCE APPEALS BOARD

2.500 Purpose Statement. The purpose of the Nuisance Appeals Board is to issue decisions regarding appeals under City Code sections 2.797 and 5.351(2)(C)(1).

[Section 2.500 added by Ord. #2018-08 passed July 10, 2018]

2.501 Powers and Duties. The Nuisance Appeals Board shall:

1. Conduct all necessary Hearings pursuant to sections 2.797 and 5.351(2)(C)(1).
2. Subject to the requirements of this code section, the Nuisance Appeals Board may adopt additional procedures for the conduct of any hearings before the Board.
3. Following the hearing, within five business days, the Nuisance Appeals Board shall issue a decision whether the violation as alleged in the complaint has been established. This decision will be based on the majority vote of the board members.
 - A. The decision shall include a brief statement of the findings of fact:
 - B. If the decision concludes a violation occurred, the decision shall also include:
 1. The Amount of any fine assessed as recorded on the citation(s) and an order that the violator pay the fine and any witness costs.
 2. If the violation has not been abated, the amount and starting date of the daily penalty that will accrue until the violation is corrected and an order that the violator pay the assessed fine as recorded on the citation(s).
 3. If the violation has been abated, an order that the violator pay the assessed costs including the abatement costs as reflected on the abatement invoice, administrative costs, warrant costs, and attorney fees.
 4. An order that the violator pay all costs associated with the collection of the fines and any other assessed costs, including administrative costs and attorney fees.
 - C. If the decision finds a violation has not occurred, the decision shall also include:
 1. An order that any bail which has been posted be refunded. Bail shall be refunded by regular first-class mail.
 2. An order that all costs of the abatement will be dismissed or refunded.
 - D. All fines collected shall be paid into the Code Compliance administrative citation fund.

[Section 2.501 added by Ord. #2018-08 passed July 10, 2018]

2.502 Membership.

1. **Number of Members.** The Nuisance Appeals Board shall be comprised of five members. Three primary board members and two alternates.
2. **Residency.** Members should reside within the Redmond Urban Growth Boundary.
3. **Appointments.** The Mayor, with the approval of the City Council, shall appoint all members.
4. **Terms.** All members shall be appointed for two-year terms.
5. **Removal.** A board member may be removed by the appointing governing body (City Council) for misconduct, nonperformance of duty, or three successive unexcused absences from regular meetings. The non-appointing body may, by motion, request that a member be removed by the appointing body. If the appropriate governing body finds misconduct, nonperformance of duties or three successive unexcused absences from regular meetings by the member, the member shall be removed. The Mayor may recommend, with the Council's approval, the removal of any board member without cause.

[Section 2.502 added by Ord. #2018-08 passed July 10, 2018]

2.503 Meetings/Quorums.

1. **Meeting Schedule.** The Board shall be scheduled to occur at least monthly. These meetings may be cancelled if there are no scheduled hearings.
2. The City and the Defendant (the cited party) shall have the right to cross-examine witnesses who testify before the Nuisance Appeals Board.
3. **Open to the Public.** All hearings shall be open to the public.
4. **Quorum.** Three members must be in attendance to establish a quorum. Hearings cannot occur without a quorum.

[Section 2.503 added by Ord. #2018-08 passed July 10, 2018]

2.504 Expenses / Reimbursements. Board members shall receive no compensation. Any expense incurred by a board member must be authorized by the City Manager or designee prior to incurring the expense, including reimbursements.

[Section 2.504 added by Ord. #2018-08 passed July 10, 2018]

2.505 Staff Support. Staffing shall be determined by the City Manager or City Manager designee.

[Section 2.505 added by Ord. #2018-08 passed July 10, 2018]

2.540 REDMOND BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

2.541 Purpose Statement. The purpose of the Redmond Bicycle and Pedestrian Advisory Committee is to advise the City Council on bicyclist and pedestrian issues in the City of Redmond for both quality of life initiatives, innovations in bike/ped transit tools, and transportation cost-saving measures.

[Section 2.541 added by Ord. #2014-18 passed October 28, 2014]

2.542 Responsibilities / Scope. The Redmond Bicycle and Pedestrian Advisory Committee in an advisory capacity to the City Council shall:

1. Develop, review and evaluate bicycle and pedestrian infrastructure within the City of Redmond and the planned urban growth boundary.
2. Develop programs that raise awareness about the value of bicycle and pedestrian activity in the community.
3. Work with regional and local partners to implement Redmond's Bicycle and Pedestrian Master Plans in the Transportation System Plan.
4. Any other activities which are consistent with the above responsibilities.

[Section 2.542 added by Ord. #2014-18 passed October 28, 2014]

2.543 Duties and Powers. The Redmond Bicycle and Pedestrian Advisory Committee shall advise the City Council by:

1. Advising the City Council on bicyclist and pedestrian issues.
2. Analyzing operation, routing, and safety concerns,
3. Recommending projects for pedestrian and bike facilities (sidewalks, paths, lanes, and racks).
4. Designing education and public outreach opportunities.
5. Developing bike and pedestrian systems within the community.

[Section 2.543 added by Ord. #2014-18 passed October 28, 2014]

2.544 Membership.

1. **Number of Members.** The Redmond Bicycle and Pedestrian Advisory Committee shall be composed of not less than seven members and no more than eleven members.
2. **Residency.** Members should reside within the Redmond Urban Growth Boundary.
3. **Representation.** Individual seats are not geographically designated, however a majority of the members should reside within the city limits. The committee should be comprised of at least three members who represent pedestrian interests and at least three members who represent basic bicycle interests.
4. **Appointments.** The Mayor, with the approval of the City Council, shall appoint all members.
5. **Terms.** After the initial appointments, all full terms shall begin on January 1, with at least five (5) of the original Committee being appointed for a term of two (2) years, and six (6) members for four (4) years, depending upon the initial appointment. The initial appointees' terms will expire the year ending after a full commitment (two years plus, and four years plus). Thereafter, all members shall be appointed for four year terms.
6. **Removal.** A committee member may be removed by the appointing governing body for misconduct, nonperformance of duty, or three successive unexcused absences from regular meetings. The non-appointing body may, by motion, request that a member be removed by the appointing body. If the appropriate governing body finds misconduct, nonperformance of duties or three successive unexcused absences from regular meetings by the member, the member shall be removed. They Mayor can recommend, with City Council approval, the removal of any committee member without cause.

7. **Ex-Officio Youth.** One ex-officio youth (18 years of age and under) shall be appointed by the Mayor, without regard to jurisdictional restrictions, to serve a one year term. The Ex-Officio Youth shall not be a voting member.

[Section 2.544 added by Ord. #2014-18 passed October 28, 2014]

2.545 Officers.

1. **Chairperson / Vice-Chairperson.** At its first meeting of each year, the Redmond Bicycle and Pedestrian Advisory Committee shall elect from among its membership a Chairperson and Vice-Chairperson. The Chairperson or Vice-Chairperson, acting as Chairperson, shall have the right to make or correct motions and vote on all matters before the Committee. A majority of the Committee may replace its Chairperson or Vice-Chairperson with another member at any time during the calendar year.
2. **Annual Report to City Council.** The Chairperson of the committee shall make an annual report to the Redmond City Council outlining accomplishments for the past year and work plan for the upcoming fiscal year, or more often as the Chairperson deems appropriate, or at the request of the Council.
3. **Redmond Development Committee Member.** The Chairperson or designee may serve as a member of the Redmond Development Committee.

[Section 2.545 added by Ord. #2014-18 passed October 28, 2014]

2.546 Meetings / Quorums.

1. **Meeting Schedule.** The Committee shall meet as required to accomplish their objectives.
2. **Meeting Conduct.** The Rules of Parliamentary Law and Practice as in Roberts Rules of Order Revised Edition shall govern each committee meeting.
3. **Open to the Public.** All meetings shall be open to the public.
4. **Quorum.** A majority of the members of the Committee shall constitute a quorum. Quorum will be based on the number of people officially appointed to the Committee at the time and should not include vacancies.

[Section 2.546 added by Ord. #2014-18 passed October 28, 2014]

- 2.547 Expenses / Reimbursement.** Committee members shall receive no compensation. Any expense incurred by a committee member must be authorized by the City Manager or designee prior to incurring the expense, including reimbursements.

[Section 2.547 added by Ord. #2014-18 passed October 28, 2014]

2.548 Special Provisions.

1. The Redmond Bicycle and Pedestrian Advisory Committee shall operate within the laws and guidelines of the federal government, the state government, Deschutes County and the City of Redmond.
2. The Mayor may appoint an ad-hoc committee to address issues that are not under the purview of the existing committee.

[Section 2.548 added by Ord. #2014-18 passed October 28, 2014]

2.549 Staff Support. Staffing shall be determined by the City Manager or City Manager designee.

[Section 2.549 added by Ord. #2014-18 passed October 28, 2014]

AIRPORT

2.550 Definitions. For the purposes of Sections 2.550 to 2.599, the following words and phrases mean:

Airport manager. The person or organization designated as such by the City Manager.

Airport operator. The appropriate authority in the city government who exercises administrative and/or operational control of airport property and associated environs (e.g., City Manager, Airport Manager, City Council or combination thereof).

Aviation operator. A person engaging in an aeronautical activity upon the airport, for hire, pursuant to an agreement with and consent of the Council, and who is not a fixed-base operator, a transient pilot, the Federal Aviation Administration or a scheduled air carrier. The following are aeronautical activities:

1. Air tax and charter operations.
2. Nonscheduled air carrier services.
3. Sales of new or used aircraft.
4. Agricultural operations.

Financially responsible. A person who has satisfactorily met the person's financial obligations in the past and is in a position to do so in the business which the person has applied to engage in at the airport. This financial responsibility may be demonstrated by satisfactory credit references and credit report, ability to secure a bond in the amount of \$20,000, or other reliable evidence if required by the City.

Fixed Base operator. A person who engages in all of the following aeronautical activities on the airport pursuant to an agreement with, and the consent of, the City, and furnishes the following described services to the public on the airport:

1. Aircraft repair facility employing one or more FAA certified A & P mechanics.
2. Aircraft flight instruction.
3. Aircraft rental.
4. Aircraft charter service.
5. Sale of aviation petroleum products.

[Section 2.550 amended by Ord. #94-12 passed April 12, 1994]

[Section 2.550 amended by Ord. #98-03 passed January 13, 1998]

2.552 Fixed Base Operator Qualification.

1. No person shall engage in the sale of aviation petroleum fuel unless they are a fixed base operator as defined in Section 2.550.
2. Any person proposing to become a fixed base operator on the airport shall come before the Council and:
 - A. Show that the person is financially responsible in light of the obligations of a fixed base operator. The person shall have a net worth in excess of liabilities of at least \$100,000 and have sufficient liquid assets to operate the proposed fixed base operation for one full year at its first-year proposed level of operation with zero income from any source other than return on its invested assets;
 - B. Guarantee and agree to perform those services of a fixed base operator outlined in Section 2.550;

- C. Present to the Council a plan of operation acceptable to the Council indicating the land deemed necessary to carry out the business at its proposed location on the airport, the projected aircraft and motor vehicle traffic flow to operation, and the effect that those respective traffic flows would have on the existing flow of the airport;
 - D. Show that Fixed Base Operator has general liability, automobile liability, and aircraft liability insurance, including refueling and owned/non-owned aircraft. Insurance shall provide limits acceptable to the City of Redmond. The City of Redmond, its officers, directors, agents, employees and volunteers shall be named as an additional insured by endorsement. The endorsement must provide primary and non-contributory coverage; and
 - E. Carry airport hangar keeper's liability insurance to cover damage to aircraft in the care, custody, and/or control of the Fixed Base Operator. The City of Redmond, its officers, directors, agents, employees and volunteers shall be named as additional insured by endorsement. The endorsement must provide primary and non-contributory coverage.
3. A person wishing to become a fixed base operator shall first apply to the Airport Manager and demonstrate that the above four qualifications have been met. If the Airport Manager and City Manager are satisfied that the application is qualified, they may approve the application. If an application is denied by the Airport Manager and City Manager, the applicant may appeal their decision to the Council by filing a written request for review within 30 days of the date of denial.

[Section 2.552 added by Ord. #417 passed August 27, 1974]

[Section 2.552 amended by Ord. #89-03 passed January 24, 1989]

[Section 2.552 amended by Ord. #94-12 passed April 12, 1994]

[Section 2.552 amended by Ord. #94-26 passed August 11, 1994]

[Section 2.552 amended by Ord. #2010-01 passed February 23, 2010]

[Section 2.552 amended by Ord. #2012-03 passed May 8, 2012]

2.554 FBO Activities. The City reserves the right to provide aeronautical services, either exclusively or as one of the available providers. Where the City has not elected to be the exclusive provider, any person or entity performing the following aeronautical services at the Redmond Airport, shall be a fixed base operator who has a written operating agreement with the Redmond Airport and who meets the minimum standards listed below for the activity or provided elsewhere in Chapter 2 of this code:

- 1. Sale of aviation petroleum products.
- 2. Pilot training. The operator shall:
 - A. Have available upon request a currently certified flight instructor certified to teach student pilots who are seeking a pilot's license, a commercial license or an instrument rating.
 - B. Have available currently certified, airworthy aircraft in which proper instruction can be given to student pilots for private license, commercial license, and instrument rating.
 - C. Provide adequate space for classroom and waiting area for students, awaiting flying instruction.
 - D. Provide a flight simulator in working condition which meets certified FAA specifications so that time on this simulator may be logged for instrument time. (Although the City of Redmond encourages this item, it is optional.)
 - E. Be available for instruction on reasonable notice.
 - F. Lease space on the airport adequate to carry out the operator's obligations.
- 3. Aircraft rental. The Operator shall:

- A. Have available for rental seven days a week and at least eight hours per day currently licensed, airworthy aircraft.
 - B. Have leased space from the City on the airport with an operating telephone in which rental arrangements can be made.
4. Repair and maintenance of aircraft. The operator shall:
- A. Have room for at least one aircraft inside a space adjacent to a ramp or taxiway with adequate additional room for tool storage and storage parts necessary to conduct the operation.
 - B. Have available at least eight hours per day, five days per week, a full-time A & P mechanic certified by the FAA.
 - C. Have necessary jacks, lifts, machine tools and mechanic tools adequate for work on the respective aircraft.
 - D. Have adequate fire protection for aircraft using the service.

[Section 2.554 added by Ord. #417 passed August 27, 1974]

[Section 2.554 amended by Ord. #89-03 passed January 24, 1989]

[Section 2.554 amended by Ord. #94-12 passed April 12, 1994]

[Section 2.554 amended by Ord. #94-26 passed August 11, 1994]

[Section 2.554 amended by Ord. #2014-02 passed February 25, 2014]

2.555 Aviation Operator Qualifications. No person shall engage in any of the activities listed below without meeting the qualifications set forth with respect to that aviation activity and without consent of the City.

1. Aircraft charter and taxi operations. The operator shall:
 - A. Make suitable arrangements for passenger shelter, restrooms and telephones.
 - B. Make satisfactory arrangements for checking in passengers, handling luggage, ticketing, and ground transportation.
 - C. Guarantee assurance of the continued availability of aircraft with sufficient instruments for IFR flight, have at least one airplane available with full four-passenger capacity and have qualified operating crew, which will include an instrument-rated pilot. The operator shall be prepared to give charter and taxi service on one hour's notice so that departure can follow within one and one-half hours after the notice.
 - D. Be available for furnishing of this service on a 24-hour day, 7-day week basis.
 - E. Have sufficient space leased from the City on the airport for an office from which to conduct the operation.
 - F. Be financially responsible in light of the obligations of an air charter and tax service, which shall include general liability, air craft liability, passenger liability, for bodily injury and property damage for an amount no less than \$500,000 per claim, \$1 million aggregate combined single limit. The City of Redmond to be named as additional insured.
 - G. Comply with all FAA regulations pertaining to such service.
2. Scheduled and non-scheduled air carrier services. The operator shall:
 - A. Comply with all FAA regulations pertaining to such service.
 - B. Make suitable arrangements for passenger shelter, restrooms, public telephones, and similar services.
 - C. Make arrangements for checking in passengers, handling luggage, ticketing, and ground transportation.
 - D. Be financially responsible.
3. Sale of new or used aircraft and aircraft parts. The operator shall:
 - A. Be required to lease sufficient space from the City to conduct the business.
 - B. Be financially responsible.

4. Conduct of agricultural services such as crop dusting. The operator shall store and clean all aircraft and materials used in conjunction with the business in accordance with all applicable local, state and federal laws.

[Section 2.555 added by Ord. #417 passed August 27, 1974]

[Section 2.555 amended by Ord. #89-03 passed January 24, 1989]

[Section 2.555 amended by Ord. #94-26 passed August 11, 1994]

2.556 Regulations Relating to Aviation Petroleum Products.

1. Except as provided for in this section, no person shall sell or dispense fuel to an aircraft on the airport unless the person is a fixed base operator, employed by a fixed base operator, or a sublessee of a fixed base operator. The City may allow an individual or corporation to dispense fuel to the corporation's or individual's own aircraft if the individual or corporation has a hangar, the aircraft has a gross weight of 6,000 pounds or more and the owner has the financial capability of maintaining the hangar and fuel equipment to include an underground tank storage capacity of 2,000 gallons.
2. No person shall place fuel in an aircraft except from an approved pump at a fixed location which pumps from an underground storage tank or from an approved tank truck. The hose from the fixed location pump or the approved tank truck shall be equipped for the proper elimination of static electricity. However, jet fuel may be dispensed into aircraft from tanks which are above the ground if the storage tanks are located at least 100 feet from the place of dispensing of the fuel and the fuel is transmitted from the point of storage to the point of dispensing of the fuel into an aircraft in pipes which are buried underground.
3. Proper grounding shall consist of grounding of the aircraft being fueled to the apron with a suitable electrical conductor; then grounding in the refueling unit to the apron in a similar manner, then connecting the refueling unit to the aircraft with a suitable electrical conductor, and then connecting the refueling nozzle to the aircraft in a manner that will permit any static electrical potential in either unit to be transmitted to the other.
4. In order to keep the number of fuel deliveries to a fixed base operator to a minimum, the operator shall have underground storage capacity of 2,000 gallons for each type of fuel. A fixed base operator shall maintain on hand approved pumping facilities for dispensing fuel into an aircraft.

[Section 2.556 added by Ord. #417 passed August 27, 1974]

2.558 Leasing of Space.

1. No area adjacent to ramps or taxiways on the airport shall be leased, sold or in any way disposed of to any person without the approval of the Council. In making such leases, the council shall consider the following:
 - A. The pattern of traffic flow of aircraft on the airport at the time a lease is proposed.
 - B. The pattern of parking aircraft as it exists at that time.
 - C. If a change in the parking area for aircraft is to be made, the security of aircraft parked in some other location as opposed to aircraft parked as they are at the time of the proposed lease.
 - D. The new traffic which would be introduced onto the ramps and taxiways as a result of granting a new lease.
 - E. The number of additional aircraft parking spaces required to accommodate aircraft which would likely come to the business proposed to be operated.
 - F. The feasibility of the projected lease, including the income to be received by the City, as compared to the cost of site preparation, if any, to be done by the City.

2. If parking ramps will be altered to provide sufficient space required by the proposed lease, security for the aircraft parked in the proposed location shall be equal to, or a satisfactory substitute for, the security presently furnished aircraft in the current parking area.
3. Applications to lease property adjacent to runways or taxiways on the airport, shall be made to the Airport Manager. If the Airport Manager approves the proposed lease and is satisfied that the proposed lease and lessee meet the qualifications of this section, the Manager shall make a recommendation to the Council, and it shall hear the matter as provided in this section.

[Section 2.558 added by Ord. #417 passed August 27, 1974]

2.559 Unauthorized Business at the Redmond Municipal Airport.

1. No person, corporation or partnership shall conduct business at the Redmond Municipal Airport without the express written authorization of the City of Redmond.
2. For purposes of this section, "conducting business" shall include, but not be limited to, the following:
 - A. The transportation of mail, goods or packages via ground transportation and aircraft landing at or departing from the Airport, or
 - B. The solicitation of patrons at the Airport for any car rentals, limousines services or taxicabs, or the provision of any such vehicles to patrons at the Airport, or
 - C. The sale of any goods, services, food or beverages on Airport property.
3. This provision shall not apply to special transportation fund providers operating through a county government of the State of Oregon.
4. Any violation of this section shall be a Class A Civil Infraction. A separate violation will be deemed to have occurred for each day a person, corporation or a partnership conducts business at the Redmond Municipal Airport without the express written authorization from the City of Redmond.

[Section 2.559 added by Ord. #91-08 passed March 26, 1991]

[Section 2.559 amended by Ord. #97-25 passed May 27, 1997]

2.560 Airport Terminal Animal Provisions. The following regulation shall apply to the City of Redmond Airport Terminal Building:

1. Except as specifically provided for in subsection 2, no person shall bring any animal into the airport terminal building.
2. The following exceptions shall apply to subsection 1 of section 2.560:
 - A. Animals in a properly designated transport cage for air transportation.
 - B. Government or individual service animals. Individual service animals are defined by the Americans with Disabilities Act.
3. A violation of this section shall constitute a Class A Civil Infraction. In addition to a Civil Infraction, any person entering onto the premises with an animal which is not excepted from the provisions of subsection 1 may be ordered by the Airport Manager or designee, or the City of Redmond Police Department to leave the premises.

[Section 2.560 added by Ord. #95-28 passed September 12, 1995]

[Section 2.560 amended by Ord. #2010-02 passed February 23, 2010]

2.565 Customer Facility Charge.

1. The City of Redmond establishes a Customer Facility Charge (“CFC”) for each day a vehicle is rented, but not to exceed seven (7) consecutive days. Each twenty-four (24) hour period or fraction thereof within the rental period, up to and including the seventh consecutive day, shall constitute a separate day for which the CFC must be levied and collected. This CFC is levied on the rental of any vehicles at the Redmond Airport or from any property owned or controlled by the Redmond Airport. Any business or individual renting vehicles at the Redmond Airport or from any property owned or controlled by the Redmond Airport is designated as an “Airport Rental Car Company.” The CFC shall be set and may be adjusted by Resolution of the Redmond City Council.
2. Airport Rental Car Company Obligations:
 - A. Each Airport Rental Car Company shall collect the CFC and shall hold the CFC in trust for the benefit of the City. The CFC shall not be considered as income, revenue or any other asset of the Airport Rental Car Company; the Airport Rental Car Company has no ownership or property interest in such CFCs; and each Airport Rental Car Company shall waive any claim to a possessory or ownership interest in the CFCs. Each Airport Rental Car Company shall segregate, separately account for and disclose all CFCs as trust funds in its financial statements and shall maintain adequate records that account for all CFCs charged to its customers at the Airport and collected for the City.
 - B. Airport Rental Car Companies shall list the CFC separately on the customer’s rental contract below the sales tax line describing it as a “Customer Facility Charge.” CFCs will not be included in the gross revenue of Airport Rental Car Companies.
 - C. Each Airport Rental Car Company must collect the CFC at the time the first payment is made under a customer’s rental car agreement, and must remit the full amount of the CFC to the City regardless of whether or not the full amount of such CFC is actually collected by the Airport Rental Car Company from the customer. The CFC amount must be reported on a separate line on the Monthly Statement of Activity Report.
 - D. Each Airport Rental Car Company shall remit directly to the City on a monthly basis all CFCs collected or that should have been collected from its airport customers. The CFCs shall be received by the City no later than the twentieth (20th) day of the month following the month in which the CFCs were collected (due date). Payment will become delinquent if unpaid by the tenth (10th) day after the due date. Delinquent payments shall bear interest at the lesser of eighteen percent (18%) per annum or maximum rate of interest allowed by law from due date plus penalties until remitted in full.
 - E. At the time the CFCs are remitted to the City each Airport Rental Car Company shall also submit a transaction report that includes transaction days for the previous month, a summary of daily business transactions in connection with the Airport, an accounting of all fees charges to airport customers in connection with such transactions, and such other information as may be required by the City in a form and substance satisfactory to the City.
3. Management of CFCs.
 - A. All funds received by the City from CFCs shall be managed through an accounting sub fund and used only as provided in section 3.b of this code section. The collection, investment, and accounting of all CFC funds shall be in accordance with the City’s existing fiscal policy.
 - B. Funds received from CFCs shall be used to build reserves for the construction of new and ancillary rental car facilities, services and associated infrastructure for the airport rental car companies; to replace or remodel existing airport rental car

facilities, to pay the City's costs for financing, planning, designing, managing, constructing and improving airport rental car facilities; to fund debt service for the above improvements, and for such other related purposes that the City deems necessary and appropriate.

[Section 2.565 added by Ord. #2016-13 passed September 13, 2016]

2.570 Commercial Vehicle Operator Procedures. All Commercial Vehicle Operators and their drivers shall comply with the following:

1. **Parking:** Parking in other than designated spaces is prohibited. Stopping in front of the passenger Terminal is prohibited unless unloading. Once unloading is complete, the driver will move his/her vehicle immediately to the authorized area. The driver will not pick up on the curb directly in front of the terminal.
2. **Solicitation:** Solicitation of passengers of any other person is prohibited. Solicitation includes, but is not limited to, asking passengers or guests if they need a taxi or other transportation services; carrying or displaying in or around the terminal building any placard or other item that identifies the Commercial Vehicle Operator, driver, or the availability of transportation services; or, while in the terminal building, discussing with a passenger or guest the availability of transportation services. ***UNDER NO CIRCUMSTANCES WILL SOLICITATION OF PASSENGERS BE PERMITTED.***
3. **Commercial Vehicle Operators providing previously contracted services:** Commercial Vehicle Operators or their drivers may enter the terminal to meet a reservation for a passenger pick up only if their vehicle is locked while they are in the terminal. The driver may hold a placard with only the passenger name on it. The Company name may not be displayed. The Commercial Vehicle Operator or driver shall not solicit or agree to provide transportation services to anyone other than the reservation passenger.
4. **Courtesy Vehicles (Hotel & Motel Vans):** Commercial Vehicle Operators or their drivers who provide hotel or motel vans may enter the terminal to meet passengers being transported to their hotel or motel. The hotel or motel name may be displayed. The Commercial Vehicle Operator, their employees or agents shall not solicit (either hotel/motel accommodation or transportation services), and shall not provide transportation services to anyone other than hotel/motel guests.
5. **Drivers Conduct:**
 - A. Drivers will remain with their vehicles and enter the building only for the following reasons:
 1. upon arrival of a flight if they have a reservation for a passenger pick up;
 2. to use the restroom; or
 3. to purchase food or beverages.
 - B. Drivers will not loiter in the terminal.
 - C. Vehicles must be locked when the driver is in the terminal (no exceptions).
 - D. Drivers will obey all posted speed limit signs.
 - E. Display of rates is prohibited.
 - F. Drivers will treat other drivers and the public with courtesy and respect. Threatening or bullying behavior by drivers towards other drivers or other members of the public is cause for the driver and company privileges to operate on the Airport to be suspended or revoked.
 - G. No profanity is to be used in the terminal or around passengers and Airport guests.

- H. At no time will drivers approach passengers and try to lead them to their company vehicles. Passengers are to be allowed to approach taxis and inquire as to the fares and availability.
 - I. All trash and cigarette butts will be disposed of in the receptacles located on the sidewalk just off the curb of the taxi parking area.
 - J. All drivers will maintain a neat and professional appearance. The clothing may display the taxi company logo and/or company name. No offensive pictures or slogans are to be worn on any article of clothing visible to the public.
 - K. All vehicles must be interior and exterior clean. There will be no cracked or broken windows and no major exterior vehicle body damage. The Airport Management has the right to inspect the vehicles at any time, and may require that the driver immediately leave the airport property and not return until the vehicle is clean.
 - L. No driver shall refuse any fare based on race, color, national origin, age, or sex.
 - M. No driver shall refuse any fare based on length of travel within the local area defined as Deschutes, Jefferson and Crook counties.
6. **Registering Complaints:** The Commercial Vehicle Operator is responsible for the behavior of their drivers. In order for Airport Management to address any and all complaints concerning the operations of companies authorized to do business under these procedures, the complaints must be in writing. Please address your comments, concerns, or complaints to Airport Manager, 2522 SE Jesse Butler Circle #17, Redmond OR 97756-8642. The Airport Management may require a written response to a complaint from the Commercial Vehicle Operator and the driver. That written response must be provided within ten days of the date of the request.
7. **Sanctions:** Violation of any provision of this policy may result in the following sanctions:
- A. Drivers: First or second violation – at the discretion of the Airport Management the driver may receive a written warning or the driver will not be permitted to conduct business on Airport Property for a period of 30 days. Third violation within a 12 month period – driver will not be permitted to conduct business on Airport Property for a period of 12 months. In addition, any conduct that threatens the safety of the public, other drivers, or city staff, is menacing or bullying, or is a violation of any law or code may be immediately treated as a third violation. The Airport Management may require that a driver successfully complete certain classes before conducting business on or returning to conduct business on Airport Property. The Commercial Vehicle Operator will receive notice of any violations by its drivers.
 - B. Commercial Vehicle Operator: If, within a 12 month period, a Commercial Vehicle Operator has had two drivers receive warnings or one driver receive two or more sanctions; the Operator will be fined \$500.00. If, within a 12 month period, a Commercial Operator has had two or more drivers accumulate a total of three sanctions under this subsection, the Operator will not be permitted to conduct business on Airport Property for a period of 60 days.
8. **Appeal:** A Commercial Vehicle Operator or driver may appeal a sanction issued under this policy to the City Manager. The appeal must be received within 10 days of the sanction, must be in writing, and must contain all pertinent information. The City Manager may decide the appeal on the staff reports and information submitted by the appellant. The decision of the City Manager may be appealed to the Redmond City Council. That appeal must be filed within 10 days of the City Manager's decision. The City Council may decide the appeal on the record as submitted to the City Manager. The decision of the City Council is final.

[Section 2.570 added by Ord. #2008-10 passed May 27, 2008]

[Section 2.570 amended by Ord. #2013-14 passed October 8, 2013]

Airport Committee

2.580 Purpose Statement. The purpose of the Airport Committee is to provide guidance regarding the operation and development of Redmond Municipal Airport (Roberts Field) to meet current and future demands for aeronautical-related activities supporting the Central Oregon region and achieving the City's goal of making Roberts Field the best airport of its size in the country.

[Section 2.580 added by Ord. #91-06 passed April 9, 1991]

[Section 2.580 amended by Ord. #2014-18 passed October 28, 2014]

2.581 Responsibilities / Scope. The Airport Committee shall act in an advisory capacity to the City Council, City Manager and Airport Director on matters pertaining to the administration, operation, maintenance, and development of airport properties and facilities now in existence and those which may hereafter be established under the jurisdiction of the City.

[Section 2.581 added by Ord. #2014-18 passed October 28, 2014]

2.582 Powers and Duties. The Committee shall:

1. Identify the needs of the Airport, the potential growth of services at the Airport and make recommendations to the City regarding those services.
2. Work with staff to implement the Airport Master Plan, Airport Layout Plan and other airport-related plan(s).
3. Review and recommend any changes which improve existing standards or establish new standards which maintain the relevancy of rules, regulations, and minimum operating standards.
4. Review and recommend changes to improvement to templates for master leases, license agreements, contracts, etc., between the City and private parties.
5. Review and recommend any operational enhancements which maximize the protection of public health, welfare and safety of the Airport.
6. Provide clear lines of communication which maintain good relations between the Airport and the broader community.
6. Recommend programs or airport-related activities that encourage and facilitate the use of the Airport by the region.
7. Review the economic feasibility of various land uses of adjacent property, and in particular, the use of land for compatible industrial or commercial use consistent with current and future development of airport infrastructure;
8. Review and recommend to the City Council an annual budget for the operation, maintenance and development of the Airport in alignment with approved plans.
9. Support the role of the Airport as part of the national and state-wide air transportation system; and
10. Such other matters as the City Council may direct.

[Section 2.582 added by Ord. #91-06 passed April 9, 1991]

[Section 2.582 amended by Ord. #2014-18 passed October 28, 2014]

2.583 Membership.

1. **Number of Members.** The committee shall consist of nine (9) members.
2. **Residency.** Redmond representatives shall reside within the Redmond Urban Growth Boundary.
3. **Representation.** The members of the Airport Committee shall be comprised of the following members:
 - a. Five (5) representatives from the City of Redmond.
 - b. One (1) representative recommended by the City of Bend.
 - c. One (1) representative recommended by Deschutes County.
 - d. One (1) representative recommended by Jefferson County.
 - e. One (1) representative recommended by Crook County.
4. **Appointments.** The Mayor, with the approval of the City Council, shall appoint all members with recommendations received from the City of Bend, Deschutes County, Crook County and Jefferson County pertaining to their representatives.
5. **Terms.** Members shall serve for a term of four (4) years.
6. **Removal.** A committee member may be removed by the appointing governing body for misconduct, nonperformance of duty, or three successive unexcused absences from regular meetings. The non-appointing body may, by motion, request that a member be removed by the appointing body. If the appropriate governing body finds misconduct, nonperformance of duties or three successive unexcused absences from regular meetings by the member, the member shall be removed. They Mayor can recommend, with City Council approval, the removal of any committee member without cause.
7. **Ex-Officio Youth.** One ex-officio youth (18 years of age and under) shall be appointed by the Mayor, without regard to jurisdictional restrictions, to serve a one year term. The Ex-Officio Youth shall not be a voting member.

[Section 2.583 added by Ord. #2014-18 passed October 28, 2014]

2.584 Officers.

1. **Chairperson / Vice-Chairperson.** At its first meeting of each year, the Redmond Airport Committee shall elect from among its membership a Chairperson and Vice-Chairperson. The Chairperson or Vice-Chairperson, acting as Chairperson, shall have the right to make or correct motions and vote on all matters before the Committee. A majority of the Committee may replace its Chairperson or Vice-Chairperson with another member at any time during the calendar year.
2. The Chairperson shall appoint members of the Committee to any ad hoc committee which the Committee may from time-to-time create. The Chairperson shall serve as an *ex officio* member of all ad hoc committees so appointed.
3. **Annual Report to City Council.** The Chairperson of the committee shall make an annual report to the Redmond City Council outlining accomplishments for the past year and work plan for the upcoming fiscal year, or more often as the Chairperson deems appropriate, or at the request of the Council.
4. **Redmond Development Committee Member.** The Chairperson or designee may serve as a member of the Redmond Development Committee.

[Section 2.584 added by Ord. #91-06 passed April 9, 1991]

[Section 2.584 amended by Ord. #2014-18 passed October 28, 2014]

2.585 Meetings / Quorums.

1. The Airport Committee shall hold regular meetings, recommended at least once every other month, or more often if the need exists as determined by the Committee. The Committee may have a special meeting when four of its members issue a request for a meeting, filed with the City Recorder, who shall call such a meeting and notify the chairperson thereof.
2. **Meeting Conduct.** The Rules of Parliamentary Law and Practice as in Robert's Rules of Order Revised Edition shall govern each committee meeting. The Committee may establish rules, regulations and procedures for its operation consistent with the laws of the State, City and Deschutes County.
3. **Open to the Public.** All meetings shall be open to the public.
4. **Quorum.** A majority of the members of the Committee shall constitute a quorum. Quorum will be based on the number of people officially appointed to the Committee at the time and should not include vacancies.

[Section 2.585 added by Ord. #2014-18 passed October 28, 2014]

2.586 Expenses / Reimbursements. The Committee members shall receive no compensation. Any expense incurred by a committee member must be pre-authorized by the City Manager or designee.

[Section 2.586 added by Ord. #91-06 passed April 9, 1991]

[Section 2.586 amended by Ord. #2014-18 passed October 28, 2014]

2.587 Special Provisions.

1. The Mayor may appoint, with the concurrence of the Council, an ad hoc committee to address issues that are not under the purview of the existing Committee.
2. Except as may otherwise be provided by ordinance or resolution, the duties and responsibilities of the Committee shall not have any duties or responsibilities that conflict with or supersede the duties and responsibilities of other City commissions or committees.

[Section 2.587 added by Ord. #2014-18 passed October 28, 2014]

2.588 Staff Support. Staffing shall be determined by the City Manager or City Manager designee.

[Section 2.588 added by Ord. #91-06 passed April 9, 1991]

[Section 2.588 amended by Ord. #2014-18 passed October 28, 2014]

Historic Landmarks Commission

2.590 Purpose / Statement. The purpose of this commission is to preserve and promote Redmond's history and culture by.

[Section 2.590 added by Ord. #2011-01 passed February 22, 2011]

[Section 2.590 amended by Ord. #2014-18 passed October 28, 2014]

2.591 Definitions.

1. "Architectural Significance" means that the structure and/or building or district:

- A. Portrays the environment of a group of people in the era of history characterized by a distinctive architectural style:
 - B. Embodies those distinguishing characteristics of an architectural type:
 - C. Is the work of an architect or master builder whose individual work has influenced the development of the county; or
 - D. Contains elements of architectural design, detail, materials or craftsmanship which represent a significant innovation.
2. "Historic or Cultural Resource" means a historic or cultural site, building, structure, object, historic district, and their significant settings or any combination of these resources that are either listed or deemed eligible for listing on the National Register of Historic Places, or are within a historic district that is either listed or deemed eligible for listing on the National Register of Historic Places, and/or are designated by the Redmond City Council as part of the City's inventory of historic landmarks in the Redmond UGB, as described in the Comprehensive Plan.
 3. "Historic Object" means a construction which is primarily artistic or commemorative in nature and not normally movable or part of a building or structure, e.g. statue, fountain, milepost, monument, sign, etc.
 4. "Historical Significance" means that the structure and/or building or district:
 - A. Has character, interest or value as part of the development, heritage or cultural characteristics for the city, state or nation;

[Section 2.591 added by Ord. #2011-01 passed February 22, 2011]

2.592 Responsibilities / Scope. The Redmond Historic Landmarks Commission in an advisory capacity to City Council, shall:

1. Identify, evaluate, and designate historic and cultural resources in the City of Redmond as landmarks.
2. Inform and educate the public on the historic and architectural significance of the designated landmarks.
3. Inform and educate the public on the value of preserving Redmond's historic and cultural resources.
4. Solicit grants and other resources to help promote, advocate and undertake preservation projects in the City of Redmond.
5. Protect and enhance the City's attraction to residents, tourists and visitors and serve as a support and stimulus to business and industry;
6. Strengthen the economy of the City.
7. Stabilize and improve property values.
8. Any other activities which are consistent with the above responsibilities.

[Section 2.592 added by Ord. #2011-01 passed February 22, 2011]

[Section 2.538 amended by Ord. #2014-18 passed October 28, 2014]

2.593 Duties and Powers. The Redmond Historic Landmarks Commission shall advise the City Council by:

1. Receive request by any citizen, or may on its own motion make recommendations concerning identifying and preserving significant historic and cultural resources which the Commission determines to be of historical significance to the City, state or nation.
2. Develop or adopt a system, based on historic integrity and significance, for evaluating historic and cultural resources for potential designation as historic landmarks.
3. Notify all property owners of sites recommended for designation of such recommendation. The site will not be approved for a historic landmarks designation

- unless the property owners at the time of designation support the local designation of their property as a landmark.
4. Compile and maintain a current list (Redmond Historic Landmarks Inventory) of all historical and cultural resources within the City, the applicable tax lots and addresses, the date of landmark designation, and a brief description of the resource and reasons for inclusion.
 5. Serve as a hearings body for matters concerning historical and cultural resources listed on the Redmond Historic Landmarks Inventory.
 6. Periodically revise the Redmond Historic Landmarks Inventory by adding or deleting properties.
 7. Undertake to inform the citizens of, and visitors to the City of Redmond, regarding the community's history and prehistory; promote research into its history and prehistory; collect and make available materials on the preservation of historic resources; provide information on state and federal preservation programs; document historic resources prior to their alteration, demolition, or relocation and archive that documentation; assist the owners of historic resources in securing funding for the preservation of their properties; and recommend public incentives and code amendments to the Redmond City Council.
 8. Advise and make policy recommendations to the Redmond City Council and the Planning Commission on matters relating to historic preservation.
 9. Perform such other duties relating to historical matters as the Redmond City Council may request.
 10. Have authority to coordinate its activities with other city, county, state or federal agencies.
 11. Have the authority to take steps as it finds necessary or appropriate to inform the public of its activities and purposes.
 12. Adopt rules and regulations it finds necessary or appropriate to carry out these code provisions. Such rules and regulations shall be approved by the Redmond City Council.
 13. Submit an annual report to the Redmond City Council.
 14. Support the enforcement of all state laws relating to historic preservation.

[Section 2.593 added by Ord. #2011-01 passed February 22, 2011]

[Section 2.593 amended by Ord. #2014-18 passed October 28, 2014]

2.594 Membership.

1. **Number of Members.** The commission shall consist of seven members, appointed by the Mayor with the approval of the Council.
2. **Residency.** A majority of the members should reside within the Redmond Urban Growth Boundary.
3. **Representation.** The members of the Redmond Historic Landmarks Commission shall be comprised of members with interest, knowledge, or competence in historic preservation to carry out the purpose and duties of the commission. Members shall be drawn from professionals in architecture, history, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines to the extent such professionals are available.
4. **Appointments.** The Mayor, with the approval of the City Council, shall appoint all members.
5. **Terms.** All terms are for four years. All full terms shall begin on January 1, with four of the original Commission being appointed for a term of two years, and five members being appointed for a term of four years. Thereafter, all members shall be appointed for

four year terms. Any vacancy on the Redmond Historic Landmarks Commission shall be filled by the appropriate governing body for the unexpired term.

6. **Removal.** A commission member may be removed by the appointing governing body for misconduct, nonperformance of duty, or three successive unexcused absences from regular meetings. The non-appointing body may, by motion, request that a member be removed by the appointing body. If the appropriate governing body finds misconduct, nonperformance of duties or three successive unexcused absences from regular meetings by the member, the member shall be removed. The Mayor can recommend, with Council approval, the removal of any commission member without cause.
7. **Ex-Officio Youth.** One ex-officio youth (18 years of age and under) shall be appointed by the Mayor, without regard to jurisdictional restrictions, to serve a one year term. The Ex-Officio Youth shall not be a voting member.

[Section 2.594 added by Ord. #2011-01 passed February 22, 2011]

[Section 2.594 amended by Ord. #2014-18 passed October 28, 2014]

[Section 2.594 amended by Ord. #2016-15 passed October 11, 2016]

2.595 Officers.

1. **Chairperson / Vice-Chairperson.** At its first meeting of each year, the Redmond Historic Landmarks Commission shall elect from among its membership a chairperson and vice-chairperson. The Chairperson or vice-chairperson, acting as chairperson, shall have the right to make or correct motions and vote on all matters before the Commission. A majority of the Commission may replace its chairperson or vice-chairperson with another member at any time during the calendar year.
2. **Annual Report to City Council.** The Chairperson of the commission shall make an annual report to the Redmond City Council outlining accomplishments for the past year and work plan for the following year.
3. **Redmond Development Committee Member.** The Chairperson or designee may serve as a member of the Redmond Development Committee.

[Section 2.595 added by Ord. #2011-01 passed February 22, 2011]

[Section 2.595 amended by Ord. #2014-18 passed October 28, 2014]

2.596 Meetings / Quorums.

1. **Meeting Schedule.** The Commission shall meet as required to accomplish their objectives.
2. **Meeting Conduct.** The Rules of Parliamentary Law and Practice as in Roberts Rules of Order Revised Edition shall govern each commission meeting.
3. **Open to the Public.** All meetings shall be open to the public.
4. **Quorum.** A majority of the members of the Commission shall constitute a quorum. Quorum will be based on the number of people officially appointed to the Commission at the time and should not include vacancies.

[Section 2.596 added by Ord. #2011-01 passed February 22, 2011]

[Section 2.596 amended by Ord. #2014-18 passed October 28, 2014]

2.597 Expenses / Reimbursement. Commission members shall receive no compensation. Any expense incurred by a commission member must be pre-authorized by the City Manager or designee.

[Section 2.597 added by Ord. #2014-18 passed October 28, 2014]

2.598 Special Provisions.

1. The Redmond Historic Landmarks Commission shall operate within the laws and guidelines of the federal government, the state government, Deschutes County and the City of Redmond.
2. The Mayor may appoint an ad-hoc committee to address issues that are not under the purview of the existing committee.

[Section 2.598 added by Ord. #2014-18 passed October 28, 2014]

2.599 Staff Support. Staffing shall be determined by the City Manager or City Manager designee.

[Section 2.599 added by Ord. #2014-18 passed October 28, 2014]

OFFICERS AND DEPARTMENTS

City Manager

2.600 Appointment. A Manager shall be appointed by the City Council and shall serve at the pleasure of the Council. However, the manager shall be removed only by a majority of the council. The manager may also be appointed to perform other duties. If so, the Manager shall hold the Office of Manager and perform those duties in addition to the powers and duties prescribed for the other appointed office in such manner that the efficiency and administration of the other office shall in no way be affected or diminished. The Manager shall have general supervision, direction and control over all nonelective officers and public employees of the City in the exercise of their duties and of the work of all city departments other than the Office of Justice Court Judge.

[Section 2.600 amended by Ord. #97-22 passed May 13, 1997]

[Section 2.600 amended by Ord. #2003-03 passed January 14, 2003]

2.602 Duties and Powers.

1. The powers and duties of the Manager shall be as follows:
 - A. To act as Budget Officer and to prepare the annual budget for consideration by the Budget Committee and the Council.
 - B. To act as purchasing agent for all departments of the city subject to the provisions of the City Charter and the Contract Review Board.
 - C. To act as administrative head of all departments of the city government, subject to the control and direction of the Mayor and Council.
 - D. To act as Business Agent of the Council in connection with city business.
 - E. To prepare and furnish all reports requested by the Mayor or Council.
 - F. To recommend ordinances to the Council designed to increase the efficiency of the city government.
 - G. To see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the City are observed.
 - H. To collect all sums of money due the City.
 - I. To supervise the operation of all public utilities owned and operated by the City and to have general supervision over all city property.
 - J. To meet with private citizens and interested groups seeking information or bringing complaints and to attempt to resolve any problems tactfully and fairly.

2. The Manager shall have, in exercising general charge, supervision and control over all nonelective city employees, the power to appoint and remove, subject to the personnel rules, employees of the City. The Manager shall have general supervision and control over all non-elected or appointed officials and employees and their work, with power to transfer an employee from one department to another to the end that the utmost efficiency is attained from all departments and from the city government as a whole. The Manager shall designate the duties of employees, the hours of their employment, and all matters pertaining to their work for the City. The Council may, by motion, resolution or ordinance, provide rules under which the Manager shall conduct the Manager's Office and affairs of the various departments of the City. Any resolutions now in effect with reference to hours of work and vacations shall be binding on the Manager.

2.604 Council Meetings. The Manager shall sit with the Council at all meetings and at all committee meetings of the Council at which the Manager is requested to attend. The Manager may take part in all discussions coming before the Council or the Committees of the Council, but shall have no vote.

Police Department

2.610 Purpose. The City of Redmond shall maintain a Police Department as defined in ORS 181.610(12)(a) for the purpose of preventing crime, detecting crime and apprehending offenders, enforcing the criminal laws of the State of Oregon and the laws and ordinances of the City of Redmond, preserving peace, protecting lives and property and performing community caretaking functions as defined in ORS 133.033.

[Section 2.610 added by Ord. #2010-08 passed September 28, 2010]

2.611 Organization. The Police Department shall consist of such members, sworn and non-sworn, paid and volunteer, as the Chief of Police determines to be necessary to achieve its purpose under this Ordinance within the fiscal parameters and operating approval of the City Manager and/or City Council. Sworn members of the Department shall have all of the authorities granted to them and defined by law pursuant to ORS 181.610(12)(a)(14) and ORS 133.005(3). In every instance, sworn members of the Department, including paid members and volunteers shall subscribe to an oath of office administered by the Chief of Police.

[Section 2.611 added by Ord. #2010-08 passed September 28, 2010]

2.612 Chief of Police Appointment. The Chief of Police shall be appointed by the City Manager pursuant to Redmond Municipal Code, Chapter 2, 2.602(2) and Redmond City Charter Chapter V, Section 21(2).

[Section 2.612 added by Ord. #2010-08 passed September 28, 2010]

2.613 Powers and Duties Generally. The powers and duties of the Chief of Police shall generally be as follows:

1. Establish departmental objectives in line with City Council goals. Plan and develop law enforcement policies, procedures, standards and programs based on an analysis of city growth, crime patterns, workload, staffing levels and related economic, legislative and

- judicial influences to provide appropriate and effective law enforcement services to the community.
2. Have authority and responsibility for the fiscal management of the department, including developing justification for and presentation of department budget requests. Manager and monitor approved department budgets. Prepare and/or review department requests for proposals. Review and approve department expenditures.
 3. Assign, supervise and evaluate the work of subordinates. Hear grievances from and administer disciplinary action to department personnel. Interview and effectively recommend department hiring and termination actions. Ensure provision of adequate training within the department.
 4. Supervise and assist in major departmental problems, crimes or accidents and perform such additional duties as may be assigned by the City Manager.
 5. Prepare reports and advise the City Manager and City Attorney in regard to resolutions and ordinances pertaining to public safety matters for City Council information or action.

[Section 2.613 added by Ord. #2010-08 passed September 28, 2010]

Police Reserve

2.620 Police Reserve Authorized. The Chief of Police of the City is authorized to organize a Redmond Police Reserve for the City, consisting of the number of officers deemed necessary and appropriate by the Chief. Members shall serve without compensation.

[Section 2.620 amended by Ord. #2005-14 passed July 26, 2005]

2.622 Application and Appointment. The Chief of Police of the City is authorized to provide application forms for membership in the Police Reserve. The selection for membership shall be made by the Chief of Police. A member of the Police Reserve may be removed by the Chief of Police with or without cause.

2.624 Oath of Office; Powers and Duties. An applicant selected for service in the Police Reserve shall take and subscribe to the oath of office required of police officers of the City, shall be subject to the directions of the Chief of Police and shall, during such service, have the powers and duties of a regular Police Officer of the City.

2.626 Badges. Membership and authority as a member of the Police Reserve shall be indicated by arm bands, appropriate insignia, or badges or a combination of these, as designated, selected and furnished by the Police Department.

Finance Department

2.630 Finance Officer. The Finance Officer shall be responsible for the maintenance of all financial records of the City and, under the direction of the City Manager, shall be responsible for the collection of all monies due and owing the City and for payment of all claims against the City.

2.632 Liens Authorized.

1. Any unpaid monies due and owing the City shall be considered a lien against the real property for which the monies are owed. For the purposes of this section, "monies owed" shall include, but not be limited to, administrative fees, fees for services, license fees, and nuisance abatement fees.

2. The City Finance Officer is authorized to place on the lien docket the amounts owed under subsection (1) and to charge interest on the amounts at the rate of 10% per annum until the amounts docketed are paid in full.

2.634 Custodial Officer. The City Finance Director is authorized to act as custodial officer of the funds of the City of Redmond, and is authorized to represent the City, as directed by the City Council through the City Manager and within the requirements of Oregon State Statutes, in the financial affairs of the City.

[Section 2.634 added by Ord. #88-16 passed June 28, 1988]

2.636 Signature Authority. Checks or warrants issued in behalf of the City of Redmond will be valid when two (2) signatures (or facsimile thereof) of the following City officials appear: Mayor, City Manager, Finance Director, City Recorder.

[Section 2.636 added by Ord. #88-16 passed June 28, 1988]

[Section 2.636 amended by Ord. #98-03 passed January 13, 1998]

Safety Committee

2.670

2.672 Membership Formation.

2.674 Meetings.

2.676 Duties and Functions.

2.678 Training of Members.

[Sections 2.670 through 2.678 added by Ord. #90-15 passed December 11, 1990]

[Sections 2.670 through 2.678 deleted by Ord. #98-03 passed January 13, 1998]

Justice Court

2.700 Judge; Business Hours; Assistance.

1. The Justice Court Judge is the Chief Judicial Officer of the City. The Court shall be open for the transaction of judicial business during the usual business hours of each day. However, trial of any cause may be at any hour and day except Sunday and complaints may be filed and warrants issued and served on any day.
2. The Chief of Police shall assist the Justice Court Judge in the service of subpoenas, notices of jury duty and such other orders of the court as are necessary for its proper conduct.

[Section 2.700 amended by Ord. #2003-03 passed January 14, 2003]

2.702 Trial Jury Selection; Compensation.

1. For each jury trial date during a court term, the Justice Court Judge shall select by lot at least ten persons from the jury panel who are able to serve at the time required.
2. At the time of trial, the prospective jurors shall be examined as to their qualifications, first by the defendant and then by the City. Each party may take challenges for cause and three peremptory challenges. After the jurors have been passed for cause, any peremptory challenges shall be exercised, as provided in ORS 136.230. When two or more defendants are tried together, each must join in the challenges or they cannot be taken.

3. If, at the time of trial, the jury panel present for the trial becomes exhausted, or in the opinion of the Court the panel is likely to be exhausted due to nonappearance of prospective jurors or challenges, the Court may order the Chief of Police to summon the city persons whose names are on the tax roll or registration books and who have the qualifications of jurors to serve in the Court.
4. At the discretion of the Justice Court Judge, the jury may be selected in the manner provided for in Justice of the Peace Courts of the state in lieu of the procedures in subsections (1), (2) and (3) of this section.
5. Jurors who are notified and appear for jury trial duty shall receive compensation from the City in the amount which is set by resolution for each day or fraction of a day of attendance.
6. The Justice Court judge may hold a prospective juror who disregards the notice of jury duty in contempt of Court.

[Section 2.702 amended by Ord. #97-42 passed November 11, 1997]

[Section 2.702 amended by Ord. #2003-03 passed January 14, 2003]

2.704 Jury List. On the first Monday of January of each year, the Justice Court Judge and Court Clerk shall meet and prepare a preliminary jury list, by lot, of 500 names of persons taken from the voter registration list used at the last city election. The Justice Court Judge and Court Clerk, in preparing the preliminary jury list, shall place only those names of persons who are known or believed to possess the qualifications prescribed in ORS 10.030. The preliminary jury list shall contain the first name, surname and place of residence of each person named and shall be certified by and filed in the Office of the Recorder. If for any reason the preparation of the preliminary jury list is omitted or neglected on the first Monday in January of any year, it may be prepared on Monday of any week following, to serve until the end of the year and until another list is prepared.

[Section 2.704 amended by Ord. #2003-03 passed January 14, 2003]

2.706 Costs.

1. Court costs which are set by resolution shall be assessed in each case or matter brought before the Justice Court.
2. Court costs shall be assessed against each defendant convicted in the Justice Court for any violation of this code, city ordinance or state offense which may be prosecuted in Justice Court.
3. Court costs shall be separate and distinct from any fine or other penalty imposed for any violation prosecuted in the Justice Court. They shall be considered statutory in nature and may not be suspended or disposed of otherwise. Monies collected as court costs shall be disposed of and handled in the same manner as other fines and penalties accruing from other matters in the Justice Court.
4. Court costs, which are set by resolution, shall be assessed in each case where the Court issues a suspension of a person's driving privileges or a warrant unless such fee is waived by the Court.

[Section 2.706 amended by Ord. #89-21 passed December 12, 1989]

[Section 2.706 amended by Ord. #97-42 passed November 11, 1997]

[Section 2.706 amended by Ord. #2003-03 passed January 14, 2003]

2.708 Nonpayment of Fines Costs.

1. If any person neglects or refuses to pay a fine imposed within the time allowed by the Court, the Court shall have the authority to issue a warrant requiring the defendant to appear and show cause why the defendant should not be found in contempt of court. In determining whether or not the person is in contempt, the Court shall follow the procedures set forth in ORS Chapter 33. A person found in contempt may be ordered confined in the City or County Jail one day for each \$25 of the fine. However, the Court shall not order any person confined pursuant to the provisions of this section to more than five days in jail.
2. If a fine is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the fine from those assets. Failure to do so may be held to be contempt unless the person makes the showing required in subsection (1) of this section.
3. The term of imprisonment for contempt for nonpayment of fines shall be set forth in the commitment order and shall not exceed one day for each \$25 of the fine.
4. A person committed for nonpayment of a fine shall be given credit toward payment for each day of imprisonment at the rate specified in the commitment order.
5. If it appears to the satisfaction of the 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 total amount of each installment, or revoking the fine or the unpaid portion in whole or in part.
6. A default in the payment of a fine or costs or any installment may be collected by any means authorized by law for the enforcement of a judgment. The levy of execution for the collection of a fine shall not discharge a defendant committed to imprisonment for contempt until the amount of the fine has actually been collected.

CODE ENFORCEMENT

2.750 Establishment and Purpose.

1. A procedure to handle violations of this Code and City Ordinances as infractions, subject to the provisions in Sections 2.750 to 2.799, is hereby established.
2. An infraction procedure has been established for the purpose of decriminalizing penalties for violations of this code and ordinances of the City and for the purpose of providing a convenient and practical forum for the hearing and determination of cases arising out of the violation.

[Section 2.750 amended by Ord. #2014-05 passed April 8, 2014]

2.752 Definitions. Except where the context clearly indicates a different meaning, the general definitions and the definitions appearing in the definitional and other sections of particular chapters of the Oregon Criminal Code and Oregon criminal Procedure Statutes, as they now exist, are applicable to Sections 2.750 to 2.786. The following definitions shall also apply:

City Infraction. An offense against the City in the form of a violation of a Section of this code or a city ordinance for which the violation is classified as a civil infraction and or an administrative infraction. Civil infractions shall be handled in accordance with the procedures established by sections 2.754 to 2.786; administrative infractions in accordance with the procedures established by sections 2.787 to 2.799. When an infraction is of a continuing nature, a separate infraction will be deemed to occur on each calendar day the infraction continues to exist. A separate citation may be filed for each such infraction.

Fine; Fine Schedule. The penalty to be imposed for an infraction is a fine or other civil penalty. The appropriate fine shall be determined by reference to the fine schedule in Section 2.782. The procedure established herein shall be the exclusive procedure for imposing a fine. However, this section shall not be read to prohibit in any way alternative remedies, including abatement, nor shall the City be prohibited from recovering any expense incurred in an abatement procedure.

[Section 2.752 amended by Ord. #98-03 passed January 13, 1998]

[Section 2.752 amended by Ord. #2014-05 passed April 8, 2014]

2.754 Civil Infractions. The civil infraction procedure shall apply to those code and ordinance violations classified as civil infractions and be processed according to the procedures established in sections 2.754 to 2.786.

[Section 2.754 amended by Ord. #2014-05 passed April 8, 2014]

2.756 Procedure. If a City Officer or Peace Officer has reasonable grounds to believe a person has committed an infraction, the officer may issue that person a citation for the offense. A Peace Officer may either arrest a person or issue a citation.

2.758 Citation and Complaint. A citation conforming to Exhibit A attached to this chapter and incorporated by reference shall be used for all infractions, except traffic offenses. Additional parts may be inserted by law enforcement agencies or the Justice Court for administrative use.

[Section 2.758 amended by Ord. #2003-03 passed January 14, 2003]

2.760 Private Person May Commence Action for Infraction; Complaint; Service of Summons.

1. A private person may commence an action for an infraction by certifying to the complaint before a Magistrate, Clerk or Deputy Clerk of the Court or a City Peace Officer. This action will be entered in the court record.
2. A complaint under subsection (1) of this section shall contain a form of certificate in which the complainant shall certify that the complainant has reasonable grounds to believe, and does believe, that the person cited committed the offense contrary to law. A certificate conforming to this section shall be deemed equivalent to a sworn complaint.
3. When the complaint is certified by a private person, the Court shall cause the summons to be delivered to the defendant.

2.762 Minimum Requirements for Summons. A summons in an infraction offense is sufficient if it contains the following:

1. The name of the court, the name of the person cited, the date on which the citation was issued, the name of the complainant and the time and place at which the person cited is to appear in court.
2. A statement or designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so, and the date, time and place at which the offense is alleged to have occurred.
3. A notice to the person cited that a complaint will be filed with the court based on the offense.
4. The amount of bail, if any, fixed for the offense.

2.764 Minimum Requirements for Complaint. Except as provided in this section, a complaint in an infraction offense is sufficient if it contains the following:

1. The name of the Court, the name of the City in whose name the action is brought and the name of the defendant.
2. A statement or designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so and the date, time and place at which the offense is alleged to have occurred.

2.766 Delivery of Summons to Person Cited; Delivery of Other Parts of Citation. A Peace Officer issuing the citation shall cause:

1. The summons to be delivered to the person cited; and
2. The complaint and abstract of court record to be delivered to the Court.

2.768 Appearance by Defendant.

1. The defendant shall either appear in court at the time indicated in the summons or prior to such time shall deliver to the court the summons together with cash, check or money order in the amount of the bail set forth in the summons and enclosing:
 - A. A request for a hearing; or
 - B. A statement of matters in explanation or mitigation of the offense charged; or
 - C. The executed appearance, waiver of hearing and plea of guilty appearing on the summons. A statement in explanation or mitigation also may be enclosed with the guilty plea.
2. If the defendant personally appears in court at the time indicated in the summons, pleads guilty and the judge accepts the plea, the judge shall hear any statement in explanation or mitigation that the defendant desires to make.

2.770 Effect of Statement in Explanation or Mitigation. If a defendant has submitted to the court a written statement as provided in paragraph (B) of subsection (1) of Section 2.768, it constitutes a waiver of hearing and consent to judgment by the Court declaring a forfeiture of bail on the basis of the statement and any testimony or written statement of the arresting officer or other witnesses which may be presented to the Court.

2.772 Fixing Hearing Date; Notice to Defendant. If the defendant requests a hearing, or if pursuant to Section 2.768 the Court directs that a hearing be had, the Court shall fix a date and time for the hearing and, unless notice is waived, shall at least five (5) days in advance of the hearing mail to the defendant notice of the date and time.

2.774 Hearing Discretionary with the Court. In any case, the Court may direct a hearing be held. Otherwise, the Court may enter the appropriate judgment, impose a fine, direct that the fine be paid out of the bail deposited by the defendant and remit to the defendant any amount by which the bail exceeds the fine. No fine may be imposed in excess of the bail deposited by the defendant unless a hearing is held.

2.776 Warrant for Arrest.

1. If a person cited fails to comply with the provisions of Section 2.768 of this Code, or fails to appear at any time fixed by the court, a warrant for the person's arrest may be issued.
2. No warrant of arrest for failure to appear may be issued pursuant to this section after a period of 60 days from the date of the entry of an order declaring a forfeiture of bail. Unless a warrant has been issued before the expiration of that period, the order of forfeiture shall be deemed the final disposition of the case.

2.778 Trial; Burden of Proof.

1. The trial of an infraction shall be by the court without a jury. The trial of an infraction shall not commence until the expiration of seven days from the date of arrest or citation for the infraction unless the defendant waives the seven-day period.
2. The City shall have the burden of proving the alleged code or ordinance infraction by a preponderance of evidence.
3. The defendant may be represented by counsel, but counsel shall not be provided at public expense. If defense counsel is to appear, written notice shall be provided to the Justice Court five days prior to the hearing date, excluding weekends and holidays.
4. If the person alleged to have committed the infraction desires that witnesses be ordered to appear by subpoena, a request in writing must be made to the Court at least five days prior to the scheduled hearing. Subject to the same five-day limitation the complaining official or City Attorney, as appropriate, may also request the Court that certain witnesses be ordered to appear by subpoena. If a fine is declared in the final order, the order shall also provide that the person shall pay any witness fees payable in connection with the hearing.
5. The Court may allow hearsay or evidence by affidavit in a trial for a civil infraction.
6. After due consideration of the evidence and arguments presented at the hearing, the Court shall determine whether the infraction as alleged in the complaint has been established. If the infraction is not established, an order dismissing the complaint shall be entered in the Justice Court records. If a determination is made that an infraction has been committed, an appropriate order shall be entered in the Justice Court records. In addition to any fine, forfeiture, or both, or other civil penalty, the court shall assess court costs.

[Section 2.778 amended by Ord. #2003-03 passed January 14, 2003]

2.780 Enforcement.

1. Delinquent fines and those brought to default judgment which were assessed for infractions occurring on real property may be held as city liens against the real property and collected in the same manner as other such debts owing to the city, if the owner of property is notified of the infraction before entry of judgment on the lien docket.
2. Nothing in this section shall prevent the City from revoking or denying any city license or permit held or desired by a person owing a fine to the City.

[Section 2.780 amended by Ord. #98-03 passed January 13, 1998]

2.782 Schedule of Fines.

1. Civil infractions are classified for the purpose of determining fines into the following categories:
 - A. Class A civil infractions.
 - B. Class B civil infractions.
 - C. Class C civil infractions.
2. Administrative infractions are classified for the purpose of determining fines into the following categories:
 - A. Class A administrative infractions
 - B. Class B administrative infractions
 - C. Class C administrative infractions
3. An assessment of a fine for an infraction shall be an amount not exceeding an amount set by resolution.

[Section 2.782 amended by Ord. #97-42 passed November 11, 1997]

2.784 Bail Schedule. The Court is hereby authorized to establish a bail schedule for each class of civil infractions. A copy of this schedule is to be kept at the Office of the Justice Court Clerk.

[Section 2.784 amended by Ord. #2003-03 passed January 14, 2003]

2.786 Appeal. An appeal from a judgment involving a civil infraction may be taken by either party in the manner provided by state law.

2.787 Administrative Infractions. The administrative infraction procedure shall apply to those code and ordinance violations classified as administrative infractions in accordance with the procedures established by sections 2.787 to 2.799.

[Section 2.787 added by Ord. #2014-05 passed April 8, 2014]

2.788 Procedure. Any person violating any provision of the City of Redmond Municipal Code may be issued an administrative citation by an Enforcement Officer, as designated by the City manager, and shall thereby be subject to an administrative fine as provided in section 2.782.

[Section 2.788 added by Ord. #2014-05 passed April 8, 2014]

2.789 Continuing Violation. Each and every day a violation of the Municipal Code exists constitutes a separate and distinct offense.

[Section 2.789 added by Ord. #2014-05 passed April 8, 2014]

2.790 Citation Service. The administrative citation shall either be served by personal service and/or shall be sent by registered or certified mail and by first class mail. Any such notice served by mail shall be deemed received three days after the date mailed if to an address within this state and seven days after the date mailed if to an address outside of this state.

[Section 2.790 added by Ord. #2014-05 passed April 8, 2014]

2.791 Administrative Citation Requirements. The form for the citation to be issued under this chapter shall contain:

1. Description of the specific violation alleged;
2. The date, time and location of its occurrence;
3. The maximum amount of the fine for the violation alleged;
4. A statement that the fine must be paid or a hearing requested within 20 days, and that upon failure to do so within 20 days opportunity for a hearing is forfeited and the fine doubles;
5. A form for either admitting the violation alleged and paying the fine, or denying the violation alleged, posting bail by paying a refundable deposit equivalent to the amount of fine(s) indicated on the citation, and requesting a hearing;
6. The address to which the form should be sent;
7. The telephone number of the person or facility which may be contacted for information;
8. The name and address of the violator.

[Section 2.790 added by Ord. #2014-05 passed April 8, 2014]

2.792 Administrative Citation Procedure. Upon receiving a citation under this chapter, a person may:

1. Within 20 days, deliver to the City of Redmond the form provided with the citation, admitting the violation(s), forfeiting and paying the amount of the fine(s) indicated on the citation. Forfeiture may be made by mail but must be received by the City of Redmond within 20 days from the date of the citation.
2. Within 20 days, deliver to the City of Redmond the form provided with the citation, denying all or part of the violation(s), and posting bail by paying a refundable deposit equivalent to the amount of the fine(s) indicated on the citation. Response may be made by mail, but must be received by the City of Redmond within 20 days from the date of the citation.
3. Failure to perform any part of either Subsection 1 or 2, including failure to respond within 20 days, shall be deemed an admission of the violation(s) cited, the fine(s) for the violation(s) shall be doubled, and there shall be no further hearing or appeal.

[Section 2.792 added by Ord. #2014-05 passed April 8, 2014]

2.793 Denial of Violation. Upon receipt of a denial, the City of Redmond shall inform the Hearings Officer(s), who shall set a hearing within 30 days of the City of Redmond's receipt of the denial and bail, and shall notify the person who requested the hearing. Notification of the hearing date, time and place shall be mailed by regular first class mail within 15 days of the City of Redmond's receipt of the denial and bail.

[Section 2.793 added by Ord. #2014-05 passed April 8, 2014]

2.794 Enforcement Officer's Discretion.

1. Any time before a hearing as authorized by 2.792, an enforcement officer may dismiss the citation for the following reasons: The violation(s) no longer exists, new information has been obtained changing the nature of the violation(s), or the violator and the City of Redmond have come to an agreement where the citation is no longer needed.
2. If an administrative citation is dismissed, the City of Redmond shall refund any bail or fines within three business days. The bail or fines shall be refunded by regular first class mail along with a letter informing the violator that the citation has been dismissed.

[Section 2.794 added by Ord. #2014-05 passed April 8, 2014]

2.795 Hearings Officer. The Director of Community Development shall appoint a quasi-judicial Hearings Officer or Officers to hear and determine cases of alleged violations of this chapter where the allegations have been denied under section 2.798.

[Section 2.795 added by Ord. #2014-05 passed April 8, 2014]

2.796 Hearings.

1. Every hearing pursuant to section 2.792 will determine whether this municipal code was violated and shall be held before a Hearings Officer. The Hearing Officer may prescribe procedures for the conduct of such hearings.
2. Evidence, including rebuttal evidence, may be presented at the hearing and shall be limited to that which is relevant to the violation alleged.

3. The Hearings Officer has the authority to administer oaths and take the testimony of witnesses. The Hearings Officer or Enforcement Officer may direct that subpoenas issue on behalf of the City in accordance with Oregon Rules of Civil Procedure 55. If the person who receives a citation desires that witnesses be ordered to appear by subpoena, they must arrange for their subpoenas to issue in accordance with the Oregon Rules of Civil Procedure. Witnesses appearing by subpoena shall be allowed the same fees and mileage as allowed in civil cases in circuit court.
4. The parties shall have the right to cross-examine witnesses who testify.
5. After due consideration of the evidence and arguments, the Hearings Officer shall issue a decision at the hearing or within five business days of the conclusion thereof as to whether the violation as alleged in the complaint has been established.
 - A. If the violation has been established, the Hearings Officer decision shall include a brief statement of the findings of facts necessary to establish a violation, order the person to pay the fine total as recorded on the citation and witness costs. The fines shall be paid into the Code Compliance administrative citation fund.
 - B. The decision shall include a statement identifying the amount of daily penalty that will continue to accrue until the failure to comply is rectified.
 - C. the violator may also be required to pay all of the City's costs associated with collection of the fines, including its administrative costs and attorney fees.
 - D. If the violation is not established, the Hearings Officer shall order that any bail which has been posted be refunded. Bail shall be refunded by regular first class mail.

[Section 2.796 added by Ord. #2014-05 passed April 8, 2014]

[Section 2.796 amended by Ord. #2018-04 passed April 10, 2018]

2.797 Appeals. A person who, following a hearing, is found in violation of the municipal code may, within 10 days after the decision has been issued, appeal that decision to the Nuisance Appeals Board. The request for appeal must be in writing, must include the appeal fee, and must be received by the City within the time allowed for that appeal. The Board shall hear the appeal de novo. The decision of the Board is final. The appeal fee shall be set by resolution of the City Council.

[Section 2.797 added by Ord. #2014-05 passed April 8, 2014]

2.798 Fine Collection. The City of Redmond is authorized to collect the fine by any administrative or judicial action authorized by 2.799 or any other provisions of this Code or state statutes.

[Section 2.798 added by Ord. #2014-05 passed April 8, 2014]

2.799 Citation Collection Procedure.

1. The administrative citation fine or judicial fine shall be delinquent if not paid within 30 days from the date the fine is established.
2. If the administrative citation fine or judicial fine is delinquent, the amount due may accrue interest at 10% per annum.
3. After the administrative citation or judicial fine has been resolved the fines shall be entered in the docket of city liens, and shall constitute a lien upon all property owned by the violator or the violator's personal property.

- A. The lien may be enforced in the same manner as liens for assessments for local improvement districts. Failure to pay may result in foreclosure in any manner provided by ORS 223.505 to 223.650 or otherwise provided by law.
- B. An error in the name of the owner shall not void the lien, nor shall a failure to receive the notice render the lien void, but it shall remain a valid lien against the property.

[Section 2.799 added by Ord. #2014-05 passed April 8, 2014]

[Section 2.799 amended by Ord. #2018-04 passed April 10, 2018]

REDMOND CODE

EXHIBIT "A"

CITY OF REDMOND
CITATION AND COMPLAINT

STATE OF OREGON)
COUNTY OF DESCHUTES)
CITY OF REDMOND)

DOCKET NO. _____

JUSTICE COURT

THE UNDERSIGNED CITY OFFICER CERTIFIES AND SAYS:

THAT ON THE _____ DAY OF _____, 200_, AT __M.,

NAME _____
(Last) (First) (Middle)

RES. ADD _____ PHONE _____

CITY _____ STATE _____

BUS. ADD. _____ PHONE _____

CITY _____ STATE _____

DOB _____ OPER LIC # OR
SOCIAL SEC # _____

DID UNLAWFULLY COMMIT THE OFFENSE OF: _____

IN VIOLATION OF CITY ORDINANCE _____

BY: _____

* * * * *

I CERTIFY THAT I HAVE REASONABLE GROUNDS TO AND DO BELIEVE THAT THE ABOVE PERSON COMMITTED THE ABOVE OFFENSE CONTRARY TO LAW.

DATE _____ OFFICER _____ NO. _____

I HEREBY CERTIFY THAT I SERVED A COPY OF THIS CITATION AND COMPLAINT ON THE ABOVE NAMED DEFENDANT.

DATE _____ OFFICER _____ NO. _____

APPEAR IN COURT AT _____ M. ON THE _____ DAY OF _____, 200 __,

LOCATED AT _____

SCHEDULED BAIL: \$ _____

*** IMPORTANT NOTICE:** THIS COMPLAINT WILL BE FILED IN THE COURT INDICATED. FAILURE TO COMPLY WITH THE INSTRUCTION ON THE REVERSE SIDE OF THIS CITATION MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.

PROPERTY TAXES EXEMPTION FOR LOW INCOME HOUSING OF CHARITABLE NON-PROFIT ORGANIZATIONS

2.800 Adoption of ORS 307.515 to ORS 307.523. The City of Redmond hereby adopts the provisions set forth in ORS 307.515 to 307.523 pertaining to low income rental housing and the qualifications of certain property for exemption from tax levy of the City of Redmond.

[Section 2.800 added by Ord. #95-05 passed February 14, 1995]

2.805 Standards and Criteria for Considering Applications.

The City of Redmond hereby approves the following standards and guidelines for reviewing applications for tax exemptions under ORS 307.515 to 307.523:

1. Whether or not the applicant has submitted sufficient evidence of unregulatory agreements or other enforcement mechanisms to demonstrate that the required rent payment reflects the full value of the property tax exemption.
2. Whether or not enforcement mechanisms can insure that housing receiving exemptions under ORS Chapter 307 are maintained in decent, safe and sanitary conditions for the occupant.
3. Whether or not the applicant has submitted sufficient evidence that the use of the rentals received from low income persons meet the goals and objectives of the low income rental housing exemption under ORS Chapter 307.

[Section 2.805 added by Ord. #95-05 passed February 14, 1995]

BALLOT MEASURE 37 CLAIM PROCESS

2.900 Purpose. This ordinance is intended to implement the provisions added to Chapter 197 of the Oregon Revised Statutes by Ballot Measure 37 (November 2, 2004). These provisions are intended to establish a prompt, open, thorough and consistent process for property owners to present their claims to the city, to preserve and protect limited public funds, and to establish a record of the decision capable of circuit court review.

2.905 Definitions. As used in this ordinance, the following words and phrases mean:

City Manager. The City Manager of the city, or designee.

Claim. A written claim filed under Ballot Measure 37.

Exempt land use regulation. A land use regulation that:

- (a) Restricts or prohibits activities commonly and historically recognized as public nuisances under common law;
- (b) Restricts or prohibits activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations;
- (c) Is required in order to comply with federal law;
- (d) Restricts or prohibits the use of property for the purpose of selling pornography or performing nude dancing; or
- (e) Was enacted prior to the date of acquisition of the property by the owner or a family member of the owner.

Family member. Includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the property.

Land use regulation. Includes:

- (a) Any statute regulating the use of land or any interest therein;
- (b) Administrative rules and goals of the Land Conservation and Development Commission; and
- (c) Local government comprehensive plans, zoning ordinances, land division ordinances, and transportation ordinances.

Owner. The present owner of the property, or any interest therein.

Valid claim. A claim submitted by the owner of real property that is subject to a land use regulation, other than an exempt land use regulation, adopted or enforced by the City that restricts the use of the private real property in a manner that reduces the fair market value of the real property.

2.910 Claim Filing Procedures.

1. A person seeking to file a claim under this ordinance must be the present owner of the property that is the subject of the claim at the time the claim is submitted. The claim shall be filed with the City Manager's office.
2. A claim shall be submitted in writing and shall include:
 - (a) A copy of the title report for the property not more than 30 days old, along with a statement showing the names, addresses and telephone numbers of all owners, and anyone with any interest in the property, including lien holders, trustees, renters, lessees, and a description of the ownership interest of each;
 - (b) The address, tax lot, and legal description of the real property that is the subject of the claim, and the date the property was acquired by each person or entity with an ownership interest;
 - (c) The current land use regulations that allegedly restricts the use of the real property and allegedly causes a reduction in the fair market value of the subject property along with a description of how the regulation restricts the use of the real property and has caused a reduction in the fair market value of the real property;
 - (d) A copy of the land use regulation in effect at the time the ownership interest was acquired or that the owner is seeking to have applied to the real property;
 - (e) The amount of the claim, based on the alleged reduction in value of the real property and any supporting documentation of the amount of the claim including an appraisal by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon;
 - (f) Copies of any leases or Covenants, Conditions and Restrictions (CCR's) applicable to the real property, if any, that impose restrictions on the use of the property; and
 - (g) Such other information as may be requested by the City that the City deems necessary to adequately review the claim.
3. Notwithstanding a claimant's failure to provide all of the information required by subsection (2) of this section, the City may review and act on a claim.

2.920 City Manager Investigation and Recommendation.

1. Following an investigation of a claim, the City Manager shall forward a recommendation to the City Council that the claim be:
 - (a) Denied;
 - (b) Investigated further;

- (c) Declared valid, and waive or modify the land use regulation, or compensate the claimant upon completion of an appraisal; or
- (d) Evaluated with the expectation of the City acquiring the property by condemnation.

2.930 City Council Decision.

1. Once a recommendation is made by the City Manager, the City Council shall take action on the claim as soon as possible. The City Council may conduct a public hearing before taking final action on a recommendation from the City Manager. The City shall make reasonable efforts to provide notice of the public hearing to the claimant, to owners and occupants of property within 300 feet of the perimeter of the subject property, neighborhood groups or community organizations officially recognized by the City Council whose boundaries include the subject property, and such other notice that the City Council deems appropriate. The failure to provide notice shall not invalidate the decision of the city council. At the time of the public hearing, if any, or at the time of the decision, City Council members shall disclose any ex-parte contacts with property owners or any conflicts of interest.
2. Upon conclusion of any hearing, and prior to the expiration of 180 days from the date the claim was filed, the City Council shall adopt a resolution or ordinance that:
 - (a) Determines that the claim is a valid claim and removes or modifies the challenged land use regulations with respect to the subject property;
 - (b) Determines that the claim is a valid claim and compensation is due to the claimant in an amount set forth in the Council's resolution;
 - (c) Determines that the claim is valid and that the City should acquire the property; or
 - (d) Determines that the claim is not valid and denies the claim.
3. The City Council's decision to waive or modify a land use regulation or to compensate the owner shall be based upon consideration of whether the public interest would be better served by compensating the applicant, or by removing or modifying the challenged land use regulation(s) with respect to the subject property.
4. If the City Council removes or modifies the challenged land use regulation, it may, at its discretion, put back into effect with respect to the subject property, all of the land use regulations in effect at the time the claimant acquired the property.
5. A decision by the City Council to remove or modify a land use regulation shall be personal to the claimant. Following claimant's transfer of title to the property any use resulting from the removal or modification shall be deemed a non-conforming use and shall be treated as a non-conforming use for planning purposes.
6. If the City Council adopts a resolution under (2)(a) or (2)(b) of this section, the City Manager shall record on the property a copy of the resolution with the Deschutes County Recorder.

2.940 Processing Fees.

1. The City Manager shall maintain a record of the city's costs in processing a claim, including the costs of obtaining information required by section 2.075 which a property owner does not provide to the City. Following final action by the city on the claim at the local level, the City Manager shall send to the property owner a bill for the actual costs, including staff and legal costs, that the City incurred in reviewing and acting on the claim.
2. If the property owner does not pay the amount due within 30 days, then the City shall pursue collection, including filing a lien on the property. In any action on the amounts due to the City under this ordinance, the City is entitled to recover all of its costs including attorney fees at arbitration, trial or on appeal.

2.950 Effective Date. Due to the passage of Measure 37 at the General Election on November 2, 2004 with an effective date 30 days thereafter, the City Council declares it is necessary for the preservation of the public health, welfare and safety for this Ordinance to have immediate effect.

[Sections 2.900 through 2.950 added by Ord. #2004-24 passed November 30, 2004]

Redmond Code

CHAPTER 3 PUBLIC IMPROVEMENTS

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CHAPTER 3: PUBLIC IMPROVEMENTS

PUBLIC IMPROVEMENT PROCEDURES

3.005 Definitions. As used in this chapter, except where the context clearly indicates a different meaning, the terms "local improvement," "owner," and "lot" have the meanings given those terms by ORS 223.001, as now or hereafter constituted. The property which is to be assessed for the cost or part of the cost of a local improvement and the property on which the local improvement is located shall be known together as a "Local Improvement District."

[Section 3.005 amended by Ord. #98-03 passed January 13, 1998]

3.010 Initiation of Local Improvements; Improvement Resolution.

1. When the Council considers it necessary to make any local improvement to be paid for in whole or in part by special assessment according to benefits conferred, or when 50 percent of the owners owning 50 percent or more of the property to benefit specially from the local improvement request by written petition that the Council make a local improvement, the Council shall by resolution declare its intention to make the local improvement. This resolution may be referred to as the "Improvement Resolution."
2. The Improvement Resolution shall:
 - A. Describe the general nature, location and extent of the proposed local improvement and of the proposed Local Improvement District.
 - B. Declare the Council's intention to make the improvement.
 - C. Indicate the method and manner of carrying out the improvement.
 - D. Contain an estimate of the probable total cost of the improvement.
 - E. Indicate the method of assessment to be used to arrive at a fair apportionment of the whole or any portion of the cost of the improvement to the properties specially benefited.
 - F. Set a public hearing on the improvement.
 - G. Direct that notice be given of the proposed improvement and of the public hearing.
3. The Improvement Resolution may include alternative proposals relating to a proposed local improvement. However, all of the information required for a particular local improvement shall be included for each alternative proposal.

3.015 Notice of Hearing.

1. After adoption of the Improvement Resolution, the Recorder shall cause notice of the proposed improvement and of the public hearing to be published in a newspaper of general circulation within the City at least 10 days prior to the public hearing. Copies of the notice shall be mailed to the owner of each lot affected by the proposed improvement.
2. The notice shall contain:
 - A. A general description of the proposed local improvement and the property to be specially benefited thereby. The description of the property need not be by metes and bounds, but shall be such that an average person can determine from it the general location of the property.
 - B. An estimate of the total cost of the improvement and the portion anticipated to be paid for by special assessments.
 - C. The date, time and place of the public hearing.

- D. A statement of a place where preliminary project design and other additional information concerning the improvement is available to the public.
 - E. A statement that any lot owner has the right to object to the proposed improvement, either orally or in writing.
 - F. Any other information the Council may direct to be included.
3. Any mistake, error, omission or failure with respect to the mailing of notice shall not be jurisdictional or invalidate the local improvement proceedings.

3.020 Hearing; Establishment Resolution.

- 1. At the time of the public hearing, the council shall hear and consider testimony, both oral and written, on the proposed local improvement and may continue the hearing as it deems necessary. After the hearing, the Council may, in its discretion, order the improvement to be made. If the Council elects to order the improvement, it shall, within 90 days after the date of the hearing, provide by resolution for the establishment of the Local Improvement District and the construction of the improvement. This resolution may be referred to as the "Establishment Resolution."
- 2. Notwithstanding the fact that the proposed improvement was petitioned for by on-half of the benefited property owners, the Council may refuse to proceed with the improvement if it finds the proposed improvement to be untimely or not in the best interest of the City.
- 3. At the public hearing, the Council may direct a modification of the proposed local improvement by revising the scope of the improvement, by reducing or enlarging the Local Improvement District which it deems will be benefited by the improvement, or by making such other modifications in the proceedings as it finds reasonable. If the Council modifies the scope of the improvement so that assessment is likely to be increased upon one or more lots, or if the Council causes a substantial change in any of the particulars contained in the improvement resolution, a new improvement resolution shall be adopted, new estimates made and new notices mailed to the owners within the proposed Local Improvement District. However, no new publication shall be required.

3.025 Alternative Procedure for Initiating Local Improvements. When all of the owners of any property to be benefited and assessed for any local improvement have signed a petition directed and presented to the Council requesting the local improvement, the Council may initiate and construct the local improvement without publishing or mailing notice to the owners of the affected property and without holding a public hearing regarding the proposed local improvement.

3.030 Creation of Local Improvement District. The Council by resolution shall provide for the establishment of the Local Improvement District and the making of the local improvement in substantial conformity with the proposal set forth in the improvement resolution.

3.035 Manner of Doing Work. Local improvements may be made in whole or in part by the City, by another governmental agency, by contract or by any combination thereof. The Council, on behalf of the City, shall determine the engineer for all work to be accepted by the City for public maintenance.

3.040 Construction of Improvement; Bids.

- 1. Immediately after the date the establishment resolution is adopted, the engineer for the City shall cause necessary right-of-way and easements to be acquired and the improvement to be made in accordance with the terms of the resolution, if the work is to be performed by the City or other governmental agency. If any part of the work of the improvement is to be done under contract bids, the engineer for the City shall cause detailed plans and specifications to be prepared and filed and notice calling for bids to

be published in a newspaper of general circulation within the City not less than five days prior to the opening of bids.

2. Contracts for all or part of the work of the local improvement may be let by the Council to the lowest responsible bidder whose bid is in the best interest of the City as determined by the Council. The Council may reject any or all bids when they are deemed unreasonable or unsatisfactory. If the Council rejects all bids, it may direct the engineer for the City to readvertise for bids or direct the work to be performed by the City. The City shall provide for the bonding of all contracts for the faithful performance of any contract let under its authority. The provisions thereof, in case of default, shall be enforced by action in the name of the City.
3. If the Council finds, upon opening bids for the work of such improvement, that the bid in the best interest of the City is substantially in excess of the engineer's estimate, it may provide for holding a special hearing to consider objections to proceeding with the improvement on the basis of such bid.

3.045 Costs and Expenses. The costs and expenses of local improvement that may be assessed against the property specially benefited by the improvement shall include the costs of construction and installation of the improvement; advertising, legal, administrative, engineering and assessment costs; financing costs, including interest charges; the costs of any necessary property, right-of-way or easement acquisition and condemnation proceedings; and any other necessary expenses.

3.050 Method of Assessment; Alternative Methods of Financing.

1. The Council, in adopting a method of assessment of the cost of any local improvement, may:
 - A. Use any just and reasonable method of determining the extent of the Local Improvement District consistent with the benefits derived.
 - B. Use any method of apportioning the sum to be assessed as is just and reasonable between the properties determined to be specially benefited.
 - C. Authorize payment by the City of all or any part of the costs of a local improvement when, in the opinion of the Council, the topographical or physical conditions, unusual or excess public travel or use, or other character of the work involved warrants only a partial payment or no payment by the benefited property.
2. Nothing contained in this chapter shall preclude the Council from using any other available means of financing local improvements, including federal or state grants-in-aid, water or sewer fees or charges, revenue or general obligation bonds or any other legal means of financing. If other means of financing local improvements are used, the Council may levy special assessments according to the benefits derived to cover any remaining part of the costs of the local improvement.

3.055 Assessment Procedure; Assessment Ordinance.

1. When the estimate cost of any authorized local improvement has been ascertained on the basis of the contract award or estimate of costs of the engineer for the City, or after the work is done and the cost has been actually determined, the Council shall determine whether the property benefited shall bear all or a portion of the cost, and shall, by ordinance, spread the assessments. The Recorder, or such other person as the Council may direct, shall prepare the assessment to the respective lots within the assessment district and file it in the Office of the Recorder. Notice of the assessment shall be mailed or personally delivered to the owner, or reputed owner, of each lot to be assessed. The notice shall state the name of the owner or reputed owner, the description of the property assessed, the date of assessment and the amount of the assessment on that property, and shall advise the owner or reputed owner they must either make a timely

payment of the assessment or, by a date fixed in the notice, file with the Recorder a written objection to the assessment that states the grounds of the objection.

2. The Council shall consider objections and may adopt, correct, modify or revise the proposed assessments. The Council shall determine the amount of assessment to be charged against each lot within the district, according to the special and peculiar benefits accruing thereto from the improvements, and shall by ordinance allocate the assessments.

3.060 Notice of Assessment to Objectors. The result of the Council's decision on any objection filed in writing shall be given to the objectors together with a notice stating that:

1. Any remaining assessment must be paid in cash within 10 days of publication of the ordinance levying the assessment or be subject to foreclosure; or
2. An application must be made within 10 days of said publication or such time as fixed by the Council to pay the assessment in installments pursuant to the Bancroft Bonding Act.

3.062 Notice of Assessment Against Benefited Properties. If the Council adopts an ordinance and levies an assessment against benefited properties, notice thereof shall be published in a paper of general circulation in the City. The City shall also mail or personally deliver to the owner notice that the assessment has been levied and that:

1. The entire amount of the levy will be due and payable 10 days after the date of first publication; and
2. The owner must make application within 10 days after the first publication or such other time as fixed by the Council to pay the assessment in installments pursuant to the Bancroft Bonding Act; and
3. The failure to either apply for payment in installments or payment in cash may result in a foreclosure proceeding to collect the assessment.

3.065 Lien Records and Foreclosure Proceedings. After passage of the assessment ordinance by the Council, the Finance Officer shall enter in the City lien docket a statement of the amounts assessed upon each particular lot, parcel of land or portion thereof, together with a description of the improvement, the name of the owners and the date of the assessment ordinance. Upon entry in the lien docket, the amount entered shall become a lien and charge upon the respective lots, parcels of land or portions thereof, which have been assessed for such improvement. All assessment liens of the City shall be superior and prior to all other liens or encumbrances on property insofar as state law permits. Interest shall be charged at a rate not to exceed 10% per annum until paid on all amounts not paid within 10 days from the date of publication notifying the owner of the ordinance levying the assessment.

3.070 Enforcement of Liens and Collecting Assessments.

1. ORS 223.505 through 223.650 entitled "Methods of Enforcing Liens and Collecting Assessments," inclusive, are hereby adopted and incorporated herein.
2. The City may, at its option, enter a bid for the property being offered at a foreclosure sale. This bid shall be prior to all bids except those made by persons who would be entitled, under state law, to redeem the property.
3. ORS 223.565(3) is amended to read as follows: The Finance Officer shall return all of the penalty paid by the person redeeming the property to the purchaser.

[Section 3.070 amended by Ord. #98-03 passed January 13, 1998]

3.075 Errors in Assessment Calculations. Claimed errors in the calculation of assessments shall be brought to the attention of the Finance Officer, who shall determine whether there has been an error in fact. If the Finance Officer finds that there has been an error

in fact, he or she shall recommend to the Council an amendment to the assessment ordinance to correct the error. Upon enactment of an amendment, the Finance Officer shall cause the necessary correction to be made in the City lien docket and shall cause a corrected notice of assessment to be sent by registered or certified mail.

3.077 Installment Payment of Assessments. The Bancroft Bonding Act (ORS 223.205 and 223.210 to 223.295) applies to assessment levied in accordance with this chapter. The owner of any property assessed for a local improvement in accordance with this chapter in the sum of \$25.00 or more, at any time within 10 days after notice of the assessment is first published, or such time as fixed by the City Council, may file with the Finance Officer a written application to pay the whole of the assessment in installments over a period not to exceed 30 years, as the Council may provide, together with interest thereon at the rate not to exceed 10% per annum, or if any part of the assessment has been paid, the unpaid balance of the assessments in such installments with such interest.

3.079 Filing of Resolutions and Ordinances. The Recorder shall record a copy of the resolution establishing a Local Improvement District and the assessment ordinance with the Deschutes County Clerk. However, failure to file the resolution and ordinance shall not invalidate or affect any proceedings in connection with the Local Improvement District and shall not impose any liability on the City, the Recorder or any official, officer or employee of the City.

[Section 3.079 amended by Ord. #96-20 passed June 11, 1996]

3.081 Deficit Assessments. If the initial assessment has been made on the basis of estimated cost, and upon the completion of the improvement the actual cost is found to be greater than the estimated cost, the Council may make a deficit or supplemental assessment for the additional cost. Proposed assessments upon the respective lots within the Local Improvement District for the proportionate share of the deficit shall be made, notices sent, a public hearing held and opportunity for objections considered. Determination of the assessment against each particular lot, block, or parcel of land shall be made as in the case of the initial assessment; and the deficit or supplemental assessment spread by ordinance. The deficit assessments shall be entered in the City lien docket, notices published and mailed, and the collection of the assessment made in accordance with the provisions of this chapter relating to the original assessment.

3.085 Rebates and Credit. If assessments have been made on the basis of estimated cost, and upon completion of the improvement project the cost is found to be less than the estimated cost, the Council shall ascertain and declare the same by ordinance and the excess amounts shall be entered on the City lien docket as a credit upon the appropriate assessment. The person who paid the original assessment, or the person's legal representative or successor, shall be entitled to repayment of the excess amount. If the property owner has filed an application to pay the assessment by installment, the owner shall be entitled to a refund only when the installments, together with interest thereon, are fully paid. If the property owner has neither paid such assessment or filed an application to pay in installments, the amount of the refund shall be deducted from the assessment, and the remainder shall remain a lien on the property until legally satisfied.

3.087 Abandonment of Proceedings. The Council may abandon and rescind proceedings for local improvements made under this chapter at any time prior to the final completion of the improvements. If liens have been assessed upon any property under the

procedure, they shall be cancelled, and any payments made on the assessments shall be refunded to the person, or the person's assigns or successors, paying the same.

3.089 Curative Provisions. No improvement assessment shall be rendered invalid by reason of a failure to have all of the information required to be in any engineer's, recorder's or finance officer's report, the improvement or establishment resolution, the assessment ordinance, the lien docket or notices required to be published, mailed or posted; nor by the failure to list the name of, or mail notice to, the owner of any property as required by this chapter; nor by reason of any other error, mistake, delay, omission, irregularity or other act, jurisdictional or otherwise, in any of the proceedings or steps herein specified, unless it appears that the assessment is unfair or unjust in its effect upon the person complaining. The Council shall have the power and authority to remedy and correct all such matters by suitable action and proceedings.

3.090 Reassessments.

1. If all or part of any assessment for any local improvement is declared void or set aside for any reason, or its enforcement refused by any court having jurisdiction, or if the Council doubts the validity of all or any part of the assessment, the Council may make a new assessment or reassessment in the manner provided by the state law.
2. For purposes of this section, the term "assessment" includes deficit or supplemental assessments or reassessments.

3.092 Remedies. Subject to the curative provisions of Section 3.089 and the rights of the City to reassess pursuant to Section 3.090, all actions of the Council taken pursuant to Sections 3.005 to 3.095 are reviewable solely and exclusively by writ or review in accordance with the procedures in ORS 34.010 to 34.100. Review of an ordinance levying any assessment may be commenced only by a property owner who has filed a written objection to the proposed assessment in accordance with Section 3.055 of this chapter.

3.095 Segregation of Liens.

1. If the ownership of any portion of a tract of real property less than the entire tract is transferred, any lien against the real property in favor of the City shall, upon request of the owner of any portion of the tract, be segregated as provided by this section, and not otherwise.
2. Applications for the segregation of liens shall be made to the Finance Officer together with any fee required, describing the tract to be segregated and the names of the owners of the respective tracts. A Certificate of the County Assessor shall be furnished showing the assessed valuation of the various tracts of land concerned as of January 1 of the year in which the segregation is requested, if available; if not available, as of January 1 of the preceding year.
3. The Finance Officer shall then compute a segregation of the lien against the real property upon the same basis as it was originally computed and apportioned and reflect this segregation in the City lien docket. However, no segregation shall be made unless all parts of the original tract of land after the segregation have a true cash value, as determined from the Certificate of the Assessor, of 60 percent or more of the amount of the lien as to the various tracts concerned.

PAVEMENT BREAKING REGULATIONS

3.100 Permit Required. No person shall dig up, break, excavate, disturb, dig under or undermine a public street, sidewalk, crosswalk, street pavement, or public improvement or any part thereof, for the purpose of laying down, gaining access to, or repairing any

water pipes or mains, any sewer or branch sewer, or pipes of any kind, or for any other purpose without first applying for and obtaining a written permit from the Director of Public Works. Any permit holder shall, on demand of the Director of Public Works, the Director's deputies or inspectors, or any police officer of the City, produce the permit at the place where the work is in progress. If the person or persons engaged in such work refuses or fails to produce the written permit, the City officer shall immediately stop the work until the permit is produced.

3.105 Permit Application. An application for a permit filed under the provisions of Sections 3.100 to 3.120 shall state the name of the street or walk to be taken up, excavated or disturbed, the purpose for the work, the number of days required for completion and replacement of the street surface or walk. Any permit shall designate the portion of the street or walk to be taken up or disturbed, the purpose of the work, and any restrictions the Director of Public Works considers necessary.

3.110 Bond Requirements. Before issuing a permit, the Director of Public Works may require the applicant to file a bond with good and sufficient sureties in an amount required by the Director to guarantee that the applicant will immediately remove all surplus sand, earth, rubbish or other materials, and immediately replace the site in as good a condition as it was before being dug up, broken, undermined or disturbed, and that the applicant will keep the same in good repair, at the applicant's own expense, for a period of time designated by the Director, but not to exceed one year from the date of completion of the work.

3.115 Supervision of Work. Work performed under a permit issued by authority of Sections 3.100 to 3.105 shall be done in conformity with this chapter and the terms of the permit, under the supervision of the Director of Public Works.

3.120 Exception. The provisions of Sections 3.100 to 3.115 do not apply to any officer, agent or department of the City.

SIDEWALK RESPONSIBILITY AND OBLIGATIONS

3.200 Duty to Maintain. It is the duty of an owner of property to maintain the sidewalk adjacent to the property in a safe condition and a state of good repair.

[Section 3.200 amended by Ord. #2016-01 passed January 12, 2016]

3.205 Liability for Sidewalk Injuries.

1. The property owner, occupant, and/or person in charge of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of any negligence of the owner in failing to maintain the sidewalk in good and safe condition.
2. The City shall not be liable for injury, damage or loss to any person or property caused in whole or in part by the defective or dangerous condition of any sidewalk. No action may be maintained against the City by or for any person injured because of any sidewalk defect. The City may serve notice on the owner, occupant and/or the person in charge of property to clear, reconstruct or repair the abutting or adjoining sidewalk as conditions may require. Neither the duty of the owner to maintain the sidewalk in good repair and safe condition, nor liability for owner's failure to do so is dependent upon the notice from the City to clear, reconstruct or repair. The City does not assume any liability by the failure to serve notice on the owner, occupant, and/or the person in charge of the property.

3. The property owner, occupant, and/or the person in charge of property shall be liable to the City for any amounts paid or incurred as a result of claims, judgments or settlement, and for all reasonable investigation costs and attorney fees, resulting from the responsible property owner's, occupant's or person in charge of property's failure to maintain the adjacent sidewalk in good repair and safe condition.

[Section 3.205 amended by Ord. #2016-01 passed January 12, 2016]

3.210 Notice to Repair.

[Section 3.210 deleted by Ord. #2015-08 passed July 14, 2015]

- 3.215 Permit Required.** Before making sidewalk repairs, an owner, agent or occupant shall obtain a permit from the Director of Public Works. The application for the permit shall be made in writing and shall describe the kind of repair or construction to be made.

3.220 Repair by City.

[Section 3.220 deleted by Ord. #2015-08 passed July 14, 2015]

3.225 Liens.

[Section 3.225 deleted by Ord. #2015-08 passed July 14, 2015]

- 3.230 Sidewalk Improvements.** Improvements or repairs to any sidewalk shall conform to the standard specifications for the City of Redmond for sidewalks as placed on file with the Director of Public Works.

[Section 3.230 added by Ord. #87-10 passed June 23, 1987]

DRIVEWAY APPROACHES

- 3.300 Permit Required.** No person shall construct or improve a driveway approach across a sidewalk, parking strip, curb or in or upon another part of a street without first obtaining a permit from the Director of Public Works.

- 3.305 Permit Application.** An application for a permit shall be in writing upon a form provided by the City and shall state the size, location and other information which may be required by the Director of Public Works.

- 3.310 Permit Fee.** A permit fee as set by the Council shall accompany each application.

- 3.315 Issuance of Permit.** A driveway approach permit shall be issued by the Director of Public Works if the Director determines that the applicant has complied with the requirements of this chapter and all applicable land use regulations.

- 3.320 Supervision and Revocation of Permit.** Work done under a permit issued in compliance with Section 3.315 shall be under the direction and supervision of the Director of Public Works. A permit may be revoked by the Director if the work is not being performed according to the requirements of this chapter.

- 3.325 Width, Number and Location.** The Director of Public Works shall determine the proper width of each driveway approach, whether more than one driveway approach is

acceptable and the location of each approach. The Director may promulgate regulations to guide applicants with respect to width, number and location of driveway approaches.

3.330 Maintenance and Removal.

1. Each driveway approach shall be maintained and kept in a safe condition from the roadway to the abutting property by the owner of the property. A driveway approach which exceeds the width established under Section 3.325 shall be changed to conform to the Director's regulations or shall be removed.
2. A driveway approach shall be removed if it no longer provides access for vehicles to something definite on private property, including, but not limited to, a parking area, a driveway or a doorway at least seven feet wide intended and used for the entrance of vehicles.
3. Upon the removal of a driveway approach, that portion of the street previously occupied by the driveway approach shall be restored as nearly as practicable to a condition comparable to adjacent areas. Curbing and sidewalk shall be replaced, all at the expense of the owner of the abutting property.
4. The City reserves the right to terminate the use of any driveway approach presently in existence or constructed pursuant to the terms of this chapter when the Council determines the approach constitutes a hazard to traffic on the adjoining street.
5. In the event of the failure, neglect or refusal of property owner to remove driveways and restore the sidewalk spaces, parkways and curb areas to the standards of this section, the City may proceed to restore the same and charge the expense to the property to which the driveway approach led. The cost is a lien on the property, and the lien shall be entered in the docket of City liens.

3.335 Inspection.

[Section 3.335 deleted by Ord. #2015-08 passed July 14, 2015]

3.340 Nuisance. Violations of section 3.200 to 3.330 are hereby declared a nuisance and are subject to notice, abatement, removal or other remedies provided in City of Redmond code chapter 5.345 to 5.351.

[Section 3.340 (Appeals) deleted by Ord. #2015-08 passed July 14, 2015]

[Section 3.340 (Nuisance) added by Ord. #2015-08 passed July 14, 2015]

PARKS SYSTEMS DEVELOPMENT CHARGE

3.400 Findings and Purpose.

3.405 Definitions.

[Sections 3.400 through 3.405 added by Ord. #91-28 passed November 12, 1991]

[Sections 3.400 through 3.405 repealed by Ord. #2001-04 passed May 8, 2001]

3.410 Charge Imposed; Rate Established.

[Section 3.410 added by Ord. #91-28 passed November 12, 1991]

[Section 3.410 amended by Ord. #92-13 passed June 23, 1992]

[Section 3.410 amended by Ord. #92-23 passed November 24, 1992]

[Section 3.410 amended by Ord. #97-17 passed April 8, 1997]

[Section 3.410 amended by Ord. #98-11 passed February 24, 1998]

[Section 3.410 amended by Ord. #98-12 passed February 24, 1998]

[Section 3.410 amended by Ord. #98-38 passed September 8, 1998]

[Section 3.410 amended by Ord. #98-40 passed September 22, 1998]
[Section 3.410 amended by Ord. #2000-03 passed April 25, 2000]
[Section 3.410 repealed by Ord. #2001-04 passed May 8, 2001]

3.415 Time of Imposition of Charge; Alternate Payment Method.

[Section 3.415 added by Ord. #91-28 passed November 12, 1991]
[Section 3.415 amended by Ord. #92-10 passed May 26, 1992]
[Section 3.415 amended by Ord. #95-21 passed July 11, 1995]
[Section 3.415 amended by Ord. #2000-03 passed April 25, 2000]
[Section 3.415 repealed by Ord. #2001-04 passed May 8, 2001]

3.420 Building Without Payment of Charge Prohibited; Penalties.

3.425 Credit for Certain Costs Incurred.

3.430 Segregation and Use of Revenues.

3.435 Charge Not Exclusive.

[Sections 3.420 through 3.435 added by Ord. #91-28 passed November 12, 1991]
[Sections 3.420 through 3.435 repealed by Ord. #2001-04 passed May 8, 2001]

3.440 Appeal Procedure.

[Section 3.440 added by Ord. #98-11 passed February 24, 1998]
[Section 3.440 amended by Ord. #2000-03 passed April 25, 2000]
[Section 3.440 repealed by Ord. #2001-14 passed June 12, 2001]

3.445 Administrative Rules.

[Section 3.445 added by Ord. #98-12 passed February 24, 1998]
[Section 3.445 amended by Ord. #2000-03 passed April 25, 2000]
[Section 3.445 repealed by Ord. #2001-14 passed June 12, 2001]

3.450 Deferral of System Development Charges Public Park Areas.

3.455 Fairgrounds - Park Systems Development Charge.

[Sections 3.450 and 3.455 added by Ord. #2000-03 passed April 25, 2000]
[Sections 3.450 and 3.455 deleted by Ord. #2001-22 passed September 25, 2001]

ARTERIAL AND COLLECTOR STREET DEVELOPMENT CHARGE

3.500 Findings and Purpose.

3.505 Definitions.

[Sections 3.500 through 3.505 amended by Ord. #91-28 passed November 12, 1991]
[Sections 3.500 through 3.505 repealed by Ord. #2001-04 passed May 8, 2001]

3.510 Charge Imposed; Rate Established.

[Section 3.510 amended by Ord. #87-08 passed May 26, 1987]
[Section 3.510 amended by Ord. #89-07 passed May 23, 1989]
[Section 3.510 amended by Ord. #91-28 passed November 12, 1991]
[Section 3.510 amended by Ord. #97-17 passed April 8, 1997]

[Section 3.510 amended by Ord. #98-11 passed February 24, 1998]
[Section 3.510 amended by Ord. #98-12 passed February 24, 1998]
[Section 3.510 amended by Ord. #2000-03 passed April 25, 2000]
[Section 3.510 repealed by Ord. #2001-04 passed May 8, 2001]

3.515 Time of Imposition of Charge; Alternate Payment Method

[Section 3.515 amended by Ord. #91-28 passed November 12, 1991]
[Section 3.515 amended by Ord. #92-10 passed May 26, 1992]
[Section 3.515 amended by Ord. #95-21 passed July 11, 1995]
[Section 3.515 amended by Ord. #96-16 passed April 23, 1996]
[Section 3.515 amended by Ord. #98-03 passed January 13, 1998]
[Section 3.515 amended by Ord. #2000-03 passed April 25, 2000]
[Section 3.515 repealed by Ord. #2001-04 passed May 8, 2001]

3.520 Building Without Payment of Tax Prohibited; Penalties.

[Section 3.520 amended by Ord. #91-28 passed November 12, 1991]
[Section 3.520 repealed by Ord. #2001-04 passed May 8, 2001]

3.525 Credit for Certain Costs Incurred.

[Section 3.525 amended by Ord. #91-28 passed November 12, 1991]
[Section 3.525 amended by Ord. #96-16 passed April 23, 1996]
[Section 3.525 repealed by Ord. #2001-04 passed May 8, 2001]

3.530 Segregation and Use of Revenues.

3.535 Tax Not Exclusive.

[Sections 3.530 through 3.535 amended by Ord. #91-28 passed November 12, 1991]
[Sections 3.530 through 3.535 repealed by Ord. #2001-04 passed May 8, 2001]

3.540 Appeal Procedure.

[Section 3.540 added by Ord. #96-16 passed April 23, 1996]
[Section 3.540 amended by Ord. #2000-03 passed April 25, 2000]
[Section 3.540 repealed by Ord. #2001-04 passed May 8, 2001]

3.545 Administrative Rules.

[Section 3.545 added by Ord. #96-16 passed April 23, 1996]
[Section 3.545 repealed by Ord. #2001-04 passed May 8, 2001]

3.550 Deferral of Systems Development Charges for Public Park Areas

[Section 3.550 added by Ord. #98-11 passed February 24, 1998]
[Section 3.550 deleted by Ord. #2001-22 passed September 25, 2001]

3.555 Fairgrounds; Street Systems Development Charge.

[Section 3.555 added by Ord. #98-12 passed February 24, 1998]
[Section 3.555 deleted by Ord. #2001-22 passed September 25, 2001]

TREES

3.600 Purpose. The purpose of this ordinance is to enhance the livability of the City of Redmond, promote public health and safety and provide for the general welfare of Redmond's citizens, by developing an urban forestry program and establishing regulations for the planting, maintenance, removal and protection of public trees within the City of Redmond. This ordinance further implements the policies and goals of the City of Redmond Comprehensive Plan.

[Section 3.600 amended by Ord. #2005-25 passed December 13, 2005]

3.601 Definitions. For the purpose of this Ordinance the following terms, phrases, words, shall have the following meaning:

1. **City.** City of Redmond, State of Oregon.
2. **City Arborist.** The designated city official assigned to carry out the requirements of this Ordinance.
3. **Crown.** The leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree.
4. **Damage.** Injury to a tree that compromises its health or longevity, or causes its death, including direct or indirect injury caused by insect, disease, human or animal.
5. **Disease.** Any tree disease or insect that compromises its health or longevity and is capable of being transmitted to other trees.
6. **Hazardous Tree.** A tree or tree part that has a high potential to fail and cause damage or injury to people or property.
7. **Major Pruning.** The selective removal of over 20% of a tree's crown.
8. **Person.** Any person, firm, partnership, association, corporation, company, or organization of any kind.
9. **Private Tree.** Trees within the City that are not public trees.
10. **Pruning.** The selective removal of plant parts to meet specific goals and objectives.
11. **Public Areas.** Property owned by the City, all dedicated public rights-of-way, and any property under the control of the City.
12. **Public Rights-of-Way.** That portion of land acquired for construction or a roadway and supporting utilities falling under the jurisdiction of public entities.
13. **Public Tree.** Trees located on public areas.
14. **Street Tree.** Trees located on land lying within the public rights-of-way of any dedicated street.
15. **Topping.** An inappropriate technique to reduce tree size; cutting a stem more than 2 years old at an indiscriminate location or back to a lateral branch too small to keep the cut stem vital (typically less than 1/3 the diameter of the cut stem); a type of pruning cut that destroys tree architecture and serves to initiate discoloration and perhaps decay in the cut stem.
16. **Tree.** A woody perennial, usually with one main trunk, attaining a height of at least six feet or a trunk diameter of at least 2 inches at 4.5 feet above natural grade.
17. **Urban Forest Management Plan.** A City Council approved written document that guides the work of the City's urban forestry program and envisions a long range plan for the preservation and improvement of the Redmond urban forest.
18. **Urban Forestry.** The planting, management and maintenance of trees and related vegetation growing within the City's urban growth boundary for the present and potential positive benefits and contributions to the health and livability of the City.

[Section 3.601 added by Ord. #2005-25 passed December 13, 2005]

3.603 Tree Board. The Redmond Parks Committee is designated as the Tree Board for the City of Redmond and shall function as an advisory body to the City concerning urban forestry matters generally.

[Section 3.603 added by Ord. #2005-25 passed December 13, 2005]

[Section 3.603 amended by Ord. #2014-18 passed October 28, 2014]

3.605 City Arborist. The City Arborist or designee shall have the following responsibilities:

1. Develop and update an Urban Forestry Management Plan for the City of Redmond with recommendations from the Tree Board and approval of the City Council;
2. Implement the approved Urban Forestry Management Plan;
3. Develop and update code provisions establishing standards for planting, protection, maintenance and removal of trees located on public areas;
4. Review development applications to insure compliance with Redmond City Code provisions concerning street trees and trees located on other designated public areas;
5. Implement and enforce Code provisions concerning both public and private trees.

[Section 3.605 amended by Ord. #2005-25 passed December 13, 2005]

3.607 Urban Forestry Standards and Specifications.

1. Activities affecting public trees shall be performed in accordance with the terms and provisions of the Redmond City Code.
2. The City of Redmond adopts the American National Standards Institute A300 Standards for Tree Car Operations, ANSI A300 (Part 1)-2001 Pruning, (Part 2)-1998 Fertilization and (Part 3)-2000 Support Systems A. Cabling, Bracing, and Guying as the performance standards for the care and maintenance of all trees located on public areas within the City of Redmond.

[Section 3.607 added by Ord. #2005-25 passed December 13, 2005]

3.608 Activities Prohibited. Unless authorized in writing by the City Arborist or designee:

1. No person shall top any public tree. The City Arborist may authorize the topping of a public tree as necessary only to alleviate a dangerous condition, including electric service interruptions, which pose an imminent threat to the public or property.
2. No person shall attach or keep attached to any public tree any ropes, wires, chains, or other device whatsoever, except as necessary for the support or protection of the tree. Seasonal holiday lights may be attached to public trees in a manner that does not damage the tree.
3. No person shall damage any public tree; allow any gaseous liquid, or solid substance that is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any such tree.
4. No person shall remove, major prune or plant any public tree without a valid permit.
5. No person shall commence excavation, demolition or construction, including the erection, repair, alteration or removal of any buildings, structures, street, utilities or landscaping projects located within fifteen (15) feet of a public tree without measures to protect the tree from damage being in place. Protection measures shall be conducted in accordance with Redmond City Code.

[Section 3.608 added by Ord. #2005-25 passed December 13, 2005]

3.609 Street Trees – Property Owner Responsibility.

1. The property owner of land abutting the public rights-of-way shall maintain street trees in good health, including watering, pruning, and protection against damage and disease

and is responsible for the removal and planting of trees located or to be located in the abutting public rights-of-way. All activities shall be conducted in accordance with Redmond City Code. The property owner shall obtain a permit prior to planting, major pruning or removing a public tree.

2. The City shall be responsible to maintain street trees in good health within the designated areas shown on the Street Tree – City Responsibility Map, including all street trees located in street medians.
3. Through a written agreement with a property owner(s), the City may accept ongoing or project specific responsibility for maintaining, removing or planting public tree(s) located on the rights-of-way abutting the property owner(s) land.

[Section 3.609 added by Ord. #2005-25 passed December 13, 2005]

3.610 Maintenance.

[Section 3.610 amended by Ord. #88-21 passed November 22, 1988]

[Section 3.610 deleted by Ord. #2005-25 passed December 13, 2005]

3.611 Permits Required.

1. A person shall obtain a permit approved by the City Arborist or designee prior to planting, removing or major pruning any tree located on a public area. The permit application shall be made at least 5 working days before the intended activity. Work done under such written permit shall be performed in accordance with the terms and provisions of the Redmond City Code. The City Arborist or designee shall base approval or denial of a permit on the standards, goals and objectives set forth in Redmond City Code and the urban Forestry Management Plan. No such permit shall be valid for a period greater than ninety (90) days after the date issued. A permit to remove trees may include a provision requiring the permittee to replace the trees removed with trees approved by the City Arborist or designee.
2. Public utility companies that hold a current franchise agreement with the City are exempt from this permit requirement.
3. City staff on official business are exempt from this permit requirement. Prior to activities commencing, all activities shall be coordinated with the City Arborist or designee and be conducted in accordance with the provisions of Redmond City Code.
4. If a public tree is deemed a hazardous tree by the City Arborist or designee, the City Arborist or designee may authorize emergency removal or pruning of such tree. Work shall be done in accordance with the provisions of Redmond City Code.

[Section 3.611 added by Ord. #2005-25 passed December 13, 2005]

3.613 Appeals. Any action or decision by the City under this Code section may be appealed to the Tree Board. The appeal shall be filed within twelve (12) working days after the action or decision. The appeal shall be in writing and shall be filed with the Public Works Director. The appeal shall specify the action or decision complained of and the reasons for which a hearing is requested. The Tree Board shall render its decision in writing. The decision of the Tree Board may be appealed to the City Council. The appeal shall be in writing, state the reasons for the appeal, and be filed with the City Recorder within twelve (12) working days after the decision of the Tree Board is mailed to the appellant. The decision of the City Council shall be final.

[Section 3.613 added by Ord. #2005-25 passed December 13, 2005]

STREET NAMING AND ADDRESSING

3.700 Definitions.

1. **Address**
 - A. An address shall consist of a four-digit number and a road name. This address shall be determined by the direction facing of a residential structure to a City street, public way or private street, or where the access driveway intersects a City street, public way or private street. The address assigned to an empty lot shall be based on the most probable structural facing or most probable access point.
 - B. Addresses shall end in an even number on the South and East sides of a street and shall end in an odd number on the North and West sides for a street.
2. **Building.** Includes the word "structure".
3. **Building site.** Includes the word "lot" and the word "plot."
4. **City.** The City of Redmond, Oregon.
5. **City Council and Council.** The City Council of the City of Redmond.
6. **Erected.** Also includes "constructed", "reconstructed", "altered", "placed" or "moved".
7. **Land use.** Also includes "building use" and "use of building".
8. **Community Development Department.** The City of Redmond Community Development Department or contracted representative of the City of Redmond Community Development Department acting on their behalf.
9. **Commercial Lessee.** A lessee occupying a structure or portion of a structure having a separate street address as defined herein for business purposes under a lease of one-year duration or more.
10. **City Grid System.** A coordinate system for address numbering which covers all lands within City of Redmond Urban Growth Boundary including that within the Redmond City Limits; a subset of the Deschutes County Grid System.
 - A. The address number within each grid shall increase as they travel away from the quadrant boundary line at a rate of 20 intervals per 100 feet.
 - B. The East/West quadrant boundary line is 1st Street alignment, south of Antler Avenue and North Canal Blvd north of Antler Avenue.
 - C. The North/South quadrant boundary line is the Antler Avenue right of way alignment.
11. **Road or Street.** A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.
12. **Roadway.** That portion of a street or road right-of-way developed for vehicular traffic.
13. **Street.** The entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic and includes the terms "road," "highway," "land," "place," "avenue," "alley," or other similar designation.
14. **Cul-de-sac.** A short street having one end open to traffic and terminated by a vehicle turn-around.
15. **Dwelling.** A building or part thereof designed or used for residential occupancy.
16. **Dwelling, Single Family.** A detached building containing one dwelling unit and designed for occupancy by one family only, excluding a mobile home.
17. **Dwelling, Duplex or Two Family.** A detached building containing two dwelling units.
18. **Dwelling, Multi-Family.** A building or group of buildings on a single lot containing three or four dwelling units.
19. **Dwelling, Multi-Family Complex.** A building or group of buildings involving five or more dwelling units on a single lot.
20. **Dwelling, Seasonal.** A dwelling unit, including a mobile home, travel trailer, or camping vehicle, designed for and used as a temporary dwelling by one family for recreational or seasonal purposes only.
21. **Dwelling Unit.** One or more rooms constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease, and physically separated from

- any other room or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.
22. **EastWest Street.** A road that runs predominately East and West. Streets that lie predominately at an angle greater than 45 degrees from due North or due South shall be numbered as East/West roads.
 23. **Grid Lines.** A part of the Grid System and run West to East and South to North for the entire length of the City. These lines are used as reference points to determine the numerical portion of an address that is assigned to dwellings or other structures.
 24. **North/South Street.** A street that runs predominantly North and South. Streets that lie predominately at an angle less than 45 degrees from due North or due South shall be numbered as North/South streets.
 25. **Planning Commission and Commission.** The Urban Area Planning Commission.
 26. **Planning Director, City Attorney, City Recorder, City Manager, and Public Works Superintendent** shall mean the Planning Director, City Recorder, City Attorney, City Manager and Public Works Superintendent for the City of Redmond.
 27. **Street Name Subject Group.** Alphabetical sequencing of East/West street names within a subject group.
 28. **Structure.** A combination of materials forming any construction the use of which requires location on the ground or attachment to something having location on the ground. The word structure shall be construed as though followed by the words "or part thereof."
 29. **Used.** Includes "designed, intended or arranged to be used."

[Section 3.700 added by Ord. #2004-06 passed March 23, 2004]

3.705 Address Number Assignment Authority.

1. City of Redmond, through its Community Development Department or designate, shall have the authority to and shall assign address numbers to vacant lots, dwellings and other structures requiring addresses as setforth herein.
1. The City, through its Community Development Department or designate, shall have the authority to and shall change existing address numbers under the standards set forth in setforth herein.

[Section 3.705 added by Ord. #2004-06 passed March 23, 2004]

3.710 Procedures and Standards for Assigning New Address Numbers.

1. When a building permit is issued for a new dwelling or other structure on a lot or parcel that does not have an address, the Community Development Department shall assign an address number based on the street location of the structure's facing or access and its location in the City Grid System.
2. A new dwelling or structure with access on a North/South street will have an even address number assigned to it if it is on the East side of the street, and an odd address number assigned to it if it is on the West side of the street.
3. A new dwelling or structure with access on a East/West street will have an even address number assigned to it if it is on the South side of the street, and an odd address number assigned to it if it is on the North side of the street.
4. The numbers assigned to new dwellings or structures shall increase sequentially within an address block range. House numbers will increase North and South or East and West from their respective quadrant boundary lines as defined by the City of Redmond grid.
5. Address blocks numbering will increase sequentially from their respective quadrant boundary lines as defined by the City of Redmond grid.

6. New dwelling or structures on cul-de-sacs shall be numbered in a consecutive alternating sequence with even and odd numbers.
7. New dwellings or structures on circles or loops shall be numbered as illustrated in a consecutive alternating sequence with even and odd numbers.
8. Each new single-family dwelling shall have one address number.
9. New duplex, triplexes and fourplexes shall be given an address number for each dwelling unit.
10. New apartment complexes, manufactured home parks and other multi-unit complexes shall be given an address number as one dwelling. The owner of each such multi-unit establishment shall assign unit address numbers in a manner that is acceptable to the Community Development Department.

[Section 3.710 added by Ord. #2004-06 passed March 23, 2004]

3.715 Procedures and Standards for Changing Existing Address Numbers. The provisions of Section 3.710 shall apply. In addition, the following procedures and standards shall apply to the changing of existing address numbers.

1. The changing of an existing address number may be initiated by the Community Development Department or by application by the property owner or any public agency that may be affected by the address number.
2. All changes in address numbers shall conform to the City Grid System and the standards for address numbers set forth in Section 3.705 – 3.730. Any application or proposed change not in conformance with these standards shall be denied.
3. An existing address number may be changed by the Community Development Department if it is not in conformance with the City Grid System and the standards for address numbers set forth in Section 3.710. Proposed address number changes shall be carried out pursuant to the procedures set forth in Section 3.715 (4) through (9).
4. An application to change an address number shall be made to the Community Development Department and shall include, at a minimum, the following:
 - A. Name of applicant;
 - B. Location of dwelling or structure;
 - C. Existing address number;
 - D. Reason for address number change; and
 - E. Fee, if any, as established by the City Council.
5. The Community Development Department shall evaluate any proposed change to determine whether it conforms to the standards set forth in Section 3.710. If it does not, the application shall be denied. If the Community Development Department determines that the application is consistent with the standards set forth in Section 3.710, it shall proceed consistent with the procedures set out in Section 3.715 (4) through (9).
6. Notice of a proposed address number change shall be provided to the property owner, occupant and affected agency. The notice shall inform the property owner and occupant of the City's intent to change the subject address 30 days from the date of the notice and the reason for the change. The property owner and occupant shall be given 10 days from the date of the notice to comment in writing on the proposal.
7. Within 10 days of receipt of timely comments, notice shall be sent to property owners, occupants and affected agencies informing them of whether the proposed address number change was corrected in response to their comments. In cases where proposed address number changes are corrected in response to comments, the corrected address number shall become effective as of the effective date proposed in the original notice of proposed address change, unless the corrected address is the address already in use by the owner or occupant.
8. The proposed address change shall become effective 30 days from the date of the notice provided for in Section 3.715 (6) through (7), whichever occurred first.

9. The Community Development Department shall notify the offices of the County Clerk, County Assessor, Public Works Department, Postmaster and any affected public safety departments of a changed address number within 30 days of the date the new number becomes effective.

[Section 3.715 added by Ord. #2004-06 passed March 23, 2004]

3.720 Posting of address numbers – General Requirements.

1. All property located within the City of Redmond on which a structure is located shall display an address number.
2. Such address numbers shall be permanently affixed in a location on the property that is clearly visible from the street used as the basis for numbering. The numbers shall not be less than three inches in height, shall be painted upon or affixed to the dwelling or structure in a contrasting and visible color, and shall comply with zoning or other ordinance standards for signs.
3. In cases where the dwelling or structure is not visible from the access road and where the mailbox is not located at the end of the access driveway, the applicable fire district or emergency services agency, if any, shall be contacted to determine another location for address display so that emergency vehicles can quickly locate the house or building.
4. All construction sites or structures under construction shall display a street address number. The numbers as displayed shall conform to the requirements in Sections 3.725 - 3.730, except that the numbers may be affixed to a sign visible from the road used as the basis for numbering.
5. Every owner or commercial lessee of any structure shall be responsible for having the address number displayed thereon in conformance with the requirements of Section 3.720.

[Section 3.720 added by Ord. #2004-06 passed March 23, 2004]

3.725 Assigned or Changed Address Numbers. Address numbers assigned or changed by the City under Section 3.705 – 3.730 shall comply with the requirements of Section 3.725(1).

1. Address numbers assigned or changed by the City must be displayed within 30 days from the date on which construction begins or on which the address becomes effective, as provided in Section 3.715(8), except that address numbers assigned to sites with new construction shall be displayed from the start of construction on site.
2. Address numbers assigned by the City to structures erected after the effective date of City Ordinance #2004-06 must be permanently displayed before occupancy or use. At the time of final inspection of a new structure, the building official or his designee shall verify that assigned address numbers have been affixed as required above.
3. Every owner or commercial lessee shall be responsible for ensuring that the address number as assigned or changed by the City is displayed in accordance with the requirements of Section 3.725.

[Section 3.725 added by Ord. #2004-06 passed March 23, 2004]

3.730 Failure to Display an Address Number.

1. Failure to display an address number in conformance with the requirements set forth in Section 3.720 – 3.725, or the display of an address number other than one assigned or changed in accordance with the provisions of Section 3.705 – 3.730, shall be a violation.

[Section 3.730 added by Ord. #2004-06 passed March 23, 2004]

3.735 Street Naming Authority.

1. The City of Redmond, through the Community Development Department or designate, shall have the authority to and shall assign street names to roads requiring names as provided in Section 3.735 – 3.770.
2. The City of Redmond, through its Community Development Department or designate, shall have the authority to and shall change existing street names under the standards set forth in Section 3.735 – 3.770.

[Section 3.735 added by Ord. #2004-06 passed March 23, 2004]

3.740 Unnamed Streets.

1. All unnamed public and private streets and other roadways which provide access to three or more tax lots, or which are more than 1,320 feet in length, shall be assigned a name in accordance with the procedures in Section 3.745 – 3.760.

[Section 3.740 added by Ord. #2004-06 passed March 23, 2004]

3.745 Procedures for Naming New Streets.

1. Application.
 - A. The naming of a road may be initiated by the Community Development Department, Planning Commission, the City Council, or by application of adjacent property owners, developers, or public agencies which may be affected by road names.
 - B. An application to name a road shall be submitted to the Community Development Department and shall include, at a minimum, the following:
 1. Name of applicant
 2. Location of street by description and/or map
 3. Legal status of street, if known
 4. Proposed street name, with two alternate proposed names
 5. Reason for name request
 6. Petition(s) attached, if any
 7. Fee, if any, as established by the Board
2. Notice of a proposed name assignment shall be sent to all persons owning property abutting the affected street or having an address on the affected street as well as affected agencies. Such notice shall be sent within 10 days of the receipt of an application, if any, or other action initiating the proposed street name assignment.
3. Persons or agencies receiving notice under Section 3.745(2) shall promptly notify any tenants or other occupants of the affected property of the proposed name assignment.
4. Any person receiving notice under Section 3.745(2) above may comment in writing on the proposed name within 10 days from the date the notice was postmarked.
5. Standards.
 - A. General. The proposed road name shall:
 1. Be limited to a maximum of two words.
 2. Not duplicate existing road names, except for continuations of existing streets.
 3. Not sound similar to other streets as to be confusing.
 4. Not use compass directions such as North, East, South, etc., as part of the street name.
 5. Not use designations such as Loop, Way, Place, etc., as part of the street name.
 6. Improve or clarify the identification of the area.
 7. Streets that fall immediately along grid alignments use predefined grid street names.

8. Streets not falling immediately along grid street alignments will use names that match subject and alphabetical sequencing within street name subject groups.
 9. Reflect a consensus of sentiment of affected owners and occupants, when possible, subject to the other standards contained in Section 3.745 – 3.765.
- B. Particular Roads. The proposed road name shall also conform to the following standards:
1. North/South streets shall be called "streets"
 2. East/West streets shall be called "avenues"
 3. Streets that dead-end in a turnaround that is 800' feet or less from their beginning points shall be called "courts"
 4. Streets of reduced right of way or curving roads of less than 800 feet shall be called "lanes"
 5. Curving streets longer than 800 feet shall be called "drives"
 6. Streets that deviate slightly from the main course of a street with the same name, and are less than 1,000 feet in length, shall be called "places"
 7. Streets that are four lanes or more shall be called "boulevards"
 8. Streets running at oblique angles to the four points of the compass, less than 1,000 feet in length, shall be called "ways."
 9. Streets that begin at and circle back onto the same road, or that are circular or semicircular, shall be called "circles" or "loops"

[Section 3.745 added by Ord. #2004-06 passed March 23, 2004]

3.750 Staff Review and Road Name Assignment. The Community Development Department shall review road name applications and shall assign road names under the following procedure:

1. Verify legal status of street with the County Clerk's office and Public Works Department.
2. Check proposed street name(s) to avoid duplication or confusing similarity with other existing street names, with those on approved preliminary land divisions and with those approved for future use.
3. Perform a field check, when necessary.
4. Assist the applicant or other affected person(s) to find alternate names when required.
5. Notify effected persons, departments and agencies of the road name application, and request comments.
6. Review and consider all comments submitted.
7. Assign a street name in accordance with the standards set forth in Section 3.745(5) above.

[Section 3.750 added by Ord. #2004-06 passed March 23, 2004]

3.755 Notice of Staff Decision.

1. Following assignment of a road name by the Community Development Department, notice of the road name assignment shall be sent to all persons entitled to notice under Section 3.745(2).

[Section 3.755 added by Ord. #2004-06 passed March 23, 2004]

3.760 Appeal.

1. Affected property owners, occupants and agencies shall have the right to appeal the assignment of a street name by the Community Development Department. Such appeals shall be conducted in accordance with the provisions of the City of Redmond Development Procedures Ordinance, except where the provisions of Section 3.745 – 3.765 conflict with

the procedures ordinance, in which case the provisions of Section 3.745 – 3.765 shall apply. Affected property owners and occupants shall have 10 days from the date of the staff decision in which to file an appeal. Issues on appeal shall be limited to whether the Community Development Department correctly applied the criteria set forth herein.

2. A street name assignment becomes final when no further right of appeal established herein is possible. Within 12 days of the street name assignment becoming final, the Council shall sign an order establishing the street name as assigned by the community Development Department.
3. The affected property owners and occupants shall have 180 days from the date of the Council order of street name assignment to begin using the street name.

[Section 3.760 added by Ord. #2004-06 passed March 23, 2004]

3.765 Notice of Decision.

1. Following the order of the Council naming a street, the Community Development Department shall:
 - A. Notify the applicant requesting the street name of the action; and
 - B. Send copies of the order naming the street to the following:
 1. Public Works Department
 2. Assessor's Office and Tax Office
 3. Postmaster
 4. Community Development Department
 5. County Clerk's Office
 6. Affected telephone and other utilities
 7. Affected fire department(s)
 8. Local school district(s)
 9. Emergency services, i.e., police, fire, 911, etc.
 - C. File the original order naming a road with the County Clerk.

[Section 3.765 added by Ord. #2004-06 passed March 23, 2004]

3.770 Procedures and Standards for Changing Existing Street Names.

1. The following procedures and standards shall apply to the changing of existing street names:
 - A. An existing street name may be changed by the Community Development Department if the existing name:
 1. Duplicates a pre-existing street name
 2. Sounds like or is spelled so similarly to a pre-existing street name as to cause confusion between the two streets
 3. Is known by more than one name
 4. Is different than the name of the street of which it is a continuation
 5. Is not consistent with City street naming standards set forth in Section 3.735 – 3.770.
 - B. In choosing which street name to change as between two or more streets with the same or similar names (affected streets), the department shall consider the following factors:
 1. The number of properties, developed and undeveloped, abutting each affected street;
 2. The length of time a name has been in use to designate each affected street and whether the name used to designate each street has any historic significance;
 3. Whether one affected street as named is relatively better known by the general public than the other affected road or streets as named;

4. Any showing that a proposed street name change would be relatively more burdensome to abutting property owners than if another affected street name were changed.
 5. Proposed name changes shall proceed under the process specified under Section 3.745 – 3.765.
- C. An existing street name may be changed by the City Council for any of the reasons listed in subsection A and also if the change would serve a significant public purpose. Prior to changing a street name under this subsection, the City Council shall hold a public hearing regarding the proposed change. The City Council shall adopt the new street name by ordinance. A copy of that ordinance shall be filed with Deschutes County.

[Section 3.770 added by Ord. #2004-06 passed March 23, 2004]

3.775 Violations.

1. The naming or renaming of a road, or numbering of or failure to number a structure, in violation of any provisions of City Addressing/Street Naming Order, is a Class A Violation.

[Section 3.775 added by Ord. #2004-06 passed March 23, 2004]

PENALTIES

- 3.995 General Penalties.** Violation of any provision in this chapter or regulation promulgated by authority of this chapter is a Class A civil infraction.

Redmond Code

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Redmond Code

CHAPTER 4: UTILITIES

GENERAL PROVISIONS

4.005 Public Service Designated. The furnishing of water service, sewer service, stormwater, and garbage disposal service to the residents of the City is a public service for which a single public service charge may be made.

[Section 4.005 amended by Ord. #2013-03 passed June 25, 2013]

4.007 Companion Services. Water service and sewer service are deemed to be companion services. Both services must be obtained jointly unless an exemption is granted by the City Manager.

4.009 Application for Service.

1. Application for sewer and water connections shall be made either in conjunction with a building permit application or for an existing structure. Application shall be made to the City upon forms provided by the City.
2. Application approval shall be conditional upon the availability of sewer and water as determined by the City, and upon the payment in full of systems development charges set forth in this code including, but not limited to Parks and Streets Systems Development Charges, or establishment of an installment plan for payment of those charges pursuant to contract as authorized by of Section 4.057 of this chapter. Approval for either connection expires upon building permit expiration, as defined by the Oregon State Structural Specialty Code and Fire and Life Safety Regulations. Thereafter, a new application shall be required. If water or sewer approval has expired, the City shall refund the applicable system development charges less 10% administrative cost.

[Section 4.009 amended by Ord. #89-02 passed January 24, 1989]

[Section 4.009 amended by Ord. #93-33 passed September 28, 1993]

[Section 4.009 amended by Ord. #98-03 passed January 13, 1998]

4.011 Availability of Services. Water, sewer, garbage and irrigation services shall not be made available to any property or person for which delinquent payments are owed for such services until the owner or user has made arrangement with the City to pay the delinquencies.

[Section 4.011 amended by Ord. #89-19 passed November 28, 1989]

4.013 Deposits.

1. The City Manager or his designee may require a deposit in a sum which is set by resolution for those accounts:
 - A. Which appear on the shut-off list two or more times within a 12 month period; or
 - B. For which payment for services is made by a check which is not paid upon first presentation, twice within a 12 month period; or
 - C. For which payment is made by check when the account has appeared on the shut-off list and the non-paid check is tendered to avoid shut-off.
 - D. Deposits held for cause due to paragraphs (A) thru (C) shall be held for a period of 1 year or until service is terminated.

2. The City Manager or his designee may allow the deposit to be paid in installments in order to avoid undue hardship, provided the period does not exceed three months and there are no violations within the grace period.

[Section 4.013 amended by Ord. #88-01 passed January 12, 1988]

[Section 4.013 amended by Ord. #89-19 passed November 28, 1989]

[Section 4.013 amended by Ord. #98-03 passed January 13, 1998]

[Section 4.013 amended by Ord. #2001-23 passed October 9, 2001]

[Section 4.013 amended by Ord. #97-42 passed November 11, 1997]

4.015 Billing and Collection Procedure.

1. Water meters shall be read at regular intervals for the preparation of water, sewer, stormwater, garbage and irrigation bills and as required for the preparation of opening, periodic, closing and special bills. Water, sewer, stormwater, garbage and irrigation service will be billed monthly or bi-monthly, at the discretion of the City. The billing charges will be calculated from the actual amount of water used, the amount of wastewater discharged, or the monthly user charges, whichever is greater or at the discretion of the City. All bills are due and payable on presentation. Water, sewer, stormwater, garbage and irrigation charges may be billed together in the same bill.
2. A bill is delinquent unless paid on or before the 15th day following the date of mailing the statement of the account or the date of presentation of the account. Delinquent accounts may be charged interest at a rate of 1½ percent per month (18% APR). A delinquent notice will be sent upon non-payment. If payment of the delinquent bill is not received within 10 days after presentation of the delinquent notice, a turn-off notice will be sent. If payment is not received within five days after the turn-off notice, the City has the authority and the respective departments are authorized to discontinue and disconnect water, sewer, garbage and irrigation service for delinquency in payment of any of the charges without further notice to the property owner or user. The effective shut-off will be at the date and time stated on the turn-off notice.
3. A reconnection/delinquent service fee, which is set by resolution, shall be paid before service is restored when the service has been discontinued for a delinquent account. An additional fee, which is set by resolution, shall be charged and collected for restoring service if the City has removed the water meter following an unauthorized turn-on by the delinquent account holder. The reconnection fee, which is set by resolution, is charged if service is requested to be restored after regular working hours or on weekends. The Manager or designee, in cases of extreme hardship, may renew service to a delinquent account upon receipt of a plan satisfactory to the Manager for the payment in installments of the amount of the delinquent fees and charges from the due dates at the rate of 1½% per month (18% APR) until payment is made in full. If it is necessary to file an action at law or suit for collection of any fees or charges, the user shall pay, in addition to the amounts owed and accrued interest, reasonable attorney's fees and court costs incurred in collection by the City, its agents or assignee of the claim. Any partial payment will be applied in the following order: 1. Penalties, fees and interest; 2. Garbage; 3. Sewer and 4. Stormwater, and 5. Water.
4. If a check is returned to the City unpaid for any reason a charge, which is set by resolution, will be made. If more than one check is returned within any 12 month period the City may require future payments in cash or money order.

[Section 4.015 amended by Ord. #87-14 passed October 27, 1987]

[Section 4.015 amended by Ord. #92-05 passed March 24, 1992]

[Section 4.015 amended by Ord. #97-42 passed November 11, 1997]

[Section 4.015 amended by Ord. #2013-03 passed June 25, 2013]

[Section 4.015 amended by Ord. #2017-05 passed May 23, 2017]

[Section 4.015 amended by Ord. #2018-05 passed May 22, 2018]

4.017 Responsibility for Payment of Bills. The property owner is responsible for payment of all charges prescribed in this chapter.

4.019 Abandoned and Non-Revenue-Producing Services. If a service connection to a property has been abandoned or not used for a period of one year or longer, the City may remove it. Once removed, service shall be restored only upon the customer's application and payment for a new service connection.

4.021 Collection of Rates and Charges. The Manager or designee shall collect all rates and charges set forth in this chapter. All delinquent rates and charges shall be liens against the property to which service is given.

4.023 City Liability. The City shall not be liable for damage to a customer's property which may result when water service is turned on, discontinued, or interrupted for improvements or repairs. The City may shut off water from the mains at any time, without notice, for repairs or other necessary purposes. The City shall not be responsible for any damage resulting to tanks, boilers or other property. No liability shall exist on the part of the City for any damage resulting from the breaking of mains, pipes, service pipes or cocks; and no deduction shall be made for any time that the mains or service pipes may be out of use or service discontinued on account of freezing of pipes or mains.

WATER AND SEWER CONNECTION AND RESPONSIBILITIES

4.045 Definitions.

1. **Building Drain.** That part of the lowest piping of a sewage drainage system that received discharge from pipes within the building perimeter and conveys it to the building sewer beginning 5 feet outside the building wall.
2. **Building Sewer (Sewer Service Lateral).** That part of the horizontal piping of a drainage system that extends from the end of the building drain and that receives the discharge of a building drain and conveys it to a public sewer, private sewer, private sewage disposal system or other point of disposal.
3. **Public Sewer.** Shall mean a sanitary sewer system, excluding the building sewers, owned and operated by the City to which all owners of abutting properties have equal rights to make connection and use, subject to rules, regulations, code provisions and ordinances of the City.
4. **Service Connection (Sewer).** The City owned apparatus allowing for penetration of the building sewer into the public sewer.
5. **Sewer Main.** Shall mean sanitary sewer piping that is part of the public sewer.
6. **Sewer Manhole.** That part of the public sewer which allows access for maintenance, inspection or repair of the public sewer.

[Section 4.045 added by Ord. #2017-05 passed May 23, 2017]

4.050 Property Owner Responsibility.

1. No plumber or other person shall uncover, use, alter, disturb, or make any connection with a city water or sewer main or connect any pipe after it has been disconnected by

- the City, without first obtaining a permit from the Director of Public Works. A City of Redmond Street Cut Permit is required to excavate new building sewer in the right of way or expose existing building sewer for repair within the right of way.
2. The owner is responsible for all costs and expenses relating to the installation and connection of the building sewer. The owner shall indemnify the City from loss or damage that may directly or indirectly result from the installation of the building sewer.
 3. The connection of the building sewer into the sewer main shall conform to the requirements of the State of Oregon Building and Plumbing Codes and City of Redmond Standards and Specifications.
 4. The owner shall notify the City when building sewer is ready for connection and inspection to a public sewer. Only City of Redmond staff will make the physical connection to existing or active sewer mains.
 5. Streets, sidewalks, and other public property disturbed in the course of work shall be restored in accordance with the City Standards and Specifications unless the City approves otherwise in writing.
 6. The owner of property served by a building sewer shall be responsible for maintenance and repair of the building sewer to the point of the service connection to the City sewer. This responsibility includes any costs of maintenance or repair of the building sewer. In the event of any break, leak or other damage to a building sewer, the owner of the property served by the building sewer shall cause repairs to be made immediately to minimize any sewer spillage or damage to surrounding property.
 7. The owner shall, at the owner's personal own risk and expense, furnish, install and keep in good and safe condition, equipment that may be required for receiving, controlling, applying and utilizing water or sewer services. The City shall not be responsible for loss or damage caused by the improper installation of the equipment, or for the negligence, want of proper care or wrongful act of the customer in installing, maintaining, using, operating or interfering with the equipment.
 8. The service connection at the water main or sewer main, whether located on public or private property, is the property of the City, and the City reserves the right to repair, maintain and replace it.
 9. The water service from the connection to the water main to and including the water meter is the property of the City of Redmond.
 10. The water service pipes must be arranged so that the supply to each separate house or premises may be controlled by a separate stopcock placed within or near the line of the street curb.
 11. The point of service connection with the public sewer or water system shall be as determined by the City. Building sewers are not allowed to enter the public sewer at manholes unless authorized by the City.
 12. There shall be no more than one sewer and water connection to each 50' x 100' lot.
 13. Old building sewers may be used in connection with new buildings only if the City determines that they meet all requirements of this chapter and are in acceptable condition.
 14. Shared building sewer lines (defined as building sewers serving more than one lot, parcel, or tax lot) are prohibited in new construction. It is the responsibility of owner(s) having an existing shared building sewer lines to maintain these lines and replace them as needed.

[Section 4.050 amended by Ord. #2017-05 passed May 23, 2017]

4.052 Protection of Pipes from Freezing. Service pipes inside the property line shall be buried at sufficient depth to prevent freezing. Service lines from the point of connection to the structure shall be kept in repair at the expense of the owner. The owner shall be

held responsible for all damage resulting from breaks inside the shutoff. No deduction shall be made in water charges for want of supply caused by freezing or any other cause, or from waste or leakage in the service pipes. In an emergency situation, the City may turn off water to buildings with frozen pipes at no charge to the owner.

4.054 Connection Outside the City. Any proposal to connect structures located outside the City to either the sewer or water system shall be by contract of the owner/developer with the City. A consent to annex to the City shall be required before services are provided to the property.

4.056 Connection Expenses.

1. All expenses for connections to the sewer or water system shall be borne solely by the property owner and shall not be part of the systems development charge. The costs incurred in the purchase and installation of a water meter are also separate from the system development charge.
2. The City may require as an additional expense for connection, reimbursement fees for the installation of sewer and water lines which benefit the affected property.

[Section 4.056 amended by Ord. #89-09 passed June 27, 1989]

4.058 Water Meter Installation Charges.

1. The charges for water meter installation shall be as set by resolution.
2. Any necessary repair to water meters or related apparatus damaged by the owner or tenants or serviced premises is the responsibility of the owner or tenant of the premises.

[Section 4.058 amended by Ord. #92-08 passed April 14, 1992]

[Section 4.058 amended by Ord. #93-33 passed September 28, 1993]

SYSTEMS DEVELOPMENT CHARGE

4.075 System Development Charge (Sewer and Water).

[Section 4.075 amended by Ord. #87-08 passed May 26, 1987]

[Section 4.075 amended by Ord. #89-02 passed January 24, 1989]

[Section 4.075 amended by Ord. #89-20 passed December 12, 1989]

[Section 4.075 amended by Ord. #91-28 passed November 12, 1991]

[Section 4.075 amended by Ord. #92-10 passed May 26, 1992]

[Section 4.075 amended by Ord. #92-12 passed June 9, 1992]

[Section 4.075 amended by Ord. #92-13 passed June 23, 1992]

[Section 4.075 amended by Ord. #92-23 passed November 24, 1992]

[Section 4.075 amended by Ord. #95-08 passed March 14, 1995]

[Section 4.075 amended by Ord. #95-21 passed July 11, 1995]

[Section 4.075 amended by Ord. #96-29 passed August 13, 1996]

[Section 4.075 amended by Ord. #97-17 passed April 8, 1997]

[Section 4.075 amended by Ord. #98-11 passed February 24, 1998]

[Section 4.075 amended by Ord. #98-12 passed February 24, 1998]

[Section 4.075 amended by Ord. #98-17 passed March 24, 1998]

[Section 4.075 amended by Ord. #98-38 passed September 8, 1998]

[Section 4.075 amended by Ord. #2000-03 passed April 25, 2000]

[Section 4.075 repealed by Ord. #2001-04 passed May 8, 2001]

4.077 Wastewater Treatment Plant Capital Fund.

4.079 Water Plant Capital Fund.

4.080 Appeal Procedure.

[Section 4.080 added by Ord. #98-11 passed February 24, 1998]
[Section 4.080 amended by Ord. #2000-03 passed April 25, 2000]
[Section 4.080 repealed by Ord. #2001-14 passed June 12, 2001]

4.085 Administrative Rules.

[Section 4.085 added by Ord. #98-12 passed February 24, 1998]
[Section 4.085 amended by Ord. #2000-03 passed April 25, 2000]
[Section 4.085 repealed by Ord. #2001-14 passed June 12, 2001]

4.090 Deferral of System Development Charges for Sewer and Water Connections for Park Areas.

4.095 Fairgrounds.

[Sections 4.090 through 4.095 amended by Ord. #2000-03 passed April 25, 2000]
[Sections 4.090 through 4.095 deleted by Ord. #2001-22 passed September 25, 2001]

RATES

4.100 Definition.

4.102 Sewer Rates. The charges for sewer will be based on the number of Equivalent Dwelling units and a usage factor. The sewer rates are established by resolution.

[Section 4.102 amended by Ord. #91-28 passed November 12, 1991]

4.103 Stormwater Rates.

1. Definitions.

- A. Average Daily Trips means the average daily number of automobile trip-ends that are attributable to a Parcel.
- B. City means the City of Redmond, Oregon, or as indicated by the context, may mean any official, officer, employee or agency representing the City in the discharge of his or her duties.
- C. City Roads means all roads, public and private, excluding State and County roads, in the City of Redmond.
- D. Customer means a person who is responsible for the payment of Service Charges related to one or more Parcels.
- E. Developed Parcel means a Parcel of real property which has been altered by development coverage.
- F. Director means the Director of Public Works or designee.
- G. Drainage Facilities means the drainage systems comprised of stormwater control facilities and any other natural features which store, control, treat and/or convey storm and surface water from the public right of way. Storm drainage facilities shall include all natural and man-made elements used to convey storm water from the first point of impact with the surface of the earth to a suitable receiving body of water or location internal or external to the boundaries of the City. Stormwater facilities expressly used to convey, treat, store or control storm runoff from private property are not included in this definition.

- H. Parcel means the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which constitutes a separate lot or tract capable of being conveyed without further subdivision.
 - I. Service Charges means the stormwater utility fee in an amount to be determined by applying the appropriate rate to a particular parcel of real property based upon factors established by this Chapter.
 - J. Stormwater Control Facilities means all man-made structures or natural water course facility improvements, developments, properties or interest therein, made, constructed or acquired for the conveyance of storm or surface water runoff for the purpose of improving the quality of, controlling, or protecting life or property from any storm, flood or surplus waters. Stormwater facilities expressly used to convey, treat, store, or control storm runoff from private property are not included in this definition.
 - K. Stormwater Program means the City of Redmond stormwater utility as established by this Chapter to develop and manage the drainage facilities and stormwater control facilities.
 - L. Underdeveloped Land means unimproved land and open space as defined by the City of Redmond land use codes.
 - M. Undeveloped Parcel means any Parcel of real property which has not been altered by construction of any improvement or affects the hydraulic properties of the parcel.
 - N. Unit Rate means the Service Charge per Average Daily Trip as established by resolution of the City Council.
2. **Purpose.** It is the purpose of these Section to establish a Stormwater Program to plan, manage, construct, maintain, use, and carry out activities related thereto, and to recover costs by fixing rates and charges. There is hereby created an enterprise fund known as the “City of Redmond Stormwater Fund”. All service charges and fees collected for the Stormwater Program shall be placed in the Redmond Stormwater Fund and used to pay all expenses related to the acquisition, installation, addition, improvement, replacement, repair, maintenance, operation, or administration of the Stormwater Program.
3. **Applicability.** The requirements of this Chapter shall apply to all Parcels of real property in the City of Redmond, including publicly and privately owned property.
4. **Rate Structure.**
- A. Service Charges for the Stormwater Program are hereby authorized and imposed, in amounts and on terms consistent with this Chapter.
 - B. Service Charges shall be based on the service provided and the relative contribution of stormwater pollutants from a given Parcel to the Stormwater Control Facilities. The estimated or measured Average Daily Trips will be used to determine the relative contribution of stormwater pollutants from the Parcel.
 - i. Service charges shall be determined as follows:
 - 1. Undeveloped Parcels shall not be charged.
 - 2. City roads and other public rights-of-way shall not be charged.
 - 3. Service Charges for Developed Parcels shall be computed by adding the determined base charge to the variable components of the rate. This portion is calculated by multiplying the Unit Rate times the estimated or measured Average Daily Trips applicable to the Parcel minus any approved rate adjustment for the Parcel as determined under Section 4.103(6). Average Daily Trips shall be determined by use of the Institution of Transportation Engineers Manual (ITE Manual), unless the Director determines a more relevant or accurate source of Average Daily Trips.

4. Developed parcels served by a single water service may be charged a single stormwater base rate. A developed parcel served by multiple water services may be charged multiple stormwater base rates, based on the number of water services.
5. **Unit Rate Established.** The Unit Rate shall be established by resolution of the City Council.
6. **Service Charge Adjustments and Appeals.**
 - A. Any person billed for Service Charges may file a "Request for Service Charge Adjustment" with the Director within thirty (30) days of the date of the bill. However, submittal of such a request does not extend the period of payment for the charge.
 - B. A request for service charge adjustment may be granted or approved by the Director only when one or more of the following conditions exist:
 - i. The amount charged is in error; or
 - ii. The Parcel exists in its natural unimproved condition and will remain in its natural unimproved condition with no allowable human activities or manmade improvements that adversely affect water quantity or quality; or
 - iii. The Customer provides documentation acceptable to the Director stating that the Parcel generates fewer Average Daily Trips than the number of Average Daily Trips that were billed.
 - C. Adjustments to Service Charges will apply only to the bill then due and payable and bills subsequently issued. The Customer shall have the burden of proving that the service charge adjustment should be granted.
 - D. Decisions on requests for service charge adjustment shall be made by the Director based on information submitted by the applicant and by the City within thirty (30) days of the adjustment request, except when additional information is needed. The applicant shall be notified in writing of the Director's decision.
 - E. Decision of the Director on requests for service charge adjustments shall be final unless appealed to the City Manager within thirty (30) days of the date of the decision. The City Manager may decide the appeal based on the material submitted by the User and City staff or may conduct a hearing. The decision of the City Manager is final.
7. **Use of Funds.** Service charges collected under this Chapter shall be deposited into the City of Redmond Stormwater Fund or funds to be used only for the purpose of paying all or any part of the cost and expense of maintaining and operating Stormwater Control Facilities, all or any part of the cost and expense of planning, designing, establishing, acquiring, developing, constructing, maintaining and improving the Stormwater Program and publicly owned Drainage Facilities.
8. **Commencement of Charges.** For new construction, service charges will commence with the issuance of a building permit, installation of a water meter, or the Parcel otherwise meets the definition of a Developed Parcel, whichever comes first. For existing structures, service charges will commence on the effective date of the ordinance establishing the Chapter and resolution establishing the Unit Rate.
9. **Delinquent Charges.** Delinquent accounts shall be treated in the same manner as delinquent water service accounts.

[Section 4.103 added by Ord. #2013-03 passed June 25, 2013]

[Section 4.103 amended by Ord. #2017-05 passed May 23, 2017]

4.104 Water Rates. Water user charges for each water meter shall be set by resolution.

[Section 4.104 amended by Ord. #89-04 passed February 28, 1989]

[Section 4.104 amended by Ord. #93-33 passed September 28, 1993]

[Section 4.104 amended by Ord. #2001-23 passed October 9, 2001]

4.106 Irrigation Rates. Users of irrigation water shall be charged at a rate which is set by resolution.

[Section 4.106 amended by Ord. #89-04 passed February 28, 1989]

[Section 4.106 amended by Ord. #90-02 passed March 13, 1990]

[Section 4.106 amended by Ord. #97-42 passed November 11, 1997]

WATER SERVICE AND METERS

4.125 Acceptance of Rules and Regulations. The rules, regulations and rates as established by this chapter and the rules and regulations of the Redmond Water Department shall be considered a part of the contract between the City and each water user supplied with water through the city water system. Use of such water is an expression of assent by the user to be bound thereby.

4.127 Irrigation - Charge. The City may sell from irrigation water rights now owned by it, or hereafter acquired, irrigation rights for any lot or parcel of land within the City, for price and on terms fixed by the Council. No person shall use water from the city system for the irrigation or sprinkling of lawn, garden or tracts without paying to the City irrigation charge. Having a hose or other irrigation or sprinkling device attached to a water outlet is conclusive evidence of use of water for irrigation purposes.

[Section 4.127 amended by Ord. #98-03 passed January 13, 1998]

4.129 Irrigation Season. The irrigation season for lawns and gardens in the City extends from April 1 to October 31 of each year. The following irrigation regulations apply during this period.

1. Houses and buildings with even-ending address numbers will only irrigate on even numbered days and those with odd-ending numbers will only irrigate on odd numbered days.
2. No irrigation is allowed on the 31st of any month.

[Section 4.129 amended by Ord. #90-13 passed October 23, 1990]

4.131 Irrigation Regulations. During the irrigation season, the Manager is authorized to impose the regulations set forth in this section by filing with the Recorder a written order requiring adherence to those regulations. The Manager shall give public notice of the order prior to its effective date. For the purpose of this section "Public Notice" shall only require dissemination of the order to the news media.

1. No irrigation for lawns or gardens is allowed between the hours of 11:00 AM and 4:00 PM for metered and unmetered users.
2. Unmetered and manually operated irrigation shall be further prohibited between the hours of 11:00 PM and 4:00 AM.
3. Variances may be provided for the development of new lawns. Applications for these variances shall be made on forms provided at City Hall and are subject to approval by the Manager.

4.133 Irrigation Prohibitions.

1. No person shall use a hose for irrigation unless the hose is under direct supervision, or a nozzle or other water distributory device is attached to the hose.
2. No person shall use water for irrigation at any hour other than as permitted under regulations authorized by this chapter.
3. No person shall permit water used for irrigation to flow into or upon a public way or upon premises not under his or her control. For the purposes of this section, "permit" shall require a finding that the person was grossly negligent in allowing water to flow into or upon a public way or upon premises not under his or her control.

4.137 Enforcement.

1. For a first known offense of the provisions of this chapter, the City shall issue a warning to the person responsible.
2. If a person who has received a warning fails to correct the violation or has a new offense, the City may issue a citation for violation of the water regulations.
3. If a person cited fails to appear at any subsequent appearance or fails to pay any fine imposed, the City may, in addition to requiring payment of the fine, terminate water service at that location.
4. A person whose water has been terminated shall be required to pay a reconnection fee as determined by the City to resume water service.

4.139 Temporary Discontinuance of Use. Any person wishing to discontinue the use of domestic water supply to any premises for a period of not less than one month may give notice thereof to the Recorder. Upon payment of any arrearage, the Finance Officer shall cause the Director of Public Works to turn the water off and, upon application turn it on again after payment of the service charge provided in this chapter.

4.149 Supply of Nonpatrons. No water consumer shall supply water to any building, concern, person, family or place other than the premises or persons specified in the application for service except on written consent or order of the Director of Public Works or proper city official. The consent shall designate the person, family or building to be supplied and the purpose of the use. In case of violation of this section, the person supplying or allowing the water to be used shall be charged double the usual charge for the user supplied or allowed to use the water. If the charge is not paid on demand, water shall be cut off from the premises where delivery is made.

4.151 Waste of Water. Water may be turned off by an authorized representative of the City on any premises where there are defective or leaky pipes, faucets, closets or other fixtures, until repairs are made. Water must not be allowed to run to waste through any faucet or fixture. When any waste is discovered, which in the opinion of the Director of Public Works is unnecessary, the water may be cut off from the premises. Consumers shall keep all pipes and faucets on their respective premises in good repair at their own expense.

4.153 Unlawful to Turn On Water. No person shall turn on or use water from the city system if the water has been cut off because of delinquency, until the water is turned on by the Director of Public Works. A violation of this section is a Class A civil infraction and/or a Class A administrative infraction.

[Section 4.153 amended by Ord. #2014-05 passed April 8, 2014]

4.154 Fees Required for Reconnect. Water shall not be turned on until a deposit, which is set by resolution, and unpaid charges and the restoration charge as provided by Section

4.015(3) are paid to the finance office. The City may allow payment of these fees over time based upon financial need.

[Section 4.154 amended by Ord. #97-42 passed November 11, 1997]

4.155 Inspection. The Director of Public Works, or designee, shall have free access at all reasonable hours of the day to any and all parts of any building or premises to which water may be delivered for the purpose of inspecting connections, condition of pipes and fixtures and the manner and extent to which water is being used.

4.157 Fire Protection. As provided by Section 4.159, upon application and payment of a connection charge as determined by the City and the issuance of a permit therefor, pipe lines of a size to be determined by the fire marshal may be laid to provide water from the city main for use only in case of fire, with hydrant and connections attached thereto. The applicant shall pay the monthly charge for such service established by the City. Thereafter, and on the expiration of each year, a like sum shall be paid to the City for such service. In case of default in payment, the water shall be cut off until all unpaid charges, including the restoration charge provided in this chapter, have been paid to the Finance Officer. All such installments shall be made under the supervision of the Director of Public Works or a duly authorized person, and a stop and waste cock shall be installed in a suitable place. In case the seal is broken to extinguish a fire, the owner or occupant of the premises shall immediately cause the seal to be renewed. No seal shall be broken except for use of water for fire extinguishment.

4.159 Fire Protection Connection Fee. All fire lines shall be furnished and installed to the property line at the expense of the user. Once on the user's premises, the user shall be solely responsible for the installation of the fire line, fire suppression equipment, detector checks, backflow prevention devices, vaults, and any other necessary equipment.

4.161 Backflow Prevention Requirements.

1. A potable water supply system shall be designed, installed, and maintained in a manner that prevents contamination from the introduction of nonpotable liquids, solids, or gases into the supply through cross-connections or any other piping connections to the system.
2. An appropriate backflow prevention assembly is required on all fireline and irrigation services and all domestic services larger than one inch (1") in size. An approved double check valve assembly shall be the minimum backflow protection for all non-residential water service lines. The backflow assembly shall be installed as close to the right of way as is practical. Backflow prevention assembly are required on domestic services 2 inches and smaller if the buildings' highest point of water use is greater than 32 feet above the water main, or if a known or potential hazard exists on the premises of the service connection. The type of backflow prevention assembly required will be determined by the Director of Public Works or his designee.
3. Failure to comply with installation, inspection, testing and maintenance requirements for backflow prevention assembly may result in termination of the water service.
4. All service connections to the City water system must comply with the Oregon Department of Human Services and the Oregon Administrative Rules (OAR's) as defined in sections 333-061-0070 and 333-061-0071.

[Section 4.161 amended by Ord. #89-05 passed April 25, 1989]

[Section 4.161 amended by Ord. #2001-24 passed October 23, 2001]

[Section 4.161 amended by Ord. #2009-06 passed May 12, 2009]

4.163 Approval of Assemblies. Before any assembly for the prevention of backflow or backsiphonage is installed, it shall be certified by a recognized testing laboratory acceptable to the State Health Division Director. Assemblies installed in a building potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system. The Director of Public Works or designee may inspect such assemblies and require the replacement of any that are found to be defective or inoperative.

[Section 4.163 amended by Ord. #2001-24 passed October 23, 2001]

4.165 Maintenance Requirements.

1. Building and premise owners shall maintain all backflow prevention assemblies and vacuum breakers within the building or on the premises in good working order and make no piping or other arrangements for the purpose of bypassing backflow prevention assemblies.
2. All approved backflow assemblies must be tested by a certified tester when installed, and prior to use when moved, when repaired and at least annually. All costs for testing and repair of backflow assemblies shall be the responsibility of the owner or agent.

[Section 4.165 amended by Ord. #89-05 passed April 25, 1989]

[Section 4.165 amended by Ord. #2001-24 passed October 23, 2001]

4.170 Water Meters.

1. Water meters shall be installed at connections to all new structures requiring water service.
2. Water meters shall be installed at connections to existing structures if:
 - A. The structure or underlying property is sold.
 - B. There is an application for a home occupation at the subject property.
3. For the purpose of subsection 2, property is sold if:
 - A. There is a transfer of legal title to the property.
 - B. The property is sold subject to a land sale contract.
 - C. The property is sold at a foreclosure sale or trustee's sale.
4. Property shall not be deemed sold if it is subject to a:
 - A. Lease.
 - B. Recordation of trust deed or mortgage.
 - C. Recordation of a statutory lien or assessment.
5. A. If a structure subject to a sale requires installation of a water meter, the meter shall be installed as soon as possible before the date of the sale. The date of the sale shall be considered the earliest of the following:
 1. The date of execution of a deed transferring title.
 2. The date of execution of a land sale contract.
 3. The date of a foreclosure sale or trustee's sale.
 4. The date of closing.B. For all other existing structures, installation shall be made prior to issuance of a business license.
6. The owner is responsible for the costs of installation of a water meter. The installation shall be effected in accordance with this chapter and city water policies.
7. The cost of the installation shall be paid prior to installation.
8. A violation of this section is a Class A civil infraction and/or a Class A administrative infraction. Each day a water meter is not installed following the time allowed for the installation is a separate offense.

9. The Manager or designee may, in addition to the remedies set forth in subsection 8, terminate water service to a structure if it has been sold and a meter has not been installed in accordance with the provisions of this chapter. The Manager or designee shall notify the owner at least five days prior to the termination of service.

[Section 4.200 amended by Ord. #87-08 passed May 26, 1987]

[Section 4.200 amended by Ord. #2014-05 passed April 8, 2014]

[Section 4.200 moved to 4.170 by Ord. #2014-13 passed July 22, 2014]

4.172 Meters - Installation and Testing. All meters shall be furnished by the City and installed at the expense of the owner. Meters remain the property of the City. The Director of Public Works may, when deemed advisable, place test meters on any service line to determine whether or not meter is in proper working order.

[Section 4.202 moved to 4.172 by Ord. #2014-13 passed July 22, 2014]

4.174 Meters - Maintenance. If any water meter becomes inoperative or the Director of Public Works believes the meter is not making proper water measurement, the meter shall be promptly repaired or replaced at the discretion of the Director of Public Works or designee. The amount to be paid for water for the term subsequent to the previous monthly reading, and until the meter is placed in proper condition, shall be determined by averaging the amount used for such prior periods, as the Director of Public Works considers will justly reflect the actual current usage. No person shall tamper with, open or interfere with the operation of any meter.

[Section 4.202 moved to 4.174 by Ord. #2014-13 passed July 22, 2014]

STORMWATER

4.200 Definitions.

1. **Best management practice (BMP)** means a technique, activity, maintenance procedure, structural and/or managerial practice, and/or prohibition of a practice that, when used singly or in combination in a designated manner, prevents or reduces the release of pollutants and other adverse impacts to downstream or down-gradient systems.
2. **Central Oregon Stormwater Manual (COSM)** means the August 2010 version of the Stormwater design guidance manual and the City of Redmond special provisions for Stormwater design and management.
3. **City** means the City of Redmond, Oregon, City Manager (or designee), or City Council thereof, each as appropriate in the context in which used.
4. **Director** means the City of Redmond Public Works Director or designee.
5. **Discharge** means any addition or introduction of any pollutant, surface runoff, or any other substance whatsoever onto the ground, into the City Stormwater system, a dry well, drill hole, or into waters of the State, including groundwater.
6. **Discharger** means any person who causes, allows, permits or is otherwise responsible for a discharge including, without limitation, any operator of a construction site or commercial/industrial facility.
7. **Illicit discharge** means any discharge to a catch basin, drainage inlet, surface water body, swale, infiltration basin or gallery, dry well or drill hole or other stormwater drainage feature that is not composed entirely of stormwater, except conditionally exempt discharges pursuant to a WPCF permit or rule authorization requirement specific

to the inlet, discharges resulting from firefighting activities, or other exempt discharges as outlined in Section 4.250.

8. **Illicit drainage connection** means any physical connection to the City stormwater system that conveys nonstormwater discharges that have not been permitted by the Director.
9. **Impervious surface** means a hard surface area that either prevents or retards the entry of water into the soil. Common impervious surfaces include building roofs, walkways, patios, driveways, parking lots, and concrete or asphalt paving.
10. **Infiltration** means the passage of water through the soil surface into the underlying geologic material.
11. **Nonstormwater discharge** means any discharge to a stormwater system or receiving waters that is not entirely composed of stormwater or melted snow and ice.
12. **NOV** means notice of violation.
13. **ODEQ** means Oregon Department of Environmental Quality.
14. **Performance standards** mean provisions of this chapter intended to provide a minimum threshold for controlling stormwater pollution in the subject area, and are used to determine if the requirements of the section have been met.
15. **Pollutant** means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, sewage sludge, garbage, munitions, petroleum hydrocarbons, oils and grease, paints, solvents, fertilizers, pesticides, other chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, concrete washout, rock, sand, dirt, industrial, municipal, and agricultural waste discharged into water or soil, and as otherwise defined in 40 CFR 122.2.
16. **Pollution source control plan** means a plan that addresses the prevention and/or control of stormwater pollutants at their source.
17. **Post-construction performance standards** mean measures intended to provide a minimum threshold for controlling stormwater pollution associated with post-construction activity, and are used to determine if the requirements in this chapter have been met.
18. **Predevelopment** means the natural condition before any type of development.
19. **Property** means any lot or parcel of land, or a contiguous combination of lots, parcels and/or easements under the same ownership or unified control.
20. **Redevelopment** means a project for which a building permit is required or that proposes to add, replace and/or alter impervious surfaces, as defined in the COSM and City of Redmond design and development standards, other than routine maintenance, resurfacing, or repair.
21. **Responsible party** means the occupant, lessee, tenant, contract purchaser, owner, agent or other person having possession of property, or if no person is in possession, then the person in control of the use of the property, or in control of the supervision of development on the property.
22. **Stormwater** means water from precipitation that collects on or runs off surfaces such as roofs, buildings, roads, or paved or unpaved land surfaces; that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows, via overland flow, pipes and other features of a stormwater system, into a defined surface water body or constructed infiltration or evaporation facility.
23. **Stormwater system** means any structure or configuration of ground that is used or by its location becomes a place where stormwater flows or is accumulated, including but not limited to dry wells, drill holes, underground galleries, swales, infiltration basins, pipes, curbs, gutters, storm manholes, catch basins, ponds, creeks, open drainage ways, ditches and their appurtenances. **City stormwater system** means the portions of the stormwater system in public rights-of-way, within easements owned by the City, or on City property that are operated and maintained by the City. **Private stormwater system** means any stormwater system that is not a City stormwater system.

24. **Stormwater system maintenance agreement** means a document executed by the property owner that is recorded in the Deschutes County Clerk's office to run with the land, that requires the current and successor owners to maintain the stormwater system on the property so that the system continues to function as planned.
25. **Underground injection control (UIC) system** means any structure or activity that emplaces or discharges fluid (such as stormwater or septic effluent) into the subsurface. Common UIC designs include dry wells, drill holes, trench drains, underground injection galleries, and drain fields.
26. **Wellhead protection area** means an area within 500 feet of an undelineated water well (e.g., drinking or irrigation water); or within the modeled two-year-time-of-travel area for a delineated water well.
27. **WPCF** means "water pollution control facility," which is a disposal system with no discharge to navigable waters.

[Section 4.200 (Stormwater) added by Ord. #2014-13 passed July 22, 2014]

4.210 General Provisions.

1. **Drainage Responsibility.** The requirements of this chapter are minimum standards and a person's compliance shall not relieve the person from existing duties relating to Stormwater, including those imposed by a discharge permit, or from enacting measures and best management practices necessary to minimize pollution of receiving waters (including groundwater), and minimize threat of localized flooding resulting from increase runoff or impacted drainage systems as a result of development. By approving a plan under this chapter, the City does not accept responsibility for the design, installation, and operation and maintenance of Stormwater BMPs unless specifically stated in a separate agreement.
2. **Tampering with System.** No unauthorized person shall damage, destroy, uncover, alter, deface, or tamper with any facility that is part of the City stormwater system without the written permission from the Director. No authorized person shall fill or divert any portion of the City stormwater system except as authorized by the Director. No person shall diminish the capacity of ponds, swales, channels or ditches by filling them with soil or drain rock.
3. **Central Oregon Stormwater Manual.** The Central Oregon Stormwater Manual (COSM) is adopted as the design and operation manual for stormwater. All activities and facilities governed by this chapter shall be in compliance with the COSM and the City of Redmond's Public Works Standards and Specifications. The COSM and City of Redmond's Public Works Standards and Specifications may be updated and expanded periodically by the City Engineer. The Director may adopt guidance documents and procedures manuals related to implementation of provisions of this chapter.
4. **Severability.** If any provision of this code is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

[Section 4.210 added by Ord. #2014-13 passed July 22, 2014]

4.220 Regulatory Provisions.

1. **City Regulatory Compliance.** In order to meet Oregon Department of Environmental

Quality (ODEQ) and Federal stormwater-related requirements, the Director retains the ability, at a minimum, to:

- A. Implement the ODEQ-approved stormwater permits and associated underground injection control system management plan.
 - B. Limit or terminate a nonstormwater discharge to an underground injection system, stormwater system, or surface water body.
 - C. Prohibit discharge to an underground injection system from any property or facility that may cause a violation of the conditions of the City's WPCF-UIC permit.
 - D. Implement the highest and best practicable methods in accordance with Oregon Administrative Rule 340-040-0020 to protect groundwater quality by reducing or eliminating the movement of pollutants carried in stormwater runoff to groundwater via an underground injection system.
 - E. Identify and implement the legal and administrative procedures available to mandate compliance with the conditions of the City's WPCF-UIC permit in ordinances, permits, contracts or orders that involve the discharge of fluids to an underground injection system.
 - F. Carry out all inspections, surveillance and monitoring procedures necessary to determine compliance and noncompliance with the conditions of the City's WPCF-UIC permit.
2. **Other Permit Compliance.** The prohibition of discharges shall not apply to any discharge already regulated under a WPCF-UIC permit issued by the Oregon Department of Environmental Quality (ODEQ) or by rule authorization, provided that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations. Compliance with an applicable WPCF-UIC permit or rule authorization governing discharges into the UIC shall be considered compliance with this chapter.
 3. **Regulatory Consistency.** No permit or approval issued pursuant to this chapter shall relieve a person of the responsibility to secure permits and approvals required for activities regulated by any other applicable rule, code, act, permit or ordinance. Compliance with this chapter does not exempt any person from complying with other applicable ordinances, rules, codes, acts or permits. The requirements of this chapter are minimum requirements. If any other ordinance, rule or regulation, or other provision of law also applies, the provisions that are more restrictive or impose higher protective standards shall take precedence.
 4. **Allowed Discharges.** Discharges authorized by the City's WPCF-UIC permit are allowed to be discharged into a storm system.
 5. **Permit or Regulatory Violations.** Any discharge that would cause a violation of the City's WPCF-UIC permit and any amendments, revisions or re-issuance thereof, either separately considered or when combined with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and the City shall seek to have such persons defend, indemnify and hold harmless the City in any administrative or judicial enforcement action against the permit holder relating to such discharge as provided by applicable rules of law.
 6. **Responsible Parties.** The responsible party for a facility shall comply with applicable State and Federal laws, including UIC authorization by rule or permit, UIC

decommissioning, onsite septic system decommissioning, and underground storage tank decommissioning and cleanup. The responsible party shall make compliance records available to the Director within fifteen days of a request.

[Section 4.220 added by Ord. #2014-13 passed July 22, 2014]

4.230 Performance Standards for Stormwater Management.

1. **General Post-Construction Performance Standards.** Post-construction stormwater BMPs shall adhere to the following performance standards.
 - A. Overland flood routing paths shall be used to safely convey stormwater runoff to an adequate receiving area or stormwater BMP as defined in the COSM, such that the runoff is contained within the drainage easement for the flood routing path and does not cause flooding of buildings or related structures. The peak water surface elevation along flood routing paths shall be at least one foot below the finished grade elevation at the structure. When designing the flood routing paths, the conveyance capacity of the property's stormwater conveyance systems shall be taken into consideration.
 - B. Stormwater drainage in excess of the predevelopment rates or volumes shall be retained on the lot of origin and not trespass onto the public right-of-way or private property except as provided below:
 1. If (a) the Director determines that retaining the design storm amount of stormwater on the lot of origin would pose a threat to public safety or adjacent properties; or (b) the developer chooses to direct all or part of the runoff off-site, and there is a conveyance system with adequate capacity; then the runoff or a specified portion thereof may be directed to an off-site drainage facility approved by the Director. The developer must own or have an easement and maintenance agreement in place to use and maintain the off-site drainage facility property.
 2. When runoff from non-City-owned property in excess of the predevelopment rates or volumes is directed to or allowed to flow to City-owned property or right-of-way, the owner(s) of the lot(s) of origin shall compensate the City for the costs it incurs for constructing, operating and maintaining the additional stormwater drainage and treatment capacity.
 - C. If runoff in excess of the predevelopment rates or volumes from a land development will flow to the City stormwater system or other publicly owned stormwater system, then the applicant shall obtain authorization from the system's owner to discharge into the system. The Director may require the applicant to demonstrate that the system has adequate capacity for any increases in peak flow rates and volumes.
 - D. The Director may require drainage easements where stormwater discharges must cross an adjacent or off-site property before reaching an adequate conveyance.
 - E. Stormwater facilities within residential subdivisions that serve multiple lots and/or a combination of lots and roadways shall be on a lot owned and maintained by an entity of common ownership, unless an alternative arrangement is approved by the Director. Stormwater facilities located on individual lots shall be maintained by the lot owner or, at the discretion of the Director, be placed within an easement and maintained by an entity of common ownership.

- F. All stormwater facilities and conveyance systems shall be designed in compliance with all applicable State and Federal laws and regulations, all applicable erosion and sediment control and floodplain regulations, the COSM and Public Works Standards and Specifications.
- G. If hydrologic, geologic, topographic, or land use conditions warrant greater control than that provided by the minimum control requirements, the Director may impose additional requirements deemed reasonable and necessary to control the volume, timing, rate and/or quality of runoff in excess of the predevelopment rates or volumes. In these cases the Director may restrict the use of certain stormwater BMPs, require pretreatment above the minimum standards in the COSM, and/or require a pollution source control plan. Example conditions that may warrant greater control include, but are not limited to:
 - 1. Stormwater generated within the drainage basins of problem flooding areas as noted on the City's capital improvement project prioritization list;
 - 2. Stormwater discharges that are conveyed with nonstormwater discharges;
 - 3. Stormwater in areas underlain by naturally impermeable layers; and
 - 4. Stormwater discharged in important groundwater management areas such as wellhead protection areas.

[Section 4.230 added by Ord. #2014-13 passed July 22, 2014]

4.240 Private Stormwater System Maintenance.

- 1. **Maintenance Responsibility.** The property owner or other responsible party shall maintain in properly functioning condition, and promptly repair and restore, all structural and nonstructural parts of a facility's stormwater system. The property owner or other responsible party shall operate the stormwater system to avoid flooding or erosion in excess of what would occur under natural conditions. An improperly maintained or operated private stormwater system that results in flooding or erosion in excess of what would occur in natural conditions is a public nuisance and may be abated by the City as provided in sections 4.280 and 5.345 to 5.357 of this code.
- 2. **Maintenance Records Required.** The property owner or other responsible party shall make at least annual inspections of the stormwater facilities and maintain records of such inspections. Stormwater BMP inspection, maintenance, and repair records shall be retained by the owner or their designee for a period of five years, and shall be made available to the Director upon within fifteen days of a request.
- 3. **Stormwater System Maintenance Agreement.** The Director may require the responsible party for any privately owned stormwater system to execute and carry out a stormwater system maintenance agreement.
- 4. **Maintenance Inspections.** The Director has the right to conduct periodic inspections and photograph all stormwater systems, and to conduct sampling and analysis of liquids and solids related to all stormwater systems, which may be documented in writing. The inspection may document any maintenance and repair needs, and discrepancies from this code or any stormwater system maintenance agreement.

Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the Director has reasonable cause to believe that there exists in

any building or upon any premises any condition that may constitute a violation of the provisions of this chapter, City personnel may inspect buildings or premises and conduct sampling and analysis at any time, provided that:

- A. If the building or premises is occupied, City personnel shall first present proper credentials and request entry.
- B. The Director may seek issuance of a search warrant for the collection and analysis of water and/or soil samples or to obtain access to a building, structure, property, or any part thereof

Routine or area inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this chapter and the WPCF-UIC permit, including, but not limited to, random sampling and/or sampling in areas with evidence of stormwater pollution, illicit discharges, or similar factors.

5. **Failure to Provide Adequate Maintenance.** In the event that the stormwater system has not been maintained and/or becomes a danger to public safety or public health, the Director shall notify the responsible party personally or by first class, registered or certified mail. The notice shall specify the measures needed to comply with this chapter, and shall specify that the responsible party has 30 days (except in the event that the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient) to complete the necessary measures to comply with this chapter.

[Section 4.240 added by Ord. #2014-13 passed July 22, 2014]

4.250 Illicit Discharge Controls.

1. General Requirements and Prohibitions.

- A. No person shall discharge any sewage, pollutants or hazardous materials into a stormwater system.
- B. No person shall deposit any pollutant in any fountain, pond, lake, canal, stream, creek or any other body of water, except as otherwise permitted under local, State or Federal law.
- C. It is prohibited to establish, use, maintain, or continue illicit drainage connections or discharges to any public or private stormwater system, or any UIC. Storage or dumping materials where they may enter a storm system is prohibited under Federal, State, and local laws and is an illicit discharge.
- D. No person shall deposit, leave, maintain, or permit to be deposited, left or maintained, any refuse, rubbish, garbage, debris, sediment, or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm drain, dry well or drill hole inlet, catch basin, conduit or other drainage structures, parking area, or upon any public or private plot of land so that the same might be or become a pollutant, except where such pollutant is being temporarily stored in properly contained waste receptacles or is part of a well-defined compost system.
- E. No person shall cause or permit any dumpster, solid waste bin, or similar container to leak such that any pollutant is discharged into any street, alley, sidewalk, parking lot, storm drain, dry well or drill hole inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private plot of land.
- F. The occupant or tenant, the owner, lessee, or proprietor of any real property in

the City where there is located a paved sidewalk, drive, or parking area shall maintain said paved surface free of dirt or litter, and provide an adequate means for the disposal of refuse, rubbish, garbage, or other articles so as to prevent such matter from entering a storm drain facility. Sweepings from paved areas shall be disposed of properly.

2. Discharges from Specific Sites.

- A. **Surface Cleaning of Parking Lots and Similar Structures.** Persons owning or operating a paved parking lot, gas station pavement, paved private street or road, or similar structure or conducting routine building or surface wash downs shall clean and maintain those surfaces and structures to avoid discharges prohibited by this chapter.
- B. **Outdoor Storage Areas – Commercial and Industrial Facilities.** In outdoor areas, no person shall store grease, oil or hazardous substances in a manner that will or may result in such substances entering a storm system. In outdoor areas, no person shall store motor vehicles or parts, machine parts, or other objects in a manner that may leak grease, oil, or hazardous substances to a storm system. To prevent the discharge of contaminants to the public or private stormwater systems, the Director may require the installation of a spill containment system. Spill containment systems may consist of dikes, walls, barriers, berms, or other devices as required. No person shall operate a spill containment system such that it allows incompatible materials to mix and thereby create a hazardous condition.

- 3. Training and Notifications by Responsible Parties.** All responsible parties shall comply with applicable State and Federal laws involving training and notification related to illicit discharges, including without limitation facility personnel training, training record maintenance, maintenance of notification procedures, and implementation of notification requirements for spill response to assure containment, cleanup, and immediate notification to the owner and operator of the stormwater utility or UIC. Individuals responsible for spills shall comply with applicable State and Federal notification requirements to assure containment, cleanup, and immediate notification to the owner and operator of the stormwater utility or UIC.

[Section 4.250 added by Ord. #2014-13 passed July 22, 2014]

4.280 Enforcement. Violation of provisions or performance standards authorized or contained in this chapter are subject to the following enforcement actions.

1. Administrative Enforcement Remedies.

- A. **Withholding Approvals.** The City may withhold related approvals including, but not limited to, acceptance of public improvements, for projects that are not in compliance with one or more provisions of this chapter.
- B. **Notification of Violation.** When the Director determines that a property owner has violated or continues to violate any provision of this chapter, the Director may serve upon the owner a written notice of violation (NOV) describing the violation. Within fifteen days of the receipt of the notice, an explanation of how the violation was rectified or a plan for the satisfactory correction and prevention, to include specific actions, shall be submitted by the property owner to the Director. Submission of this plan does not relieve the owner of liability for any violations

occurring before or after receipt of the NOV. Nothing in this chapter shall limit the authority of the Director to take any action, including emergency actions, stop work orders, or any other enforcement action, without first issuing a NOV.

- C. **Consent Orders.** The Director may enter into voluntary compliance agreements, as consent orders, with any property owner responsible for noncompliance. The consent order will include specific action to be taken by the owner to correct the noncompliance within a time period specified by the agreement and shall be judicially enforceable. Use of a consent order shall not be a bar against, or prerequisite for, taking any other action against the property owner.
- D. **Cease and Desist Orders.** When the Director determines that a property owner has violated (or continues to violate) any provision of this chapter, or that the owner's past violations are likely to recur, the Director may, in addition to other remedies provided by this chapter, issue an order to the property owner identifying the violation(s) and directing the property owner to:
 - 1. Cease and desist all violations;
 - 2. Immediately comply with all requirements; and
 - 3. Take appropriate remedial or preventive action as needed to properly address the violation, including, without limitation, halting land clearing, grading or other land development actions.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the property owner.

E. **Administrative Penalties.**

- 1. Violation of a requirement in Section 4.200 through 4.280 of this code is a Class A administrative infraction. When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, or order issued hereunder, the Director may fine such User. Such fines shall be assessed on a per-violation, per-day basis.
- 2. Administrative penalties will be processed according to Sections 2.787 to 2.799 of this code.

2. **Judicial Enforcement Remedies.**

- A. **Injunctive Relief.** The Director may seek a temporary or permanent injunction from the Circuit Court for Deschutes County to restrain or compel specific performance of requirements imposed or authorized by this chapter on the property owner. The Director may also initiate other action for legal and/or equitable relief, including a requirement for the property owner to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a property owner.
- B. **Remedies Nonexclusive.** The provisions in this section are not exclusive remedies. The City reserves the right to take any, all, or any combination of these actions against a noncompliant property owner or other responsible person. The City is empowered to take more than one enforcement action against any noncompliant property owner or other responsible person. These actions may be taken concurrently.

- 3. **Other Enforcement.** The Director may recover reasonable costs and other expenses, including sampling and monitoring expenses and the cost of any actual damages and/or

cleanup, incurred by the City due to violations of this ordinance.

[Section 4.280 added by Ord. #2014-13 passed July 22, 2014]

[Section 4.280 amended by Ord. #2017-05 passed May 23, 2017]

SEWER SERVICE

4.300 Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in Sections 4.300 to 4.348 shall have the meanings hereinafter designated:

Act or “the Act”. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.

Authorized or Duly Authorized Representative of the User.

1. If the User is a corporation:
 - A. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - B. The manager of one or more manufacturing, production, or operating Facilities, provided the manager is authorized to make management Decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
3. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance or the activities of the government facility, or their designee.
4. The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

Best Management Practices or BMPs. Schedules of activities, practice prohibitions, maintenance procedures and other practices implementing Section 4.326 1. and 2. BMPs include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage.

Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20 degrees centigrade usually expressed as a concentration (e.g., mg/l).

Building Sewer (Sewer Service Lateral). That part of the horizontal piping of a drainage system that extends from the end of the building drain and that receives the discharge of the building drain and conveys it to a public sewer, private sewer, private sewage disposal system or other point of disposal.

Bypass. The intentional diversion of wastestreams from any portion of a User's treatment facility.

Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA consistent with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific User category appearing in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

City. The City of Redmond, Oregon, the City Manager (or designee), or City Council thereof, each as appropriate to the context in which used.

Combined Sewer. A sewer receiving both surface runoff and sewage.

Control Authority. The City of Redmond, Oregon.

Daily Maximum. The highest value of all effluent samples for a pollutant collected during a calendar day.

Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the highest value measurement of the pollutant concentration derived from all measurements taken that day.

Director or Director of Public Works. The person designated by the City to supervise the use, maintenance or operations of the POTW charged with certain duties or responsibilities by Sections 4.300 to 4.348. The term includes an authorized representative of such person or the City.

Drywell. A well (including bore holes and drill holes) other than a subsurface fluid distribution system, completed so that its bottom and sides are typically dry except when receiving fluids.

Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator or other duly authorized official of said agency.

Existing Source. Any source of discharge that is not a "New Source."

Food Service Establishment (FSE). A facility that engages in activities of preparing or serving food or beverage for consumption by person(s) either on or off the premises, including but not limited to restaurants, cafes, commercial kitchens, caterers, hotels and

motels, schools, hospitals, prisons, correctional facilities, nursing homes, care institutions, and any other facility preparing and serving food for consumption.

Garbage. Solid wastes from the preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

Grab Sample. A sample taken from a wastestream without regard to the flow therein over a period not exceeding fifteen (15) minutes.

Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any source.

Instantaneous Limit. The maximum allowable concentration of a pollutant dischargeable at any time, determined from analysis of discrete or composited sample collected, independent both of the industrial flow rate and duration of the sampling event.

Interceptor. An appurtenance or appliance installed in a sanitary drainage system to intercept or separate certain wastes from wastewater. This term includes but is not limited to grease interceptors, oil/water separators, sand or sediment interceptors, lint interceptors and hair interceptors.

Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal or is a cause of a violation of the City's WPCF permit or of the prevention of sewage sludge use or disposal in compliance with any statutory/regulatory provisions which the POTW is subject to including section 405 of the Act; the Solid Waste Disposal Act, including the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and, the Marine Protection, Research, and Sanctuaries Act.

Local Limits. City developed and enforced discharge limits imposed on Users to implement discharge prohibitions listed herein and in 40 CFR 403.5(a)(1) and (b).

Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Natural Outlet. Any outlet into a water-course, pond, ditch, lake or other body of surface or groundwater, or onto the ground.

New Source.

1. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act applicable to such source if such Standards are thereafter promulgated consistent with that section, provided that:
 - A. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - B. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 - C. The production or wastewater processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
2. Construction on an Existing Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraph 1.B. or 1.C. above but which otherwise alters, replaces or adds to existing process or production equipment.
3. Construction of a New Source shall be deemed to commence if the owner or operator has:
 - A. Begun, or caused to begin, as part of a continuous onsite construction program:
 1. Any placement, assembly, or installation of facilities or equipment; or
 2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities necessary for placement, assembly or installation of new source facilities or equipment; or
 - B. Entered into a contractual obligation for purchase of facilities or equipment intended for use in its operations within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a “contractual obligation” for purposes of this paragraph.

Noncontact Cooling Water. Water used for cooling not coming into direct contact with any raw material, intermediate product, waste product or finished product.

Out-of-City. Any property partly or wholly outside the boundary of the city.

Pass Through. A discharge exiting the POTW in quantities or concentrations which, alone or in conjunction with discharge(s) from other sources, is violative of any requirement of the City’s WPCF permit, including an increase in the magnitude or duration of a violation.

Person. Any individual, partnership, co-partnership, firm, company, corporation, unincorporated association, joint stock company, trust, estate, governmental entity or other entity; their legal representatives, agents or assigns.

pH. A measure of the acidity or alkalinity of a solution expressed in standard units.

Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial waste, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(3).

Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User other than a Pretreatment Standard.

Pretreatment Standards or Standards. Means prohibited discharge standards, Categorical Pretreatment Standards, and Local Limits.

Prohibited Discharge Standards or Prohibited Discharges. Prohibitions against the discharge of certain substances; appear in Section 4.326.

Properly Shredded Garbage. Wastes from the preparation, cooking and dispensing of food that have been shredded such that all particles will be carried freely under normal flow conditions prevailing in public sewer, with no particle larger than ½-inch in any dimension.

Publicly Owned Treatment Works or POTW. A City owned treatment works including devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature as well as conveyances conveying wastewater to and effluent from a treatment plant.

Public Sewer. A common sewer directly controlled by the City to which all owners of abutting properties have equal rights to make connection and use, subject to rules, regulations, code provisions and ordinances of the City.

Sanitary Sewer. A sewer which carries sewage and/or other wastewater and to which storm, surface and groundwaters are not intentionally admitted.

Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Service Connection. The sewer between the property line and the lateral, main or trunk sewer of the city sewer system.

Severe Property Damage. Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Sewage. Any liquid waste containing human, animal or vegetable matter in suspension or solution and that may include liquids containing chemicals in solution.

Sewer. A pipe or conduit for carrying sewage and/or other wastewater.

Shall is mandatory; **may** is permissive.

Significant Noncompliance. A Significant Industrial User is in significant noncompliance if its violation meets one or more of the following criteria and any Industrial User is in significant noncompliance if it violates paragraph 3, 4, or 8 of this definition:

1. Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period exceed (by a magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
2. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
3. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that the POTW determines has caused, alone or in combination with other Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;
5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance;
8. Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment program.

Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the discharge standards in Section 4.326. A Slug Discharge includes discharges of a non-routine, episodic nature, such as accidental spills or non-customary batch discharges which could be Interference, Pass Through or in any way

violate POTW's regulations, Local Limits or Permit conditions, including discharges exceeding the hydraulic and/or design capacity of a User's treatment system.

Stormwater. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

User. A source of Indirect Discharge.

User, Categorical Industrial. A User subject to a Categorical Pretreatment Standard or Categorical Standard.

User, Domestic. A User discharging wastewater from activities occurring in residential dwellings and not including commercial, institutional or industrial activities. Final determination of a Domestic User is at the discretion of the Director.

User, Non-Domestic. A source of Indirect Discharge not coming from a Domestic User. This class of User includes commercial, industrial, institutional and others not solely discharging domestic wastewater. Final determination of a Non-Domestic User is at the discretion of the Director.

User, Significant Industrial (SIU). Except as provided in paragraph 3 of this definition, a Significant Industrial User is:

1. A User subject to Categorical Pretreatment Standards; or
2. A User that:
 - A. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
 - B. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - C. Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
3. Upon a finding that a User meeting the criteria in paragraph 2 of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from that User, and in accordance with procedures in 40 CFR 403.8(f) (6), determine that such User should not be considered a Significant Industrial User.

Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

Wastewater Discharge Permit. An authorization or equivalent control document that may be issued by the City to users discharging wastewater to the POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this ordinance.

Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

Water Course. A channel in which a flow of water occurs either continuously or intermittently.

The following abbreviations, when used in this ordinance, shall have the designated meanings:

BOD – Biochemical Oxygen Demand
BTEX – Benzene, Toluene, Ethylbenzene, and Xylene
BMP – Best Management Practice
BMR – Baseline Monitoring Report
CFR – *Code of Federal Regulations*
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
EPA – U.S. Environmental Protection Agency
gpd – gallons per day
mg/l – milligrams per liter
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
SNC – Significant Noncompliance
TSS – Total Suspended Solids
U.S.C. – United States Code
WPCF – Water Pollution Control Facility

[Section 4.300 amended by Ord. #98-03 passed January 13, 1998]

[Section 4.300 amended by Ord. #2009-15 passed December 8, 2009]

[Section 4.300 amended by Ord. #2013-08 passed July 16, 2013]

[Section 4.300 amended by Ord. #2017-05 passed May 23, 2017]

4.302 Public Sewer Connection Required.

1. The owner of any building in the City and abutting any street, alley or right-of-way where a public sanitary sewer is located shall, at the owner's sole cost and expense, connect the building directly thereto consistent with Sections 4.300 to 4.348. For building sewer construction, the connection shall be made within 120 days from the date of official notice provided the sewer is within 200 feet of the building or within 300 feet of a property injecting sewage into a drywell. The owner shall extend the sewer main to and through the owner's property frontage. This connection requirement shall not inhibit the right of the City to cause removal of the connection as a result of violations of this Chapter. For existing facilities that use drill holes for sewage disposal, the drill hole must be closed in a manner consistent with Oregon rules and connection shall be made within 90 days from the date of public sewer service availability to the property, provided the sewer is within 300 feet of property and is otherwise consistent with Oregon requirements. The notice shall be sent by first class mail to all owners of property abutting any street, alley or right-of-way where a public sewer is available.
 - A. Single-family dwellings and buildings or structures accessory thereto, existing and connected to an approved private sewage disposal system prior to the time of connecting the premises to the public sewer shall be permitted, when no hazard, nuisance, or insanitary condition is evidenced and written permission has been obtained from the authority having jurisdiction, remain connected to such

properly maintained private sewage disposal system when there is insufficient grade or fail to permit drainage to the sewer by gravity and if otherwise consistent with Oregon requirements.

2. No person shall place, deposit or permit to be placed or deposited on public or private property in the city any human or bulk animal excrement, garbage, sewage or other objectionable waste.
3. No person shall cause or suffer the release to any natural outlet any sanitary sewage, industrial wastes or other items, except where treatment has been provided consistent with Sections 4.300 to 4.348.
4. In the event a property's connection to a public sewer is impractical, the owner or person lawfully in possession thereof (if different) may, during the 120 day period described in subsection (1) above, file written objections with the City Manager, briefly describing the nature of the impracticality. The City may not enforce this section until the City Manager renders his/her decision on the objections.

[Section 4.302 amended by Ord. #95-23 passed November 28, 1995]

[Section 4.302 amended by Ord. #2009-15 passed December 8, 2009]

[Section 4.302 amended by Ord. #2013-08 passed July 16, 2013]

[Section 4.302 amended by Ord. #2017-05 passed May 23, 2017]

4.304 Private Sewage Disposal.

1. Except as provided by this Chapter, no person shall construct, maintain, operate or use any privy, privy vault, septic tank, cesspool, or other private sewage disposal system.
2. If a public sewer is not available a building sewer shall be connected to a lawfully installed and maintained private sewage disposal system. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
3. If a public sewer becomes available to a building served by a private sewage disposal system, a connection from the building shall be made to the public sewer consistent with the requirements of this Chapter. The private sewage disposal facilities shall be abandoned, removed or filled with suitable material unless the Director otherwise permits. No connections shall be made to the effluent side of existing septic tanks or cesspools.
4. Persons owning operating public or private sewers in the City shall provide the City, if requested two (2) sets of plans for the existing system. Changes or additions to the public or private sewer system shall be provided the City within 60 days of the change or addition being made.

[Section 4.304 amended by Ord. #2013-08 passed July 16, 2013]

4.306 Sewer Construction Permits.

1. Other than building sewers and service connections, public or private sewers require a city permit prior to construction. Applications for a permit shall be on a form supplied by the City. The application shall be submitted with at least three sets of construction plans and specifications. The construction plans and specifications shall be prepared and submitted under the signature and seal of a registered, professional engineer. This permit is in addition to any other permits or approvals that may be required by any federal, state or local agency.
2. City standard specifications shall be followed for design or construction of sewer works. Standard specifications may be obtained from the Public Works Department upon request, at a fee established by Council.

[Section 4.306 amended by Ord. #89-05 passed April 25, 1989]

[Section 4.306 amended by Ord. #97-37 passed October 14, 1997]

[Section 4.306 amended by Ord. #2013-08 passed July 16, 2013]

4.308 Connection Permits.

1. No unauthorized person shall uncover, make connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.
2. There are two classes of building sewer permits: (1) residential and commercial service, and (2) service to establishments producing industrial wastes. In either, the owner or owner's agent shall make application on a special form furnished by the City. The permit application shall include plans, specifications, or other information considered pertinent by the Director. Permit and inspection fees shall be paid the City in advance, consistent with the schedule established by the Council, at the time the application is filed.
3. Each applicant must agree to conform to the rules and regulations for connection to the public sewer, and shall give the location of the property, street number of the building or buildings to be connected, name of the owner of the property to be connected, name of the person, firm or corporation engaged to make the connection, and such other information or plans as may be required by the City, including real property description.

[Section 4.308 amended by Ord. #2013-08 passed July 16, 2013]

4.310 Connection Inspections.

1. Reasonable notice shall be given the City to inspect all sewer connections before their completion and while the connections are still uncovered. All work, including trench backfill, must be done consistent with specifications prescribed by the City and subject to the approval of the City.
2. Materials and Manner of Construction - Service connections and building sewers shall be constructed to conform to provisions of the City of Redmond Standard Specifications and the Oregon Plumbing Specialty Code. Physical connection to public sewer mains shall be made only by an individual authorized by the Director.

[Section 4.310 amended by Ord. #89-05 passed April 25, 1989]

[Section 4.310 amended by Ord. #2013-08 passed July 16, 2013]

[Section 4.310 amended by Ord. #2017-05 passed May 23, 2017]

4.312 Connection Costs. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4.314 Building Sewers.

1. Existing building sewers may be used in connection with new buildings only when the Director determines, based on examination and test, that the system meets all requirements of this Chapter.
2. The connection of the building sewer shall be made to the public sewer. If no service connection is available at a suitable location, the owner shall be responsible for connecting to the gravity sewer as follows:
 - A. The City shall install a tap in the public sewer at the location specified by the Director after the owner has exposed the public sewer. The building sewer shall be to and connected to the tap as directed by the Director at no expense to the City. The owner shall be responsible for all costs incurred by the City in connection to the public sewer.

3. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Director.

[Section 4.314 amended by Ord. #97-37 passed October 14, 1997]

[Section 4.314 amended by Ord. #2009-15 passed December 8, 2009]

[Section 4.314 amended by Ord. #2013-08 passed July 16, 2013]

4.316 Sewage Discharge Requirements.

[Section 4.316 deleted by Ord. #2009-15 passed December 8, 2009]

4.318 Protection from Damage.

1. No unauthorized person shall enter any city sewer, manhole, pumping station, treatment plant, or appurtenant facility. No unauthorized person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is part of the public sewer.
2. No person other than an authorized employee or agent of the City shall operate, change or affect the operation of any city sewer, pumping station, treatment plant or facility.
3. A violation of this section is a Class A civil infraction.

[Section 4.318 amended by Ord. #2013-08 passed July 16, 2013]

4.320 Industrial Cost Recovery.

[Section 4.320 deleted by Ord. #2009-15 passed December 8, 2009]

4.322 Powers and Authority of Inspectors.

[Section 4.322 deleted by Ord. #2009-15 passed December 8, 2009]

4.324 Powers and Authority.

1. This Chapter sets forth requirements for Users of the City's POTW and enables the City to comply with applicable State and Federal laws and regulations, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this ordinance are:
 - A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
 - B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, or otherwise be incompatible with the Publicly Owned Treatment Works;
 - C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
 - D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
 - E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

- F. To enable the City to comply with its Water Pollution Control Facility permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This Chapter applies to all Users of the POTW.

2. Except as otherwise specifically provided herein, the Director shall administer, implement and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the Director may be delegated by the Director.

[Section 4.324 added by Ord. #2009-15 passed December 8, 2009]

[Section 4.324 amended by Ord. #2013-08 passed July 16, 2013]

4.326 Prohibited Discharge Standards

1. General Prohibitions. No User shall introduce, cause to be introduced or store in such a manner that they could be introduced to the POTW, any pollutant or wastewater which causes Pass Through or Interference. These prohibitions apply to all Users of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
2. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - A. Pollutants creating a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system, be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides;
 - B. Wastewater having a pH less than 5.0, or equal to or greater than 12.5, or otherwise causing corrosive structural damage to the POTW or equipment;
 - C. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference but in no case solids greater than one-half inch (0.5") or one and two-tenths centimeters (1.2 cm) in any dimension;
 - D. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference with the POTW;
 - E. Wastewater having a temperature greater than 150 degrees F (65.5 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
 - F. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
 - G. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - H. Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Section 4.337 5. of this ordinance;
 - I. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

- J. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent;
 - K. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
 - L. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Director;
 - M. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
 - N. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
 - O. Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW;
 - P. Materials from cesspools and septic tanks, except as specifically authorized by the Director in a wastewater discharge permit.
 - Q. Grease, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, glass grinding or polishing wastes, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, and similar substances.
 - R. Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA).
 - S. Where treatment technologies are available (including BMPs), users shall not discharge wastewater without treatment.
 - T. Any water or wastes potentially contaminated with (1) transmissible spongiform encephalopathy agents from diseases such as chronic wasting disease, bovine spongiform encephalopathy, scrapie, Creutzfeldt-Jakob disease, (2) foot-and mouth disease agents, or (3) anthrax, except by written permission of the City.
 - U. Bulk, expired, outdated, concentrated, or unused prescription or non-prescription drugs.
3. Introduction of any additive into a User's wastewater system for the purpose of emulsifying oil and/or grease, for oil and/or grease remediation, or as a supplement to interceptor maintenance is prohibited without prior written authorization by the Director.

[Section 4.326 added by Ord. #2009-15 passed December 8, 2009]

[Section 4.326 amended by Ord. #2013-08 passed July 16, 2013]

[Section 4.326 amended by Ord. #2017-05 passed May 23, 2017]

[Section 4.326 amended by Ord. #2018-05 passed May 22, 2018]

4.328 National Categorical Pretreatment Standards.

1. Users must comply with the Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.
2. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with Section 4.328 6. and 7.
3. When the limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent

concentration for purposes of calculating effluent imitations applicable to individual Users.

4. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director shall impose an alternate limit in accordance with 40 CFR 403.6(e).
5. A CIU may obtain a net/gross adjustment to a Categorical Pretreatment Standard in accordance with the following paragraphs of this Section.
 - A. Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the User's intake water in accordance with this Section. Any User wishing to obtain credit for intake pollutants must make application to the City. Upon request of the User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph B. of this Section are met.
 - B. Criteria.
 1. Either (i) The applicable Categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The User demonstrates that the control system it proposes or uses to meet applicable Categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
 2. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
 3. Credit shall be granted only to the extent necessary to meet the applicable Categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.
 4. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The City may waive this requirement if it finds that no environmental degradation will result.
6. When a Categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, a User may request the City convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the Director's discretion. The City may establish equivalent mass limits only if the User meets all the conditions set forth in Sections 4.328 6.A.1. through 4.328 6.A.5. below.
 - A. To be eligible for equivalent mass limits, the User must:
 1. Employ, or demonstrate it will employ water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
 2. Currently uses control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standards, and not have used dilution as a substitute for treatment;
 3. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams based on data from a continuous effluent flow monitoring device as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term

- average production rate must be representative of current operating conditions;
4. Not have daily flow rates, production levels or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
 5. Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the User's request for equivalent mass limits.
- B. A User subject to equivalent mass limits must:
1. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 2. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 3. Continue to record the facility's production rates and notify the Director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 6.A.3. of this Section. Upon notification of a revised production rate, the Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 4. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 6.A.1. of this Section so long as it discharges under an equivalent mass limit.
- C. When developing equivalent mass limits, the Director:
1. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;
 2. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 3. May retain the same equivalent mass limit in subsequent wastewater discharge permit terms if the User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 4.336. The User must also be in compliance with Section 4.347 3.A. through C. regarding the prohibition of bypass.
7. The Director may convert the mass limits of the Categorical Pretreatment Standards of 40 CFR Parts 414, 419 and 455 to concentration limits for purposes of calculating limitations applicable to individual Users. The conversion is at the discretion of the Director.
 8. Once included in its permit, the User must comply with the equivalent limitations developed in this Section (4.328) in lieu of the promulgated Categorical Standards from which the equivalent limitations were derived.
 9. Many Categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

10. Any User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

[Section 4.328 added by Ord. #2009-15 passed December 8, 2009]

[Section 4.328 amended by Ord. #2013-08 passed July 16, 2013]

4.330 State Pretreatment Standards. State of Oregon requirements and limitations on discharges to the POTW shall be met by Users subject to such standards in any instance(s) where they are more stringent than federal requirements or those in this ordinance. These standards include, but are not limited to those found in Oregon Administrative Rules (OAR) Chapter 340.

[Section 4.330 added by Ord. #2009-15 passed December 8, 2009]

[Section 4.330 amended by Ord. #2013-08 passed July 16, 2013]

4.332 Local Limits

1. The Director is authorized to establish and revise Local Limits pursuant to 40 CFR 403.5(c). The following pollutant limits are established to protect against Pass Through and Interference. No Significant Industrial User or other permitted user shall discharge wastewater containing in excess of the following pollutant limits:

A.

Concentration	Pollutant	Limiting Parameter	Limit Duration
1.05 mg/l	Arsenic	Pass through	Daily maximum
0.34 mg/l	Cadmium	Sludge quality	Daily maximum
2.03 mg/l	Chromium	Pass through	Daily maximum
1.23 mg/l	Copper	Inhibition	Daily maximum
1.72 mg/l	Cyanide	Inhibition	Instantaneous maximum
2.14 mg/l	Lead	Sludge Quality	Daily maximum
0.15 mg/l	Mercury	Sludge Quality	Daily maximum
1.81 mg/l	Molybdenum	Sludge Quality	Daily maximum
4.32 mg/l	Nickel	Inhibition	Daily maximum
100 mg/l	Oil & grease	Inhibition	Instantaneous maximum
6.0 to 10.5 SU	pH	Inhibition	Instantaneous minimum/maximum
0.42 mg/l	Selenium	Pass through	Daily maximum
4.72 mg/l	Silver	Pass through	Daily maximum
2.98 mg/l	Zinc	Inhibition	Daily maximum

1. In the case of continuous recording of pH in a continuously flowing (non-batch) discharge, a violation of these limits shall have occurred if the continuous recording pH instrument indicates that the pH of the discharge:

- (a) Is lower than 6.0 SU or greater than 10.5 SU, for more than 60 minutes in any individual excursion, or for more than 7 hours and 26 minutes in any calendar month; or
 - (b) Is lower than 5.0 SU, or equal to or greater than 12.5 SU at any time during a calendar day;
 - 2. The limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Director may impose mass limitations in addition to the concentration based limitations above.
- 2. The Director may develop Best Management Practices (BMPs), by ordinance, in written requirements, or in wastewater discharge permits, to implement Categorical Standards, Local Limits and/or the requirements of Section 4.326.

[Section 4.332 added by Ord. #2009-15 passed December 8, 2009]

[Section 4.332 amended by Ord. #2013-08 passed July 16, 2013]

[Section 4.332 amended by Ord. #2017-05 passed May 23, 2017]

[Section 4.332 amended by Ord. #2018-05 passed May 22, 2018]

4.334 City's Right of Revision. The City reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

[Section 4.334 added by Ord. #2009-15 passed December 8, 2009]

[Section 4.334 deleted by Ord. #2013-08 passed July 16, 2013]

[Section 4.334 added by Ord. #2017-05 passed May 23, 2017]

4.336 Dilution. No User shall increase the use of process water or otherwise dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless the User is expressly authorized to do so by an applicable Pretreatment Standard or Requirement. The Director may impose mass limitations on Users using dilution to meet applicable Pretreatment Standards or Requirements.

[Section 4.336 added by Ord. #2009-15 passed December 8, 2009]

[Section 4.336 amended by Ord. #2013-08 passed July 16, 2013]

4.337 Pretreatment of Wastewater. Users shall provide wastewater treatment necessary to comply with this Chapter, with Categorical Pretreatment Standards, Local Limits and the prohibitions set out in Section 4.326 above within the time specified by EPA, the State or Director. Any facilities necessary for compliance shall be provided, operated and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City for review, and must be approved by the City before such facilities are constructed. Review in no way relieves the User from the responsibility of modifying such facilities to produce a discharge acceptable to the City under the provisions of this ordinance. Where pretreatment facilities are provided for wastewater, they shall be continuously maintained in satisfactory and effective operation at the owner's expense. Final determination of satisfactory and effective operating condition will be made by the Director.

- 1. The Director may require any User discharging to the POTW to install at their expense (and thereafter pay all costs associated with the maintenance thereof) a sampling manhole in the public right-of-way located upgradient to the point of discharge to the POTW.

2. Users shall provide wastewater treatment, including pretreatment technology, devices and facilities, as necessary to comply with this Chapter and shall obtain compliance within the time limitations specified by federal, State or local regulations, whichever is most stringent. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at User's expense. The Director may require the grant of an access easement to facilitate City inspection of the applicable pretreatment facilities. All pretreatment facilities shall be designed and installed consistent with the requirements of the most current version of the Oregon Plumbing Specialty Code so as to ensure compliance with Sections 4.326 and 4.332.
 - A. Grease, oil, sand or other interceptors shall be inspected, cleaned, and repaired by the User at their expense. Interceptors will be maintained in continuously efficient operation at all times, which includes but is not limited to the following:
 1. Each interceptor when cleaned shall have the sidewalls thoroughly cleaned and the contents shall be fully evacuated. All wastes removed from the interceptor shall be legally disposed of other than to the sewer or storm drainage systems. "Decanting" or the returning of any liquid or waste that is removed during cleaning back into the interceptor is prohibited.
 2. Interceptors shall be fully evacuated, and cleaned when the sum of the floating layer and sediment layer depths at any point exceed 25% of the total depth as measured from the floor of the device to the invert of the outlet pipe, or every 180 days, whichever occurs first, except as specifically authorized otherwise by the Director.
 3. Grease interceptors with a hydraulic capacity of less than three hundred (300) gallons must be filled with clean water after evacuation, prior to usage.
 - B. Cleaning of grease and oil interceptors shall be performed by a professional interceptor service company unless the User receives approval from the Director to remove grease and oil from the interceptors (self-cleaning). Violations of this Chapter by interceptor self-cleaners are subject to enforcement action including fines and/or removal from the self-cleaner program.
 - C. Interceptor maintenance shall be recorded by all Users with interceptors and retained onsite for a minimum of three (3) years, unless specifically authorized otherwise by the Director. Maintenance records shall indicate for each cleaning event, at a minimum, the date of cleaning, name and signature of the person or company servicing the interceptor, the cleaning method, gallons of waste removed, and final waste disposal location.
 - D. All Users with interceptors shall provide a copy of maintenance records to the Director as requested.
 - E. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible substance detection meter.
3. Flow Equalization
 - A. A wastewater discharge permit may be issued solely for flow equalization.
 - B. The Director may require Users restrict discharge during peak flow periods, designate certain wastewater to be discharged to specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams and such other things necessary to protect the POTW.
4. Accidental Discharge/Slug Discharge Control Plans. The Director shall evaluate whether an SIU needs an accidental discharge/slug discharge control plan. Furthermore, the Director may require any User develop and implement such a plan necessary to control that User's Slug Discharges. The Director may develop such a plan for a User. An

accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
 - B. Description of stored chemicals;
 - C. Plan view indicating chemical storage areas and drainage facility locations
 - D. Procedures for immediately notifying the Director of any accidental or Slug Discharge, as required by Section 4.4.340 6. of this ordinance; and
 - E. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
5. Hauled Wastewater
- A. Septic tank waste and other hauled wastewater may be introduced to the POTW only at locations times and under such conditions designated by the Director. Such waste shall not violate Section 4.326 nor other requirements established by the City. The Director may also prohibit the disposal of hauled waste.
 - B. The Director may collect samples of each hauled load to ensure compliance with applicable Standards. The Director may require the waste hauler to provide a waste analysis of any load prior to discharge.
 - C. Industrial waste haulers must provide a waste-tracking form for every load including the following information: the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of the waste. The form shall identify the type of industry, known or suspected waste constituents and whether any waste(s) are hazardous wastes as defined by state or federal regulation.
 - D. The discharge of any substance to recreational vehicle dump stations, other than wastewater from domestic usage of recreational vehicles is prohibited, unless specifically authorized otherwise by the Director.

[Section 4.337 added by Ord. #2009-15 passed December 8, 2009]

[Section 4.337 amended by Ord. #2013-08 passed July 16, 2013]

[Section 4.337 amended by Ord. #2017-05 passed May 23, 2017]

4.338 Wastewater Discharge Permits.

1. Wastewater Analysis. When requested by the Director, a User shall submit information on the nature and characteristics of its wastewater within twenty (20) days of the Director's request. The Director is authorized to prepare a form for this purpose and may periodically require Users to update this information. Costs for sample collection and analysis are the responsibility of the User.
2. Wastewater Discharge Permit Requirement
 - A. No SIU shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director, except that a SIU that has filed a timely application may continue to discharge for the time period specified therein.
 - B. The Director may require other Users to obtain wastewater discharge permits.
 - C. A violation of the terms and conditions of a wastewater discharge permit shall be subject to the Sections 4.344 through 4.346 below. A wastewater discharge permit does not relieve the permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State or local law.

3. Wastewater Discharge Permitting: Existing Connections. A User required to obtain a wastewater discharge permit discharging wastewater to the POTW prior to January 10, 2010, and wishing to continue such discharges shall, by April 10, 2010, apply to the Director for a wastewater discharge permit consistent with Section 4.338(5) and shall neither cause nor allow discharges to the POTW to continue after May 30, 2010, except consistent with a wastewater discharge permit issued by the Director.
4. Wastewater Discharge Permitting: New Connections. Any User required to obtain a wastewater discharge permit proposing to begin or recommence discharging to the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for the wastewater discharge permit must be filed at least ninety (90) days prior to the date when any discharge will begin or recommence.
5. Wastewater Discharge Permit Application Contents
 - A. All Users required to obtain a wastewater discharge permit must submit a permit application. The Director may require Users to submit all or some of the following information as part of a permit application:
 1. Identifying Information.
 - (a) The name and address of the facility, including the name of the operator and owner.
 - (b) Contact information, description of activities, facilities, and plant production processes on the premises;
 2. Environmental Permits. A list of any environmental control permits held by or for the facility.
 3. Description of Operations.
 - (a) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - (b) Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - (c) Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - (d) Type and amount of raw materials processed (average and maximum per day);
 - (e) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 4. Time and duration of discharges;
 5. The location for monitoring all wastes covered by the permit;
 6. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 4.328 4. (40 CFR 403.6(e)).
 7. Measurement of Pollutants.
 - (a) The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by

- the Director, of regulated pollutants in the discharge from each regulated process.
- (c) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - (d) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 4.340 10. of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director or the applicable Standards to determine compliance with the Standard.
 - (e) Sampling must be performed in accordance with procedures set out in Section 4.340 11. of this ordinance.
- 8. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 4.340 4.B. [40 CFR 403.12(e)(2)].
 - 9. Any other information as may be deemed necessary by the Director to evaluate the permit application.
 - (a) Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.
6. Application Signatories and Certifications
- A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 4.340 14.A.
 - B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Director prior to or together with any reports to be signed by an Authorized Representative.
7. Wastewater Discharge Permit Decisions. The Director will evaluate the data furnished by the User and may require additional information. Within ninety (90) days of receipt of a complete permit application, the Director will determine whether to issue a wastewater discharge permit. The Director may deny any application for a wastewater discharge permit.
8. No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an Industrial Wastewater of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern.

[Section 4.338 added by Ord. #2009-15 passed December 8, 2009]

[Section 4.338 amended by Ord. #2013-08 passed July 16, 2013]

4.339 Wastewater Discharge Permit Issuance

- 1. Wastewater Discharge Permit Duration. A wastewater discharge permit shall be issued for a specified period, not exceeding five (5) years. Each wastewater discharge permit will indicate the specific date upon which it will expire.
- 2. Wastewater Discharge Permit Contents. A wastewater discharge permit shall include such conditions deemed reasonably necessary by the Director to prevent Pass Through or Interference, protect the quality of the water body receiving the POTW's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against POTW damage.

- A. Wastewater discharge permits must contain:
1. A statement indicating the wastewater discharge permit issuance, expiration and effective dates;
 2. A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 4.339 5. and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 3. Effluent limits, including Best Management Practices based on applicable Pretreatment Standards;
 4. Self-monitoring, sampling, reporting, notification and record-keeping requirements including an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local laws and/or regulations.
 5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge consistent with Section 4.340 4.B.
 6. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that mandated in applicable Federal, State, or local laws and/or regulations.
 7. Requirements to control Slug Discharge, if determined by the Director to be necessary.
 8. Any grant of a monitoring waiver must be included as a condition in the User's permit or other control mechanism.
- B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
 4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 5. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
 6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
 7. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the wastewater discharge permit; and
 8. Other conditions as deemed appropriate by the Director to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

3. Permit Appeals
 - A. Any person, including the User, may petition the Director to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance.
 1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
 2. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
 3. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
 4. If the Director fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
4. Permit Modification
 - A. The Director may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
 3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 4. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or beneficial sludge usage;
 5. Violation of any terms or conditions of the individual wastewater discharge permit;
 6. Misrepresentations or failure to fully disclose all relevant facts in wastewater discharge permit application or in any required reporting
 7. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;
 8. To correct typographical or other errors in the individual wastewater discharge permit; or
 9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 4.339 5.
5. Wastewater Discharge Permit Transfer. Individual wastewater discharge permits or coverage under general permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the Director and the Director approves the individual wastewater discharge permit or the general permit coverage transfer. The notice to the Director must include a written certification by the new owner or operator which:
 - A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 - B. Identifies the specific date on which the transfer is to occur; and
 - C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.Failure to provide advance notice of a transfer renders the individual wastewater discharge permit or coverage under the general permit void as of the date of facility transfer.

6. Wastewater Discharge Permit Revocation. The Director may revoke an individual wastewater discharge permit or coverage under a general permit for good cause, including, but not limited to, the following reasons:
 - A. Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;
 - B. Failure to provide prior notification to the Director of changed conditions pursuant to Section 4.340 5. of this ordinance;
 - C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - D. Falsifying self-monitoring reports and certification statements;
 - E. Tampering with monitoring equipment;
 - F. Refusing to allow the Director timely access to the facility premises and records;
 - G. Failure to meet effluent limitations;
 - H. Failure to pay fines;
 - I. Failure to pay sewer charges;
 - J. Failure to meet compliance schedules;
 - K. Failure to complete a wastewater survey or the wastewater discharge permit application;
 - L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
 - M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this ordinance. Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a User are void upon the issuance of a new wastewater discharge permit to that User.
7. Wastewater Discharge Permit Reissuance. A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.338 5. of this ordinance, a minimum of ninety (90) days prior to the expiration of the User's existing wastewater discharge permit.
8. Regulation of Waste Received from Other Jurisdictions
 - A. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Director shall enter into an intergovernmental agreement with the contributing municipality.
 - B. Prior to entering into an agreement required by paragraph A, above, the Director shall request the following information from the contributing municipality:
 1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 2. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 3. Such other information as the Director may deem necessary.
 - C. An intergovernmental agreement, as required by paragraph A, above, shall contain the following conditions:
 1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this ordinance and the City of Redmond Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 4.332 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City of Redmond's ordinance or Local Limits;
 2. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

3. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Director; and which of these activities will be conducted jointly by the contributing municipality and the Director;
4. A requirement for the contributing municipality to provide the Director with access to all information that the contributing municipality obtains as part of its pretreatment activities;
5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
6. Requirements for monitoring the contributing municipality's discharge;
7. A provision ensuring the Director access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director; and
8. A provision specifying remedies available for breach of the terms of the intergovernmental agreement.

[Section 4.339 added by Ord. #2009-15 passed December 8, 2009]

[Section 4.339 amended by Ord. #2013-08 passed July 16, 2013]

4.340 Reporting Requirements.

1. Baseline Monitoring Reports
 - A. Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, or final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, Categorical Industrial Users discharging to or scheduled to discharge to the POTW shall submit a report to the Director containing the information listed in subsection B below. At least ninety (90) days prior to commencement of the discharge, a New Source and sources becoming Categorical Industrial Users after promulgation of an applicable Categorical Standard, shall submit a report to the Director containing the information listed in subsection B below. A New Source shall report the method of pretreatment to be used to meet applicable Categorical Standards and give estimates of anticipated flow and quantity of pollutants to be discharged.
 - B. Users described in subsection A above shall submit the following information:
 1. All information required in Section 4.338 5.A.1(a), Section 4.338 5.A.2., Section 4.338 5.A. 3.(a), and Section 4.338 5.A.6.
 2. Measurement of pollutants.
 - (a) Information required in Section 4.338 5.A.7.(a) through (d).
 - (b) A minimum of one representative sample to compile the data necessary to comply with the requirements of this paragraph.
 - (c) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the flows and concentrations should be measured to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been

- calculated consistent with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the City;
- (d) Sampling and analysis shall be performed in accordance with Section 4.340 10.;
 - (e) The Director may allow the submission of a baseline report utilizing only historical data provided the data contains information sufficient to determine the need for industrial pretreatment measures;
 - (f) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall be certified as representative of normal work cycles and expected pollutant discharges to the POTW.
- 3. Compliance Certification. A statement, reviewed by the User's Authorized Representative and certified by a qualified professional, indicating whether Pretreatment Standards are being met consistently and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
 - 4. Compliance Schedule. If additional pretreatment and/or O&M will be required, User shall produce the shortest schedule by which such additional pretreatment and/or O&M will occur. The completion date in this schedule shall be no later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 4.340 2.
 - 5. Signature and Report Certification. All baseline monitoring reports must be certified consistent with Section 4.340 14.A. of this ordinance and signed by an Authorized Representative as defined in Section 4.300.
- 2. Compliance Schedule Progress Reports. The following conditions apply to the compliance schedule required by Section 4.340 1.B.4.:
 - A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
 - B. No increment referred to above shall exceed nine (9) months;
 - C. The User shall submit a progress report to the Director not later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
 - D. In no event shall more than nine (9) months elapse between such progress reports to the Director.
 - 3. Reports on Compliance with Categorical Pretreatment Standard Deadline. Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Director a report containing the information described in Section 4.338 5.A.6. and 7. and 4.340 1.B.2. For Users subject to equivalent mass or concentration limits established consistent with Section 4.328, this report shall contain a reasonable measure of the User's long-term production rate. For

all other Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.340 14.A. All sampling will be done in conformance with Section 4.340 11.

4. Periodic Compliance Reports

- A. Except as specified in Section 4.340 4.C., all Significant Industrial Users must, at a frequency determined by the Director submit no less than twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the User.
- B. The City may authorize a User subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard if the User can demonstrate to the Director's satisfaction through sampling and other technical means that the regulated pollutant is neither present nor expected to be present in the discharge or is present only at background levels from intake water and without any increase in the pollutant due to User's activities. This authorization is subject to the following conditions:
 1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable Categorical Standard and otherwise includes no process wastewater.
 2. The monitoring waiver is valid for the duration of the period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 4.338 5.A.8.
 3. In making a demonstration that a pollutant is not present, the User must provide data from at least two samplings of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
 4. The request for a monitoring waiver must be signed by the User's Authorized Representative in accordance with Section 4.300, and include the certification statement in Section 4.340 14,A (40 CFR 403.6(a)(2) (ii)).
 5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
 6. Any grant of the monitoring waiver by the Director must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Director for 3 years after expiration of the waiver.
 7. Upon approval of the monitoring waiver and revision of the User's permit by the Director, the User must certify on each report with the statement in Section 4.340 14.C. below, that there has been no increase in the pollutant in its wastestream due to activities of the User.
 8. In the event that a waived pollutant is found to be present or is expected to be present because of changes occurring in the User's operations, the

User must immediately: Comply with the monitoring requirements of Section 4.340 4.A., or other more frequent monitoring requirements imposed by the Director, and notify the Director.

9. This provision does not supersede certification processes and requirements established in Categorical Pretreatment Standards, except as otherwise specified in the Categorical Pretreatment Standard.
- C. The City may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the State, where the User's total categorical wastewater flow does not exceed any of the following:
1. 0.01% of the POTW's design dry-weather hydraulic capacity or two hundred and eighty four (284) gallons per day, as measured by a continuous effluent flow monitoring device unless the User discharges in batches;
 2. 0.01% of the POTW's design organic treatment capacity or eighty three hundredths of a pound of BOD per day (0.83 lbs.); and
 3. One hundredth of one percent (0.01 %) of the maximum allowable headworks loading for any pollutant regulated by the applicable Categorical Pretreatment Standard for which approved Local Limits were developed.
- Reduced reporting is not available to Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 4.343 of this ordinance. In addition, reduced reporting is not available to an User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Director, decreasing the reporting requirement for this User would result in data that are not representative of conditions occurring during the reporting period.
- D. All periodic compliance reports must be signed and certified in accordance with Section 4.340 14.A. of this ordinance.
- E. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- F. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director, using the procedures prescribed in Section 4.340 11. of this ordinance, the results of this monitoring shall be included in the report.
5. Reports of Changed Conditions. Each User must notify the Director in writing of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.
- A. The Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.338 5. of this ordinance.
 - B. The Director may issue a wastewater discharge permit under Section 4.339 7. of this ordinance or modify an existing wastewater discharge permit under Section 4.339 4. of this ordinance in response to changed conditions or anticipated changed conditions.
6. Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.
 - B. Within five (5) days following such discharge, the User shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
 - C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
 - D. Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.
7. Reports from Unpermitted Users. All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director as the Director may require.
8. Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a User indicates a violation, the User must notify the Director within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling within 48 hours of becoming aware of the violation, analyze the sample, and submit the results of the repeat analysis to the Director within thirty (30) days after becoming aware of the violation. Resampling by the User is not required if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User receives the results of this sampling.
9. Notification of the Discharge of Hazardous Waste
 - A. Any User discharging waste to the POTW that if discharge elsewhere would be classified as hazardous waste (as that term is defined in 40 CFR Part 261) shall notify the POTW, the EPA Regional Waste Management Division Director and the Oregon Department of Environmental Quality (DEQ) in writing. Such notification shall include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. Notification to the POTW must occur no later than 30 days prior to the start of discharge. All other notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 4.340 5. of

this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 4.340 1., 4.340 3., and 4.340 4. of this ordinance.

- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
 - C. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Director, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
 - D. In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
 - E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.
10. Analytical Requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Director or other parties approved by EPA.
11. Sample Collection. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.
- A. Except as indicated in subsections B. and C. below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques unless time-proportional composite sampling or grab sampling is authorized by the Director. Where time-proportional composite sampling or grab sampling is authorized by the Director, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA

methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
 - C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 4.340 1. and 4.340 3., a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by paragraphs Section 4.340 4., the User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.
12. Date of Receipt of Reports. Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.
13. Recordkeeping. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 4.332 2. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five (5) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Director.
14. Certification Statements
- A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver— The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.338 6.; Users submitting baseline monitoring reports under Section 4.340 1.B.5.; Users submitting reports on compliance with the Categorical Pretreatment Standard deadlines under Section 4.340 3.; Users submitting periodic compliance reports required by Section 4.340 4.A. to D., and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 4.340 4.B.4. The following certification statement must be signed by an Authorized Representative as defined in Section 4.300:
 - “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- B. Certification of Pollutants Not Present. Users that have an approved monitoring waiver based on Section 4.340 4.B. must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 4.340 4.A.”

[Section 4.340 added by Ord. #2009-15 passed December 8, 2009]

[Section 4.340 amended by Ord. #2013-08 passed July 16, 2013]

4.341 Compliance Monitoring

1. Right of Entry for Inspection and Sampling. By applying for and using City wastewater treatment services and connecting to the Public Sewer and/or use of the POTW, a User is deemed to consent and grant Director the right to enter User’s premises to determine compliance with the requirements of this Chapter and wastewater discharge permit(s) or order(s) issued pursuant hereto. The Director shall have immediate access at all reasonable hours to User’s premises to inspect, sample, photograph, examine and copy records, and take such other actions deemed necessary to ensure compliance.
 - A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director shall be permitted to enter without delay for the purposes of performing specific responsibilities.
 - B. The Director shall have the right to set up on the User’s property, or require installation of such devices as are necessary to inspect and conduct sampling and/or metering of the User’s operations.
 - C. The Director may require the User to install monitoring equipment as necessary. The facility’s sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually or within the manufacturers recommendation (whichever is shorter) to ensure their accuracy.
 - D. The Director may require the User to grant a public utility easement to the City for monitoring the use of the City’s wastewater treatment system.
 - E. Any obstruction to safe access to the User’s facility to be inspected and/or sampled shall be removed by the User at the written or verbal request of the Director and shall not be replaced. The cost for clearing such access shall be borne by the User.
 - F. Unreasonable delays in allowing the Director access to the User’s premises shall be a violation of this Chapter.
2. Search Warrants. The Director may seek issuance of a search warrant for the collection and analysis of wastewater samples or to obtain access to a building, structure, property, or any part thereof.

[Section 4.341 added by Ord. #2009-15 passed December 8, 2009]

[Section 4.341 amended by Ord. #2013-08 passed July 16, 2013]

4.342 Confidential Information.

1. User information and data obtained from reports, questionnaires, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs shall be available to the public and other governmental agencies without restriction, unless the User specifically requests release of such information would divulge information, processes, or methods of production entitled to protection under Oregon Public Records Law (ORS 192.410, et seq).

Any such request must be made in writing at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but may be made available to governmental agencies for uses related to the WPCF permit or pretreatment program and in enforcement proceedings. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

The City will not recognize any claims of confidentiality, trade secret or confidential business information intended to limit the public's access to the data or information submitted electronically by the industrial user based upon generic claims of confidentiality in the body of any email or fax provided to the City. Claims of confidentiality shall be made, in writing and by US Mail or equivalent or hand delivered. In addition, should the industrial user submit data or other information that is claimed to be confidential, the municipality will not guarantee that that data or information will be held confidential if submitted electronically.

[Section 4.342 added by Ord. #2009-15 passed December 8, 2009]

[Section 4.342 amended by Ord. #2013-08 passed July 16, 2013]

[Section 4.342 amended by Ord. #2017-05 passed May 23, 2017]

4.343 Publication of Users in Significant Noncompliance.

1. The Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the City, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other User that violates paragraphs C., D. or H. of this Section) and shall mean:
 - A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 4.326 through Section 4.336;
 - B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 4.326 through Section 4.336 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
 - C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 4.326 through Section 4.336 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Director determines has

- caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge;
 - E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
 - F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - G. Failure to accurately report noncompliance; or
 - H. Any other violation(s), which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local pretreatment program.

[Section 4.343 added by Ord. #2009-15 passed December 8, 2009]

[Section 4.343 amended by Ord. #2017-05 passed May 23, 2017]

4.344 Administrative Enforcement Remedies.

1. Notification of Violation. When the Director finds a User has violated any provision(s) of this Chapter, a wastewater discharge permit, order, or other Pretreatment Standard/Requirement, the Director may serve upon that User a written Notice of Violation. Within fifteen (15) days of User's receipt of said notice the User, shall offer the Director a written explanation of the violation and plan for the satisfactory correction and prevention thereof. Submission of the plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
2. Consent Orders. The Director may enter into Consent Orders, Assurances of Compliance, or similar agreements with a User. Such agreements shall include specific actions to be taken by the User to correct any noncompliance within a time period specified. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 4.344 4. and 4.344 5.
3. Show Cause Hearing. The Director may order a User which has violated any provision(s) of this Chapter a wastewater discharge permit, or order issued hereunder, or other Pretreatment Standard or Requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the hearing, the Director's proposed enforcement action, the reasons therefore and a demand the User show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any Authorized Representative. A show cause hearing shall not be a bar against or prerequisite for taking any other action against the User.
4. Compliance Orders. When the Director finds a User has violated any provision of this Chapter, a wastewater discharge permit or order or any other Pretreatment Standard or Requirement, the Director may issue an order to the User responsible directing that the User come into compliance within a specified time. If the User fails to come into

compliance within the time specified, the User's sewer service may be discontinued until such time as adequate treatment facilities, devices, or other related appurtenances are installed and properly operated by the User. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

5. Cease and Desist Orders. When the Director finds a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Director may issue an order to the User directing it to cease and desist all such violations and directing the User to:
 - A. Immediately comply with all requirements; and
 - B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.
6. Administrative Fines
 - A. When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may fine such User in an amount not set by resolution. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
 - B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be doubled, and interest shall accrue thereafter at a rate of one and one half percent (1½ %) per month. Any unpaid fines, penalties and interest shall become a lien against the User's property or referred to a debt collection agency. All debt collection fees shall be paid by the User.
 - C. Users desiring to dispute such fines must file a written request with the Director to reconsider the fine within ten (10) days of the imposition of the fine. The request must specify the basis for reconsideration. The Director may make a decision on the request based on the material filed or may conduct a hearing. The User may appeal the decision of the Director to the City Manager. All appeals to the City Manager must be received in writing within ten (10) days of the Director's decision. The City Manager may decide the appeal based on the material submitted by the User and City staff or may conduct a hearing. The decision of the City Manager is final.
 - D. The Director may add the costs of the appeal process, preparing administrative enforcement actions, such as notices and orders, to the fine.
 - E. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.
7. The Director may recover reasonable costs and other expenses, including sampling and monitoring expenses and the cost of any actual damages and/or cleanup, incurred by the City due to discharges prohibited by this ordinance.
8. Emergency Suspensions. The Director may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an

imminent or substantial endangerment to the health or welfare of persons, or damage to the wastewater treatment system. The Director may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, groundwater, or endangerment to any individuals. The Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 4.344(9) of this ordinance are initiated against the User.
 - B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Sections 4.344(3) or 4.344(9) of this ordinance.
 - C. Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.
9. Termination of Discharge. In addition to the provisions in Section 4.339(6) of this ordinance, any User who violates the following conditions is subject to discharge termination:
- A. Violation of wastewater discharge permit conditions;
 - B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
 - C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
 - D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
 - E. Violation of the Pretreatment Standards in Section 4.326 through 4.336 of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 4.344 (3) of this ordinance why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the User.

[Section 4.344 added by Ord. #2009-15 passed December 8, 2009]

[Section 4.344 amended by Ord. #2013-08 passed July 16, 2013]

[Section 4.344 amended by Ord. #2017-05 passed May 23, 2017]

4.345 Judicial Enforcement Remedies.

1. Injunctive Relief. When the Director finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director may issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive

relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

2. Civil Penalties

- A. A User who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty per violation, per day as set by resolution. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

3. Remedies Nonexclusive. The remedies provided for in this ordinance are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Director may take other action against any User when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant User.

[Section 4.345 added by Ord. #2009-15 passed December 8, 2009]

[Section 4.345 amended by Ord. #2017-05 passed May 23, 2017]

4.346 Supplemental Enforcement Action.

- 1. Penalties for Non-Compliance. The Director may assess penalties on any User who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement. Penalty amounts are set by City Council resolution. Actions taken by the Director to collect penalties shall not limit the Director's authority to initiate other enforcement actions that may include penalties for subsequent violations.
- 2. Performance Bonds. The Director may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the City, in a sum not to exceed an amount determined by the Director to be necessary to repair any damage, reimburse the City for all potential expenses, and pay all fines potentially resulting from further noncompliance with this ordinance.
- 3. Payment of Outstanding Fees and Penalties. The Director may decline to issue or reissue a wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement.
- 4. Water Supply Severance. The Director may sever water supply service to any User for violation of any provision in Sections 4.007 through 4.348 of this Code, or for failure to pay any outstanding fees, fines or penalties incurred as a result of any violation of this ordinance, a previous wastewater discharge permit, or order issued hereunder, or any

other Pretreatment Standard or Requirement. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply and paid all outstanding fees, fines, or penalties.

5. Sewer Connection Severance. Whenever a User has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, sewer service to the User may be severed. The User is responsible to pay all costs incurred to disconnect and reconnect the User's sewer service. Fees for connection and disconnection are set by resolution. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply and paid all outstanding account balances with the City.
6. Public Nuisances. A violation of any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by Director. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code Section 5.325 through Section 5.365 governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.
7. Contractor Listing. Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the Director.

[Section 4.346 added by Ord. #2009-15 passed December 8, 2009]

[Section 4.346 amended by Ord. #2017-05 passed May 23, 2017]

4.347 Affirmative Defenses to Discharge Violations.

1. Upset
 - A. For the purposes of this Section, Upset means an incident in which there is unintentional temporary noncompliance with Categorical Pretreatment Standards beyond User's reasonable control not including noncompliance caused by operational error, improperly designed or inadequate treatment facilities, lack of preventive maintenance, careless or improper operation.
 - B. An Upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.
 - C. A User wishing to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 1. An upset occurred and the User can identify the cause(s) of the upset;
 2. The facility was at the time being operated in a prudent and workman-like manner and consistent with applicable operation and maintenance procedures; and
 3. The User has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:
 - (a) A description of the indirect discharge and cause of noncompliance;

- (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
 - E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.
 - F. Users shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.
- 2. Prohibited Discharge Standards. A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 4.326 1 of this ordinance or the specific prohibitions in Sections 4.326 2.C through Sections 4.326 2.G and Sections 4.326 2.I through Sections 4.326 2.T of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:
 - A. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
 - B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance with its WPCF permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.
- 3. Bypass
 - A. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (B) and (C) of this Section.
 - B. Bypass Notifications
 - 1. If a User knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten (10) days before the date of the bypass, if possible.
 - 2. A User shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
 - C. Bypass

1. Bypass is prohibited, and the Director may take an enforcement action against a User for a bypass, unless
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The User submitted notices as required under paragraph B of this section.
2. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in paragraph C.1 of this Section.

[Section 4.347 added by Ord. #2009-15 passed December 8, 2009]

[Section 4.347 amended by Ord. #2013-08 passed July 16, 2013]

4.348 Miscellaneous Provisions.

1. Pretreatment Charges and Fees; The City may adopt fees for reimbursement of costs of setting up and operating the City's Pretreatment Program, including:
 - A. Fees for wastewater discharge permit applications including the cost of processing such applications;
 - B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring and certification statements submitted by Users;
 - C. Fees for reviewing and responding to accidental discharge procedures and construction;
 - D. Fees for filing appeals;
 - E. Fees to recover administrative and legal costs (not included in Section 4.348 1.B associated with the enforcement activity taken by the Director to address IU noncompliance; and
 - F. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.
2. Severability; If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.
3. Conflicts; All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of the inconsistency or conflict.
4. Wastewater Strength Classification and Surcharges
 - A. Due to the increased cost involved in treating commercial and institutional wastewater, the Director may assess surcharges on commercial, institutional, and other non-domestic users. The Director may classify such users into a strength category based on the type of business or other activity occurring at site. The sewer account rates for each strength classification will be set by resolution.
 - B. The Director may require commercial, institutional, or other non-domestic users to procure and test at the owner's expense and in a manner approved by the

Director, sufficient composite samples on which to base and calculate the wastewater strength and monthly surcharges.

- C. Wastewater surcharge amounts may be calculated using the metered water flow to the premises as a basis for waste volume, and the laboratory analysis of samples procured as directed by the Director or the activity classification as a basis for waste strength.
1. Metered water flow shall include all water delivered to or used on the premises and which is discharged to a city sanitary sewer. In the event that private water supplies are used, they shall be metered at the owner's expense. Cooling waters or water not discharged to a sanitary sewer shall be separately metered at the owner's expense, and in a manner approved by the Director, prior to allowing deduction of the flow from the total water used on the premises in computing the strength surcharges.
 2. The Director may adjust the wastewater strength classification of a non-domestic user based on the existence and historical effectiveness of that user's pretreatment facilities due to design, condition, maintenance and other factors.

[Section 4.348 added by Ord. #2009-15 passed December 8, 2009]

[Section 4.348 amended by Ord. #2013-08 passed July 16, 2013]

REIMBURSEMENT POLICY

4.350 Reimbursements Authorized.

4.355 Reimbursement Agreements.

4.360 Timing of Agreement.

4.365 Notice.

4.370 Reimbursement Payments Required.

[Sections 4.350 through 4.370 added by Ord. #96-15 passed April 23, 1996]

[Sections 4.350 through 4.370 repealed by Ord. #98-36 passed October 27, 1998]

GARBAGE SERVICE

4.400 Definitions. For the purposes of Sections 4.400 to 4.418, the following words and phrases mean:

Collector of Refuse. The person entering into contract with the City for removal of refuse.

Garbage. All putrescible wastes, except sewage and body wastes, including vegetable wastes, animal offal and carcasses of dead animals, and every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruits and vegetables, except coffee grounds, but not including recognized industrial by-products, and all such substances from all public and private establishments and residences.

Health Officer. The City or County Health Officer, or an authorized representative.

Refuse. Garbage and all other putrescible and non-putrescible wastes except sewage, from all public and private establishment and residences.

Rubbish. Dirt, sod rocks, limbs, bushes, trees and wood scraps from all public and private establishments and residences.

4.402 Contracts - Bids.

1. Upon direction of the Council, specifications approved by the Council shall be prepared, and the Recorder shall advertise for bids for a contract covering the exclusive right to collect, remove and dispose of all refuse except recognized industrial by-products. The Council shall have the power to refuse any and all bids and shall award the contract to the person who, in its opinion, submits the best bid and is best qualified and equipped to perform the contract contemplated and the rendering of the services required.
2. Each successful bidder shall furnish corporate surety bond to the City in the sum of \$20,000, conditioned upon the faithful performance of the contract and compliance with this code and all rules, regulations, laws and statutes relating to the business, particularly all rules and regulations and matters relating to the maintenance of any dump. After five(5) or more years of continuous and satisfactory service to the City by the franchisee, the City Council may waive the requirement to furnish a corporate surety bond upon request by the franchisee.

[Section 4.402 amended by Ord. #87-02 passed January 13, 1987]

4.404 Contracts - Terminations. A contract entered into by virtue of Sections 4.400 to 4.420 shall specify that the City may terminate the contract upon 60 days written notice, on condition that the City purchase all necessary running equipment used in connection therewith at a fair value. If the parties cannot agree upon a fair value, then the fair value shall be determined by a board of appraisers, one to be appointed by the holder of the contract, one by the City and the third by the two thus appointed. The majority decision of the board shall be binding upon both parties. The contract shall also contain a prohibition against assignment or transferring of any interest therein without consent of the City. It shall also contain a suitable provision permitting the forfeiture of the agreement for non-performance of the terms and conditions of the contract and Sections 4.400 to 4.420.

4.406 Charges - Established. Immediately upon award of a contract, the Council shall by resolution adopt a schedule of charges for the service rendered, using the offer of the contractor as a basis and making the collection charge to every owner or occupant of premises receiving garbage service. The charge shall be sufficient to pay the successful bidder or collector for the costs of administering and enforcing Sections 4.400 to 4.420 and improving the service thereunder. If surpluses accumulate that are not needed for the purposes mentioned, then the Council shall revise the rate downward so as to balance the income with the necessary expenditures and any contemplated or budgeted outlay.

4.408 Disposal - Mandatory Garbage Collection. Mandatory collection of refuse is required by a vote of the electorate. Every person shall dispose of all garbage promptly through the services of the collector of refuse, according to the terms of Sections 4.400 to 4.420 and all city rules and regulations. No person shall perform any of the provisions of the contract referred to above except the collector of refuse. However, persons shall be allowed to haul to a designated dumping site all items which are designated in Section 4.400 as rubbish. Persons who create industrial wastes and wish to haul their own waste shall apply to the Council for a permit to do so.

4.410 Disposal - Use of Containers.

1. Every person in possession, charge or control of any use where refuse is created or accumulated shall at all times keep or cause to be kept portable cans of approved size, type and construction and shall deposit or cause to be deposited all refuse in those cans.

2. When refuse is placed in or taken from the cans, the lids shall be promptly replaced. Each can shall be kept clean inside and out, so that no odor nuisance shall exist. On the day of scheduled collection, cans shall be placed in a location designated by the collector of refuse.

[Section 4.410 amended by Ord. #2006-02 passed March 14, 2006]

4.412 Disposal - Methods.

1. No person shall burn, dump, collect, remove or in any other manner dispose of refuse or garbage upon any street, alley, public place or private property within the City otherwise than as provided by this chapter.
2. Wastepaper, boxes, rubbish, debris, brush, leaves, grass, wood, and cuttings from lawns, shrubs and gardens (but excepting paper, cardboard or wood containers in commercial quantities), may be burned on private property in furnaces; or, upon special permit from the Fire Chief, may be burned in outside fireplaces or private incinerators approved by the Fire Chief; or in open fires.
3. No person shall bury, burn or dump wastepaper, boxes, rubbish and debris, grass, leaves, weeds and cuttings from trees, lawns, shrubs and gardens upon any street, alley or public place or collect or remove the same over any public right-of-way in the City. However, the burning of paper outside the building but upon the premises of business places is permitted if the burning is done in an incinerator approved by the Fire Chief, and a permit is obtained from the chief.

4.414 Disposal - Separation. The City reserves the right to require the separation of paper or swill or other component parts of refuse, require the deposit thereof in separate cans or receptacles and prescribe the method of disposal thereof.

4.416 Disposal - According to Health Regulations. All disposal of refuse shall be by methods specifically approved by the State Health Divisions. The method or methods shall include the maximum practicable rodent, insect and nuisance control at the place of disposal. Animal offal and carcasses of dead animals shall be buried or cremated as directed by the Health Officer, or shall be rendered in the manner approved by the State Health Division.

4.418 Disposal - by City. The City is empowered to carry out all the terms and provisions of Sections 4.400 to 4.420 and to collect and dispose of refuse in the manner provided by those sections. However, it shall not exercise that power if the collector of refuse is faithfully performing a valid contract with the City, or unless the City purchases the property of the collector of refuse in the manner provided by this chapter.

4.420 Opportunity to Recycle. Except as otherwise provided by state law, rules or regulations, and except as exempted under the city franchise:

1. The franchisee shall provide recycling collection service for recyclable materials at the minimum level required by the State of Oregon or a higher level permitted by the Council.
2. In order to fulfill the requirements of ORS 459A.010 and all applicable administrative rules, the franchisee shall implement a recycling program that includes the following five elements:
 - A. Provision of at least one durable recycling container to each residential service customer;
 - B. Expanded education and promotion program;
 - C. Multifamily recycling;
 - D. Commercial recycling; and

- E. Expanded recycling depots.
- 3. The franchisee shall continue to provide notice of the recycling collection service and promotion for it.
- 4. Education on the need for recycling will be a joint responsibility of the City, schools, community and volunteer organizations, the franchisee, the county and others.
- 5. The net cost of recycling service and recycling notice, promotion and education shall be included in the rate base for future rate adjustments for the franchisee.

[Section 4.420 amended by Ord. #97-02 passed March 25, 1997]

REDMOND MEMORIAL CEMETERY

4.500 Reservations.

- 1. The lots enumerated herein shall be set aside for veterans and their wives as well as any unmarried children of the veterans under the age of 21 at the time of their death.

Section B Lots	Section F Lots	Section M Lots
161 thru 180	105 thru 120	101 thru 116
261 thru 280	205 thru 220	201 thru 216
361 thru 380	301 thru 320	301 thru 316
461 thru 480	401 thru 420	401 thru 416
561 thru 580	501 thru 520	501 thru 516
661 thru 680	601 thru 620	601 thru 616
761 thru 780	701 thru 720	701 thru 716
861 thru 880	801 thru 820	801 thru 816
961 thru 980	901 thru 920	901 thru 916
1061 thru 1080		1001 thru 1016

- 2. Lots designated herein shall be set aside for infants. Each lot has been divided into four infant lots. A separate map shall be kept at City Hall for these lots.

Section D Lots

- 131 thru 139
- 231 thru 239
- 331 thru 339
- 431 thru 439
- 531 thru 539
- 631 thru 639
- 731 thru 739
- 831 thru 839

- 3. All lots in Section P are restricted to the burial of contained ashes. Each lot is limited to three urns. A separate map shall be kept at City Hall for these lots.

Section P Lots

- 101 thru 110
- 201 thru 210
- 301 thru 330
- 401 thru 430
- 501 thru 550
- 601 thru 650
- 701 thru 760
- 801 thru 860
- 901 thru 960

[Section 4.500 added by Ord. #88-06 passed March 8, 1988]

[Section 4.500 amended by Ord. #1999-32 passed November 23, 1999]

[Section 4.500 amended by Ord. #1999-33 passed December 14, 1999]

[Section 4.500 amended by Ord. #2002-17 passed November 12, 2002]

4.510 Cemetery Markers.

1. In Sections A and B, each grave shall be marked with a marker of polished granite, or other approved material, of a size of not less than 10 inches by 20 inches, and not larger than 14 inches by 26 inches. The marker shall be set at sod level and the lettering shall be sunken (no monuments shall be erected).
2. In Section D, row 1, space 35 through 55 and Section L, row 1, space 101 through 140, row 2, space 201 through 250, row 3, space 340 through 360, row 4, space 450 through 470, row 5, space 560 through 580 and row 6, space 670 through 680 Monuments are optional.
3.
 - A. In Section C, D, E and F, L, M, N, O and R, single headstones shall be of polished granite, or other approved material, of a size not larger than 24 inches long by 12 inches in width placed flat and set in concrete at sod level with one edge set to a surveyor's line. All vases shall be centered in the ends of said concrete and the length of the concrete shall extend 8 inches beyond each end of the granite marker. If no vases are used a 6 inch concrete extension on each end of the marker will suffice.
 - B. In section D, single headstones shall be of a size not larger than 21 inches long by 11 inches in width, placed flat and set in concrete at sod level with one edge set to a surveyor's line. If a vase is desired it shall be centered below the marker and the concrete shall extend 8 inches top and bottom. If a vase is not used a 6 inch concrete extension, top and bottom will suffice.
 - C. Vases are allowed anywhere within the confines of all single bronze headstones provided they are set in concrete according to the above specifications of 6 inch concrete extension on each end.
4.
 - A. In Section D, monuments shall be of polished granite, or other approved material, of a size not larger than 16 inches long by 8 inches in width, with a height not to exceed 14 inches. Monuments shall be set in concrete at sod level with one edge set to a surveyor's line. If a vase is desired it shall be centered below the marker and the concrete shall extend 8 inches, top and bottom. If a vase is not used a 6 inch concrete extension top and bottom of the marker will suffice.
 - B. In Section L, monuments shall be of polished granite or other approved material, of a width not larger than 24 inches long by 14 inches in width, with a height not to exceed 28 inches. Monuments shall be set in concrete at sod level with one edge set to a surveyor's line. All vases shall be centered in the ends of said concrete and the length of the concrete shall extend 8 inches beyond each end of the granite marker. If no vases are used a 6 inch concrete extension on each end of the marker will suffice.
5. In Section C, E, F, L, M, N, O and R, double headstones shall be of polished granite, or other approved material, of a size not larger than 48 inches long by 12 inches in width, placed flat and set in concrete at sod level with one edge set to a surveyor's line. All double monuments shall be of polished granite, or other approved material, of a size not larger than 48 inches long by 12 inches in width, with a height not to exceed 28 inches. All vases shall be centered in the ends of said concrete and the length of the extend 8 inches beyond each end of the granite marker. If no vases are used a 6 inch concrete extension on each end of the marker will suffice. Vases are allowed anywhere within the

confines of all double bronze headstones provided they are set in concrete according to the above specifications of 6 inch concrete extension on each end.

6. In Section P, monuments shall be of polished granite, or other approved material, of a size of not larger than 16 inches wide by 20 inches long. The marker shall be set in concrete at sod level with one edge set to a surveyor's line. No monuments shall be erected. The concrete will extend beyond the marker 4 inches at the top, each side and bottom, unless a vase is used in which the bottom concrete shall extend 8 inches. If a vase is used it shall be centered below the marker.

[Section 4.510 added by Ord. #88-06 passed March 8, 1988]

[Section 4.510 amended by Ord. #93-03 passed March 30, 1993]

[Section 4.510 amended by Ord. #93-37 passed December 14, 1993]

[Section 4.510 amended by Ord. #1999-32 passed November 23, 1999]

[Section 4.510 amended by Ord. #2002-17 passed November 12, 2002]

4.520 Placement of Burial. As a general rule, a male is buried to the south and a female is buried to the north. If any party wishes to have a burial performed differently written notice must be given to the City of Redmond.

[Section 4.520 added by Ord. #88-06 passed March 8, 1988]

4.530 Liners. Cement liners are required if a vault is not used.

[Section 4.530 added by Ord. #88-06 passed March 8, 1988]

4.540 Memorials.

[Section 4.540 added by Ord. #88-06 passed March 8, 1988]

[Section 4.540 deleted by Ord. #2002-17 passed November 12, 2002]

4.542 Flowers. All flowers and decoratives will be removed on a regular basis at the discretion of cemetery management.

[Section 4.542 added by Ord. #95-36 passed October 24, 1995]

4.550 Columbarium.

1. Each columbarium niche may contain one or two cremains. If the cremains of two are placed in a single niche, they must be of immediate family members.
2. A bronze marker is provided as a part of each niche. Special service club emblems and flower vases may be purchased. Only those markers, emblems and vases purchased from the City of Redmond may be used.

[Section 4.550 added by Ord. #88-06 passed March 8, 1988]

4.560 Payments.

1. Lots may be purchased at City Hall. The purchase price must be paid in full at time of purchase or such others terms as allowed by the City.
2. Cemetery deeds are issued only after all fees owing are paid. Deeds are issued in the name of purchaser. The City's record of ownership shall be conclusive on the issue of ownership. If purchaser transfers the deed for a lot, it is the responsibility of the purchaser to provide the City with a copy of the quick claim deed evidencing that transfer. If purchaser is deceased the deed reverts to the spouse or a designated

beneficiary as provided by Oregon law. It is the responsibility of the spouse, beneficiary or person with vested right of internment to prove ownership of the lot or right to use lot in order to transfer title of the lot.

[Section 4.560 added by Ord. #88-06 passed March 8, 1988]

[Section 4.560 amended by Ord. #95-36 passed October 24, 1995]

[Section 4.560 amended by Ord. #2002-17 passed November 12, 2002]

REIMBURSEMENT DISTRICTS

4.600 Definitions.

1. **Applicant.** A person who is required to pay for or install (or chooses to finance) some or all of a public improvement which is available to serve real property (other than real property owned by the person) and who applies to the City for reimbursement for the expense of the improvement. An applicant can be the City.
2. **City.** The City of Redmond.
3. **City Engineer.** The person holding the position of City Engineer or any officer or employee designated by that person to perform the duties set out in this Section.
4. **Front Footage.** The linear footage of a lot or parcel owned by a property owner to be served by a public improvement. Front footage excludes the front footage of property used as public right-of-way.
5. **Person.** A natural person, a partnership, corporation, association or any other legal entity, capable of owning, holding and/or disposing of real or personal property.
6. **Public Improvement.** The construction, reconstruction and/or upgrading of facilities covered by the terms of "street improvement", "sewer improvement" and/or "water improvement" as defined in this Section.
7. **Reimbursement Agreement.** The agreement between an applicant and the City providing for the construction, reconstruction and or upgrading of and payment for public improvements to be financed through a reimbursement district.
8. **Reimbursement District.** The area determined by the Redmond City Council to derive benefits from the construction of street, water and/or sewer improvements, financed in whole or in part by an applicant including property having the potential to utilize the affected improvement(s).
9. **Reimbursement Fee.** That sum determined by a resolution of the City Council and the reimbursement agreement to be the amount of money proportionate to the benefit derived by the affected property from the public improvement.
10. **Sewer Improvement.** A sewer or sewer line improvement conforming with the City of Redmond adopted standards and specifications, City of Redmond Code, Chapter 8, Development Code, and any applicable land use conditions of approval including, but not limited to, extending a sewer line to property, other than property owned by the applicant, so that sewer service can be provided for such other property without further extension of the line.
11. **Street Improvement.** A street or street improvement conforming with the City of Redmond adopted standards and specifications, City of Redmond Code, Chapter 8, Development Code, and any applicable land use conditions of approval including, but not limited to, streets, storm drains, curbs, gutters, sidewalks, bike paths, traffic control devices, street trees, lights and signs and public right-of-way.
12. **Water Improvement.** A water or water line improvement conforming with the City of Redmond adopted standards and specifications, City of Redmond Code, Chapter 8, Development Code, and any applicable land use conditions of approval including, but not limited to, extending a water line to real property (other than property owned by the

applicant) so that water service can be provided for said other property without extension of the line.

13. **Utilize.** To receive the benefit of a public improvement, manifested by the receipt of a permit which will allow the use of an affected public improvement, or increase the use thereof.

[Section 4.600 added by Ord. #98-36 passed October 27, 1998]

4.605 Application for a Reimbursement District.

1. Any person who constructs public improvement(s) capable of providing service(s) to property, other than property owned by that person, may, by written application filed with the City, request that the City establish a reimbursement district. The application shall be accompanied by a fee sufficient to cover the cost of administrative review and the notice required by this Section.
2. The application for creation of a reimbursement district shall include the following:
 - A. A description of the location, type, size and cost of the public improvement sought to be eligible;
 - B. A map showing the properties to be included within the proposed reimbursement district which includes information on the ownership of each property; the zoning thereof; the front and/or square footage of the property; and any other data (traffic studies, water modeling, etc.) necessary for or relevant to calculating the apportionment of the cost of the affected public improvement(s).
 - C. Information on the cost of the public improvement(s). In the event the affected public improvement(s) have been built or installed, this information must reflect the actual cost of the improvements as evidenced by receipts, invoices or other similar documents. In the event the public improvements have not been constructed or installed, the information must reflect the estimated cost of the improvements as evidenced by bids, projections as to the cost of labor and materials and other similar information requested by the City Engineer.
 - D. The date the City either accepted the public improvements or estimated date of completion.

An application may be submitted to the City prior to the construction or installation of the attached public improvement but in any event must be submitted not later than ninety (90) days after completion and acceptance by the City of the public improvements. However, the City Engineer may waive this time limitation upon a showing by the applicant of good cause for the delay.

[Section 4.605 added by Ord. #98-36 passed October 27, 1998]

4.610 Engineer's Report. The City Engineer shall review the application and evaluate whether a Reimbursement District should be established. The City Engineer may require the submittal of other relevant information from the applicant in order to assist the City Engineer in the evaluation. The City Engineer shall after evaluation, prepare a written report for the City Council, considering and making a recommendation as to the efficacy of establishing a reimbursement district. The report shall include information on the following items:

1. Whether the applicant will finance or has constructed some or all of the public improvement(s) and whether those improvements are available to serve property other than property owned by the applicant;
2. The area to be included within the reimbursement district;

3. The actual or estimated cost of the public improvement(s);
4. A methodology for spreading the cost associated with the public improvement(s) between and among the affected parcels. The methodology should take into consideration the cost of the improvement(s), the value of the unused capacity, and such other factors as may be deemed relevant by the City Engineer, utilizing cost accounting principles generally employed in the construction of public improvements;
5. The amount, if any, to be charged by the City for its administration of the agreement;
6. The period of time that the right to reimbursement exists; and
7. Whether the public improvement(s) will or have met City standards.

[Section 4.610 added by Ord. #98-36 passed October 27, 1998]

4.615 Amount to be Reimbursed. The cost to be reimbursed to the applicant is limited to the cost of construction, including property acquisition costs, the cost of construction permits, engineering and legal expenses related directly to the formation of the Reimbursement District, as determined by the City Council in its sole discretion.

[Section 4.615 added by Ord. #98-36 passed October 27, 1998]

4.620 Public Hearing.

1. Within a reasonable time after the City Engineer has completed the report described in Section 4.610, the City Council shall hold a public hearing at which any person who is or may be monetarily affected by the formation of the reimbursement district is given the opportunity to comment on the formation of the proposed reimbursement district. The formation of the reimbursement district is not subject to termination because of remonstrances, and the City Council has the sole authority and discretion to decide whether a reimbursement district shall be formed.
2. If a reimbursement district is formed prior to the actual construction of and/or acceptance by the City of the improvement(s), the City Council may set a not-to-exceed reimbursable amount which may or may not reflect the applicant's actual costs. A second public hearing shall be held after the improvement(s) have been accepted by the City. At that time, the City Council may modify the resolution described in Section 4.630 to reflect the actual cost of the improvement(s).

[Section 4.620 added by Ord. #98-36 passed October 27, 1998]

4.625 Notice of Public Hearing. Not less than ten (10) nor more than thirty (30) days prior to any public hearing held pursuant to this Section, the applicant and all owners of property within the proposed district shall be notified of such hearing and the purpose thereof. Such notification shall be accomplished by either regular mail or personal service. If notification is accomplished by mail, notice shall be mailed not less than thirteen (13) days prior to the hearing, which notice is deemed effective on the date the notice is mailed. Failure of the applicant or any affected property owner to receive notice shall not invalidate or otherwise affect the authority of the City Council to act.

[Section 4.625 added by Ord. #98-36 passed October 27, 1998]

4.630 City Council Action.

1. After the public hearing held pursuant to Section 4.620, the City Council shall approve, reject or modify the recommendations contained in the City Engineer's report. The Council's decision shall be embodied in a resolution. If a reimbursement district is established, the resolution shall include the City Engineer's report as approved or

modified, and shall specify that payment of the reimbursement fee, as designated for each parcel, is a precondition of receiving City permits applicable to development of that parcel as provided for in Section 4.650.

2. When the applicant is other than the City, the resolution shall authorize the City Engineer to enter into an agreement with the applicant pertaining to the reimbursement district improvements. The agreement, at a minimum, shall contain the following provisions:
 - A. That the public improvement(s) shall meet all applicable City standards;
 - B. The amount of potential reimbursement to the applicant;
 - C. That the total amount of potential reimbursement shall not exceed the actual cost of the public improvement(s);
 - D. That the applicant shall guarantee the public improvement(s) for a minimum period of twelve (12) months after the date of written acceptance by the City;
 - E. That the applicant shall defend, indemnify and hold the City harmless from any and all losses, claims, damage, judgments or other costs or expense arising as a result of or related to the City's establishment of the district; and
 - F. That the City will make reasonable efforts to properly account for and collect the reimbursement fee from any affected property, including the City's costs or expenses related to collection of the reimbursement fee, but is not liable for any failure to collect such fee or costs.
 - G. If the agreement is entered into prior to construction, the agreement shall be contingent upon the improvements being accepted by the City.
3. If a reimbursement district is established by the City Council, the date of the formation of the district shall be the date that the City Council adopts the resolution forming the district.

[Section 4.630 added by Ord. #98-36 passed October 27, 1998]

4.635 Notice of Adoption of Resolution. The City shall notify all property owners within the district and the applicant of the adoption of a reimbursement district resolution, by notice mailed to them. The notice shall include a copy of the resolution, the date it was adopted and a short explanation of when the property owner is obligated to pay the reimbursement fee and the amount thereof.

[Section 4.635 added by Ord. #98-36 passed October 27, 1998]

4.640 Recording the Resolution. The City Recorder shall cause notice of the formation and nature of the reimbursement district to be filed in the office of the County Clerk so as to provide notice to potential purchasers of property within the District. Said recording shall not create a lien. Failure to make such recording shall not affect either the lawfulness of the resolution nor the obligation to pay the reimbursement fee.

[Section 4.640 added by Ord. #98-36 passed October 27, 1998]

4.645 Contesting the Reimbursement District. Any legal action intended to contest the formation of the district or the reimbursement fee, including the amount of the charge designated for each parcel, shall be filed within sixty (60) days following the adoption of a resolution establishing a reimbursement district, and shall be by Writ of Review as provided in ORS 34.010 to ORS 34.100.

[Section 4.645 added by Ord. #98-36 passed October 27, 1998]

4.650 Obligation to Pay Reimbursement Fee.

1. The applicant for a permit related to property within any reimbursement district shall pay to the City, in addition to any other applicable fees and charges, the reimbursement fee established by the City Council if within the time specified in the resolution, the person applies for and receives approval for any of the following activities:
 - A. A building permit which will cause either the use of a public improvement or an increase in the use thereof;
 - B. The connection to a public improvement which results in the use of a public improvement, or an increase in the use thereof.
 - C. Any City approval or development activity which results in utilization of a public improvement as defined in Section 4.600.
2. The City's determination of who shall pay the reimbursement fee is final. Neither the City nor any officer or employee shall incur liability of any nature whatsoever as a result of this determination.
3. A permit applicant whose property is subject to payment of a reimbursement fee receives a benefit from the construction of street improvement(s), regardless of whether access is taken or provided directly onto such street. Nothing in this Section is intended to modify or limit the authority of the City to provide or require access management.
4. No person shall be required to pay the reimbursement fee on an application or upon property for which the reimbursement fee has been previously paid, unless such payment was for other improvement(s). No permit shall be issued for any of the activities listed in Subsection 4.650(1) unless the reimbursement fee, together with the annual fee adjustment, has been paid in full. In the case of multiple improvements, a reimbursement fee may be collected for selected improvements which the new development actually utilizes.
5. The date when the right of reimbursement ends shall be as follows:
 - A. For sewer and water improvements, ten years from the district formation date. Upon application for an extension, the City Council may, by resolution, authorize up to two consecutive five year extensions for a total reimbursement period not to exceed twenty years. A decision as to whether to grant any extension shall be the sole discretion of the City Council.
 - B. For street improvements, ten years from the district formation date. The reimbursement fee shall be calculated over the ten year reimbursement period based on the City Engineer's determination of the useful life of the street improvement and shall decline five percent (5%) per year to a value not exceeding 50% of the original fee in the tenth and final year of the reimbursement agreement. The reimbursement fee shall be calculated to decline beginning at six months and five percent (5%) ever year thereafter. No extensions may be applied for or authorized in the case of street improvements.
6. Any property owner may prepay the established reimbursement fee prior to applying for a building permit or connecting to the affected public improvement.

[Section 4.650 added by Ord. #98-36 passed October 27, 1998]

4.655 Public Improvements. Public improvements installed pursuant to reimbursement district agreements shall become and remain the sole property of the City, or other appropriate public entity as directed by the City.

[Section 4.655 added by Ord. #98-36 passed October 27, 1998]

4.660 Multiple Public Improvements. During the initial formation of a reimbursement district, more than one public improvement may be considered for inclusion in the reimbursement district.

[Section 4.660 added by Ord. #98-36 passed October 27, 1998]

4.665 Collection and Payment; Other Fees and Charges

1. Applicants shall receive all reimbursement collected by the City for their public improvements. Such reimbursement shall be delivered to the developer for as long as the reimbursement district agreement is in effect. Such payments shall be made by the City within ninety (90) days of receipt of the reimbursements.
2. The reimbursement fee is not intended to replace or limit, and is in addition to, any other existing fees or charges collected by the City.

[Section 4.665 added by Ord. #98-36 passed October 27, 1998]

SYSTEMS DEVELOPMENT CHARGES

4.700 Purpose. Sections 4.700 to 4.750 of this Code are intended to provide authorization for systems development charges for capital improvements pursuant to ORS 223.297 through 223.314 for the purpose of creating a source of funds for the installation, construction, and extension of capital improvements. These charges shall be collected at the time of the development of properties which increase the use of capital improvements and generate a need for those facilities.

[Section 4.700 added by Ord. #2001-04 passed May 8, 2001]

4.705 Scope. The systems development charges imposed by this code are separate from and in addition to any applicable tax, assessment, charge or fee otherwise provided by law or imposed as a condition of development.

[Section 4.705 added by Ord. #2001-04 passed May 8, 2001]

4.710 Definitions. For purposes of these sections of the Code, the following definitions shall control:

1. "Actual Project Cost" means the cost of materials, land and construction directly attributable to the construction of a capital improvement. These costs include design, construction materials and equipment, labor, project management costs not to exceed 5% of actual project cost), and City administration fees for the project. Land cost is the real market value of fee title or dedication, as determined by the County Assessor or by a City-approved appraiser at the time of application for systems development charge credit. The method of land valuation and type of property interest to be conveyed is at the discretion of the City Engineer.
2. "Capital Improvements" means facilities or assets used for:
 - A. Water supply, treatment and distribution;
 - B. Sewage and wastewater collection, transmission, treatment and disposal;
 - C. Drainage and flood control;
 - D. Transportation; or
 - E. Parks and recreation.
3. "City Manager" means the person holding the office of City Manager or his/her designee.
4. "Development" means conducting a building or mining operation, making a physical change in the use or appearance of a structure or land, or creating or terminating a right of access, which action increases usage of a capital improvement or which creates the need for additional capital improvements.

5. "Improvement fee" means a fee for costs associated with capital improvements to be constructed after the date the charge is adopted pursuant to this Code.
6. "Owner" means the owner(s) of record title to real property, or the purchaser(s) thereof under a recorded sale agreement.
7. "Permittee" means the person to whom a building permit, development permit, or permit to connect to the sewer or water systems of the city is issued.
8. "Qualified public improvement" means a capital improvement that is required as a condition of development approval, identified in the capital improvement plan, and either
 - A. Not located on or contiguous to property that is the subject of development approval, or
 - B. Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.
9. "Reimbursement fee" means a fee for costs associated with capital improvements already constructed or under construction on the date the charge is adopted pursuant to this Code.
10. "Systems development charge" means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement or issuance of a development permit, building permit or connection to the capital improvement.

[Section 4.710 added by Ord. #2001-04 passed May 8, 2001]

4.715 Systems Development Charge Established.

1. A systems development charge is hereby imposed upon all development within the city, and all development outside the boundary of the city that connects to or otherwise uses the water or wastewater systems of the City.
2. Systems development charges shall be established and may be revised by resolution of the city council. The resolution shall set the amount of the charge and the methodology used to set the amount of the charge.

[Section 4.715 added by Ord. #2001-04 passed May 8, 2001]

4.717 Exemptions of System Development Charges.

1. Public Park Areas
 - A. The payment of any Systems Development Charges for public park areas shall not be required to be paid so long as such areas are utilized for public park purposes. For the purposes of this section to qualify as a public park area, a development shall meet the following criteria:
 1. The property shall be owned by a public agency.
 2. The area shall consist primarily of open space or open fields.
 3. The area shall be open to the public equal to or greater than the hours for city public parks. Provided, however, for lands owned by the Redmond School District, the District may reserve exclusive use of said areas on school days or for scheduled school games.
 4. If access or use is to be limited, the access or use limitation shall be consistent with the Redmond park reservation system.
 5. Fees shall not be charged for the use except for park reservation system fees and fees to cover costs (e.g., maintenance or lighting).

- B. The City shall calculate the fees to be paid for such development. Such fees, however, shall not be required to be paid so long as the property is used consistent with the criteria set forth above.

[Section 4.717 added by Ord. #2001-22 passed September 25, 2001]

[Section 4.717 amended by Ord. #2008-12 passed June 24, 2008]

4.718 Reduction for Enterprise Zone.

1. The City offers a System Development Charge local incentive to pre-certified and qualified business firms within the Redmond Enterprise Zone.
2. The incentive is a reduction of the water, sewer and transportation System Development Charges of 1% for each full time employee job created by such firm up to a maximum reduction of 25% of the total System Development Charges otherwise due the City from the firm.

[Section 4.718 added by Ord. #2003-21 passed November 25, 2003]

4.719 Demand Management Reduction Programs. The City Manager may establish contractual Demand Management Reduction Programs that result in a demonstrated reduction in infrastructure use. Under the terms of that program, a participating development that establishes a demonstrated reduction in infrastructure use would receive a system development charge reduction.

[Section 4.719 added by Ord. #2008-12, passed June 24, 2008]

4.720 Collection of Charge.

1. The systems development charge is payable upon issuance of:
 - A. A building permit;
 1. At the discretion of the City Manager, a system Development Charge Collection Point Deferral Agreement may be offered which moves the collection point from issuance of the Building Permit to the time of Final Inspection or issuance of Certificate of Occupancy.
 2. In addition to the System Development Charge Collection Point Deferral Agreement, the City Manager may establish a Pre-payment Reduction Policy which discounts the System Development Charge for those choosing to pay the System Development Charge at time of Building Permit. The Pre-payment reduction will be tied to interest revenue accrued between time of payment and time of development impact on infrastructure.
 - B. A development permit for development not requiring the issuance of a building permit; or
 - C. A permit to connect to the water or wastewater systems.
2. If development is commenced or connection is made to the water system or wastewater system without an appropriate permit, the systems development charge is immediately payable upon the earliest date that a permit was required.
3. The City Manager or designee shall collect the applicable systems development charge from the permittee.
4. The City Manager or designee shall not issue the applicable permit or allow connection to the water or sewer system until the charge has been paid in full, unless provision for installment payments has been made pursuant to Section 4.725 herein, or an exemption is granted pursuant to Section 4.730 herein.

[Section 4.720 added by Ord. #2001-04 passed May 8, 2001]

[Section 4.720 amended by Ord. #2008-12 passed June 24, 2008]

4.725 Installment Payments.

1. When a systems development charge is due and payable, the property owner may apply for payment in twenty semi-annual installments, secured by a lien on the property upon which the development is to occur or to which the utility connection is to be made, to include interest on the unpaid balance. This payment option shall be made available to the owner consistent with state law.
2. The City Manager or designee shall provide application forms for installment payments, which shall include a waiver of all rights to contest the validity of the lien, except for the correction of computational errors.
3. A Permittee requesting installment payments shall have the burden of demonstrating the permittee's authority to assent to the imposition of a lien on the property and that the interest of the Permittee is adequate to secure payment of the lien.
4. The City Manager or designee shall docket the lien in the lien docket and/or shall record the lien with the Deschutes County Clerk. From that time the City shall have a lien upon the described parcel for the amount of the systems development charge, together with interest on the unpaid balance at the rate established by the City Council. The lien shall be enforceable and shall have the priority as established by state law.

[Section 4.725 added by Ord. #2001-04 passed May 8, 2001]

4.730 Exemptions.

1. Structures and uses established and existing on or before the effective date of the resolution which sets the amount of the systems development charge are exempt from the charge, except water and sewer systems development charges, to the extent of the structure or use existing on that date. Structures and uses affected by this subsection shall pay the water or sewer charges pursuant to the terms of this chapter upon the receipt of a permit to connect to the water or sewer system.
2. Additions to single-family dwellings that do not constitute the addition of a dwelling unit, as defined by the Uniform Building Code, are exempt from all systems development charges.
3. An alteration, addition, replacement or change in use that does not increase the property's or structure's use of a capital improvement is exempt from all systems development charges.
4. A temporary structure approved and permitted under city code section 8.0362 as a temporary residence for medical hardship.

[Section 4.730 added by Ord. #2001-04 passed May 8, 2001]

[Section 4.730 amended by Ord. #2014-09 passed April 8, 2014]

4.735 Credits.

1. *Credit for existing uses.* When development occurs that is subject to a systems development charge, the systems development charge for the existing use, if applicable, shall be calculated and if it is less than the systems development charge for the use that will result from the development, the difference between the systems development charge for the existing use and the systems development charge for the proposed use shall be the systems development charge. If the change in the use results in the systems development charge for the proposed use being less than the systems development charge for the existing use, no systems development charge shall be required, and no refund or credit shall be given.

2. *Credit against improvement fee.* A credit shall be given to the property owner for the cost of a qualified public improvement constructed by the owner upon acceptance of the improvement by the City. Only the improvement fee shall be eligible for the credit provided for in this subsection. Credits shall be calculated consistent with state law, and in accordance with any administrative policy adopted by the City. Credit shall be granted only for the cost of that portion of such improvement that exceeds the City's minimum standard facility size or capacity needed to serve the particular development proposal or property. The owner shall have the burden of demonstrating that a particular improvement qualifies for credit pursuant to this section. At the option and in the discretion of the City Manager or designee, the City may grant a cash refund instead of a credit to the property owner.
3. *Credits against subsequent phases.* When the construction of a qualified public improvement gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project receiving development approval, the excess credit may be applied against improvement fees that accrue in subsequent phases of the original development project.
4. *Credit for relocation of a single family residence.* A credit may be given, at the discretion of the City Manager, when a single family residence that is currently connected to the City's SDC systems, is relocated to an undeveloped lot within the city from property that is designated as public park or public facility property or is being deeded to the City for use as a public park or public facility. The credit may only be applied to the connection of the relocated structure to city utilities it was previously connected to and for which a systems development charge would otherwise be due.
5. *Transferability of credits.* Credits shall be transferable from one property or development to another, provided the transferor shall note in writing on the credit certificate the effective date of the transfer, and the name, address and telephone number on the transferee.
6. *Affordable Housing SDC Credit Transfer Policy.* The City Council may establish an Affordable Housing SDC Credit Transfer Policy by Resolution. Any such policy will include at a minimum the following elements:
 - A. The policy shall establish a SDC credit bank with credit derived from publicly owned demolished or relocated single family dwelling unit structures previously utilized by city infrastructure.
 - B. The value of SDC credit within the bank shall be calculated as the cash value of the SDC (improvement and reimbursement) at the time of demolition.
 - C. The cash value of the SDC credit shall be applied to qualified affordable housing projects as determined by the Affordable Housing SDC Credit Transfer Policy.
 - D. The policy shall provide a process to be followed by applicants for the allocation of any credits in the City's SDC credit bank. Such applications shall be reviewed by the Public Works Director and decided in writing by the City Manager or his/her designee. Appeals of decisions under the Policy shall be made consistent with Section 4.740. Neither this code provision or the related Policy guarantee either the existence of credits or the approval of any transfer request.
7. *Limitations on credits.*
 - A. Credits are not transferable from one type of systems development charge to another.
 - B. Credits shall be used within ten years from the date the credit is given.
 - C. Credits are not refundable for cash or any other thing of value.
8. *Application for credit.* Application for SDC credits upon construction of a qualified public improvement, including any eligible right-of-way dedication, must be made within 90 days of City acceptance of the improvement (not including warranty period).

[Section 4.735 added by Ord. #2001-04 passed May 8, 2001]

[Section 4.735 amended by Ord. #2003-21 passed November 25, 2003]

[Section 4.735 amended by Ord. #2008-12 passed June 24, 2008]

[Section 4.735 amended by Ord. #2011-07 passed June 14, 2011]

[Section 4.735 amended by Ord. #2014-09 passed April 8, 2014]

4.740 Appeal Procedures.

1. A person aggrieved by a decision required or permitted to be made by the City Manager or designee under this Code, or a person challenging the propriety of an expenditure of systems development charge revenues, may appeal the decision or the expenditure to the City Council by filing a written request with the City Manager describing with particularity the decision or the expenditure which the person is appealing.
2. An appeal of an expenditure must be filed within two years of the date of the alleged improper expenditure. Appeals of any other decision must be filed within 15 days of the date of the decision.
3. The appeal shall be in writing, filed with the City Manager, and shall state:
 - A. The name and address of the appellant;
 - B. The nature of the determination being appealed;
 - C. The reason(s) the determination is incorrect; and
 - D. What the correct determination should be.
4. The appellant shall have the burden of proving that the appeal is timely filed, that the determination being appealed is incorrect, and what the determination should be.
5. The Council shall determine whether the decision or expenditure is in accordance with this code and the provisions of state law. The Council may affirm, modify, or overrule the decision. If the Council determines that there has been an improper expenditure of systems development charge revenues, the Council shall direct that a sum equal to the misspent amount shall be deposited within one year of the date of that determination to the credit of the account or fund from which it was spent.
6. The decision of the Council shall be reviewed only as provided in ORS 34.010 to 34.100 and not otherwise.

[Section 4.740 added by Ord. #2001-04 passed May 8, 2001]

4.745 Prohibited Actions.

1. No person may connect to the water or sewer systems of the City unless the appropriate systems development charge has been paid.
2. No person shall proceed with development of any nature as defined in this Code unless the appropriate systems development charge has been paid.

[Section 4.745 added by Ord. #2001-04 passed May 8, 2001]

4.750 Penalty. Violation of this code as to the payment of systems development charges is a Class A Civil Infraction and/or a Class A administrative infraction, punishable consistent with the provisions of this code.

[Section 4.750 added by Ord. #2001-04 passed May 8, 2001]

[Section 4.750 amended by Ord. #2014-05 passed April 8, 2014]

WATER CURTAILMENT PROVISION

4.800 Purpose:

1. The City of Redmond Water Curtailment code provisions are designed to reduce water usage and water demand by all municipal water users for the duration of a water shortage event, and to provide necessary information to residents and businesses during water shortage events. These provisions are uniquely designed for water shortages and are not intended to be used as a water conservation tool.
2. Water shortage events can occur for a number of reasons such as:
 - A. Droughts
 - B. Natural Disaster
 - C. Water Supply Failure (Aquifer Failure)
 - D. Water Contamination
 - E. Inadequate Infrastructure
 - F. Damage to major infrastructure that affects water supply, storage or distribution
 - G. Malfunction of critical pumping or supply equipment
 - H. Fire

Responses required by water shortage events become more aggressive as conditions become more serious. The levels of water shortage events and the accompanying reduction goals are:

Water Curtailment and Reduction Goals:

Shortage Condition	Level	Reduction Goal	Type of Rationing
0-15%	I	10-20%	Voluntary
0-20%	II	10-20%	Mandatory
10-30%	III	20-30%	Mandatory
15-40%	IV	30-40%	Mandatory
40% or greater	V	40-85%	Mandatory

3. The objective of the City of Redmond Water Curtailment provisions is to establish procedures for managing water usage during a water shortage event. The Water Curtailment provisions establish priorities and procedures in advance of water curtailment conditions. The City is dedicated to maintaining service, public health and safety while minimizing impacts of water shortages when they occur.

4.802 Definitions:

1. **Curtailment Level.** The Water Curtailment level between 1 and V based on the shortage conditions and the corresponding reduction goal.
2. **Water shortage event.** Any circumstance during which the demand for municipal water exceeds 95-100% of the City’s available pumping capacity.
3. **Water emergency.** A situation when there is an immediate and unanticipated 15% or greater water shortage condition that requires immediate response to minimize the impact of the water shortage event.
4. **Water shortage conditions.** A situation where the City is unable to provide water to municipal users at levels demanded. City anticipates that it can address water system shortages of up to 15% through reductions in its own water use and through voluntary reductions by businesses and residents.

5. **Key staff:**
 - A. City Manager
 - B. Public Works Director
 - C. Water Division Supervisor
 - D. Fire Chief
 - E. Communications Coordinator
6. **Communications Coordinator.** City staff person charged with providing information to the media and public regarding a water shortage event.
7. **Shortage Condition.** The difference between the water demand and the City's ability to provide water. The shortage condition may be a water system-wide shortage or may be confined to a particular area within the water supply system.

4.820 Water Curtailment Decision:

1. The City Manager or designee may declare that there is sufficient need to declare a water shortage condition, or that a water emergency exists. When a water shortage event occurs requiring activation of the City of Redmond Water Curtailment provisions, key staff members shall be consulted before issuing the level of curtailment required. The City Manager or designee shall issue a declaration detailing the level of curtailment required. The City Manager or designee shall notify and brief the City Council as soon as possible.
2. For Curtailment levels II, III, IV, and V, the City Manager or designee may issue a temporary declaration detailing the level of curtailment required. The City Council shall be notified as soon as possible and will be briefed by key staff members so that a formal declaration can be issued by Council detailing the magnitude of the shortage event and confirming the necessary level of curtailment.

Factors to be considered include:

- A. Event precipitating the activation of the curtailment provision.
- B. Magnitude of water savings required.
- C. Magnitude of water curtailment needed to achieve the required savings.
- D. Amount of time required to implement curtailment measures.
- E. Length of time curtailment measures would be in place.
- F. Impact to public safety and convenience to the public.
- G. Financial and other costs to the residents, business, and the City of Redmond as a result of implementing curtailment measures.

4.822 Water Curtailment Implementation:

1. Once the water curtailment decision is made the following should occur:
 - A. Assign one staff person to document the details of the water shortage event, including logging the timeline, events and actions associated with water shortage situation, water reduction strategies and effectiveness.
 - B. Designate the Communications Coordinator to provide a contact point for communications with the media and with the general public during the water shortage event.

- C. Identify additional staff members and public agencies to participate with the City Council and key staff to identify solutions to the water shortage event.
2. The City Council may reduce the water curtailment level or end the water shortage event when it determines that the water reduction requirements are no longer necessary.

4.832 Level I Curtailment:

1. When a water shortage of up to 15% exists that requires water use to be temporarily reduced for a period of a few hours to several days, a Level I Curtailment may be implemented. Reductions in use may be confined to small areas of the distribution system or may require system-wide reductions. Level I curtailment will be voluntary.
- A. Objectives:
 - 1. To undertake actions to reduce water use by 10% to 20%;
 - 2. To educate residents and businesses of the water shortage and the measures required to achieve the required water savings.
 - B. Potential Triggers:
 - 1. A short term water shortage that could not be managed by reductions in water use by the City.
 - 2. Distribution system failures.
 - 3. Catastrophic fires that require large quantities of water to extinguish.
 - 4. Periods of hot, dry weather that result in higher than normal water use.
2. Level I Curtailment Actions:
- A. Brief City Council, Manager, Public Works Director, Fire Chief, Water Supervisor and Communications Coordinator of conditions leading up to the water curtailment requirement.
 - B. Contact media and provide information needed to clearly and concisely report the water shortage event. Distribute press release consistent with the conditions for Level I Curtailment and include reasons for the water shortage, the expected duration of the water shortage, the area involved, and the required water savings needed.
 - C. Notify Redmond School District and City of Redmond Parks Department and request an immediate reduction of water use in irrigated areas.
 - D. Brief City of Redmond employees so that personnel deliver a consistent message to the public.

4.834 Level II Curtailment Procedures:

1. When a water shortage of up to 20% exists that will last longer than a few days or when Level I Curtailment does not sufficiently reduce water demand a Level II Curtailment may be implemented.
- A. Objectives:
 - 1. To undertake actions to reduce water use by 10% to 20%.
 - 2. To educate residents and businesses of the water shortage and the measures required to achieve the required water savings.
 - 3. To forestall or minimize the need for more stringent management actions.

- B. Potential Triggers:
 - 1. Voluntary curtailment actions under Level I Curtailment are not achieving the required results in reducing water usage.
 - 2. Water demand levels indicate that more stringent and systematic responses to the shortage event are needed.
 - 3. The time available to implement measures is not sufficient to allow education of citizens required to make Level I Curtailment measures work.
 - 4. Significant water shortage event.

2. Level II Curtailment Actions:

- A. Brief City Council, Manager, Public Works Director, Fire Chief, Water Supervisor and Communications Coordinator of conditions leading up to the water curtailment requirement.
- B. Contact media and provide information needed to clearly and concisely report the water shortage event. Distribute press release consistent with the conditions for Level II Curtailment and include reasons for the water shortage, the expected duration of the water shortage, the area involved, and the required water savings needed.
- C. Notify Redmond School District and City of Redmond Parks Department and request an immediate 20% reduction of water use in irrigated areas.
- D. Brief City of Redmond employees so that personnel deliver a consistent message to the public.
- E. Post notices inside City facilities about current water supply conditions and information on conservation.
- F. Recommend specific actions that citizens may use to reduce water consumption.
- G. Identify specific requirements to reduce water consumption, including mandatory reductions in irrigation.
- H. Discontinue fire hydrant flushing and testing programs, street flushing, and prohibit washing of City owned vehicles.

4.836 Level III Curtailment Procedures:

- 1. When a water shortage of 10% to 30% exists a Level III Curtailment may be implemented. The City Manager or designee shall issue a general order requiring mandatory cutbacks in water use of up to 35%. Under the conditions of Level III Curtailment, the City will set mandatory limits on water use throughout the system.
 - A. Objectives:
 - 1. To restrict certain defined water uses in order to meet consumption goals.
 - 2. To prohibit certain types of water use to lessen the impact of the water shortage event in an effort to sustain supplies for public safety, domestic and commercial use.
 - B. Potential Triggers:
 - 1. Significant water shortage event.
 - 2. Measures to reduce water use implemented in Level I or II Curtailment are not reducing demand on the water system and the shortage condition has worsened.

3. It is evident that the level of water use reduction required is so severe that Level II Curtailment is not sufficient to meet the curtailment need.

2. Level III Curtailment Actions:

- A. Brief City Council, Manager, Public Works Director, Fire Chief, Water Supervisor and Communications Coordinator of conditions leading up to the water curtailment requirement.
- B. Contact media and provide information needed to clearly and concisely report the water shortage event. Distribute press release consistent with the conditions for Level III Curtailment and include reasons for the water shortage, the expected duration of the water shortage, the area involved, and the required water savings needed. Advise the public that the City continues to rely on the support and cooperation of the public, but that it is also necessary to restrict certain water uses to ensure that throughout the duration of this shortage an adequate supply of water is available for public health and safety.
- C. Notify Redmond School District and City of Redmond Parks Department and require an immediate cease of water use in irrigated areas.
- D. Brief City of Redmond employees so that personnel deliver a consistent message to the public.
- E. Post notices inside City facilities about current water supply conditions and information on conservation.
- F. Recommend specific actions that citizens may use to reduce water consumption.
- G. Identify specific requirements to reduce water consumption, including further mandatory reductions in irrigation.
- H. Discontinue hydrant permits.
- I. Prohibit installation of new landscaping and turf until water curtailment mandate has been rescinded.
- J. Determine penalties for those customers that violate the water curtailment mandate. Establish procedure and conditions under which re-establishment of service will occur.
- K. Prohibit car washing except car washes that have capabilities to recycle water.
- L. Discontinue residential irrigation.
- M. Discontinue use of fountains and ornamental water features.
- N. Recommend that users within the City that have alternate water sources post signs in prominent locations advising the public of that fact.
- O. Use water from alternate sources where possible (reclaimed water, COID water) for dust control and street flushing.
- P. Discontinue fire hydrant flushing and testing programs, street flushing, and prohibit washing of City-owned vehicles.

3. Exceptions:

- A. Greenhouses, nurseries, and landscape contractors may use quantities of water necessary to keep plants and nursery stock alive.
- B. New lawns and landscaping installed immediately prior to the implementation of the curtailment may be eligible for a variance on a case-by-case basis. Variances may be issued only by the City Manager or designee.

4.838 Level IV Curtailment Procedures:

1. When a water shortage of 15% to 40% exists, a Level IV Curtailment may be implemented. The City Manager or designee shall issue a general order requiring mandatory cutbacks in water use of up to 40%. Under the conditions of Level IV Curtailment, the City will set mandatory limits on water use throughout the system.

The City Manager or designee shall issue a general order requiring mandatory cutbacks in water use of up to 40%. For residential customers, a daily allotment consisting of 50% of that amount of water used during the same time period of the previous year will be allowed. Allotments for commercial water users should be set at 75% of the water used during the same time period of the previous year. Under Level IV Curtailment, no new service connections should be allowed to the system.

- A. Objectives:
 1. To restrict certain defined water uses in order to meet consumption goals that have not or cannot be met through less stringent curtailment measures.
 2. To prohibit certain types of water use to lessen the impact of the water shortage event in an effort to sustain supplies for public safety, domestic and commercial use.
- B. Potential Triggers:
 1. Measures to reduce water use implemented in Level III Curtailment are not adequately reducing demand on the water system.
 2. Significant water shortage event exists.
 3. The time available to implement measures is not sufficient to allow education of citizens required to make Level I, II and III Curtailment measures work.
 4. It is evident that the level of water use reduction required is so severe that Level III Curtailment is not sufficient to meet the curtailment need.

2. Level IV Curtailment Actions:

- A. Brief City Council, Manager, Public Works Director, Fire Chief, Water Supervisor and Communications Coordinator of conditions leading up to the water curtailment requirement.
- B. Contact media and provide information needed to clearly and concisely report the water shortage event. Distribute press release consistent with the conditions for Level IV Curtailment and include reasons for the water shortage, the expected duration of the water shortage, the area involved, and the required water savings needed. The City will continue to rely on the support and cooperation of the public, but it is also necessary to restrict certain water uses to ensure that throughout the duration of this shortage an adequate supply of water is available for public health and safety. Failure to comply with Level IV Water Curtailment mandates can result in penalties, fines, and/or discontinuation of water service.
- C. Notify Redmond School District and City of Redmond Parks Department and request an immediate cease of water use in irrigated areas.
- D. Brief City of Redmond employees so that personnel can deliver a consistent message to the public.
- E. Post notices inside City facilities about current water supply conditions and information on conservation.
- F. Recommend specific actions that citizens may use to reduce water consumption.
- G. Identify specific requirements to reduce water consumption, including further mandatory reductions in irrigation.

- H. Prohibit installation of new landscaping and turf until water curtailment mandate has been rescinded.
- I. Determine penalties for those customers that violate the Water Curtailment mandate. Establish procedure and conditions under which re-establishment of service will occur.
- J. Discontinue hydrant permits.
- K. Prohibit car washing except car washes that have capabilities to recycle water.
- L. Discontinue residential irrigation.
- M. Discontinue use of fountains and ornamental water features.
- N. Recommend that users within the City that have alternate water sources post signs in prominent locations advising the public of that fact.
- O. Use water from alternate sources where possible (reclaimed water, COID water) for dust control and street flushing.
- P. Discontinue fire hydrant flushing and testing programs, street flushing, and prohibit washing of City-owned vehicles.
- Q. Prohibit the filling or addition of water to swimming pools.

4.840 Level V Curtailment Procedures:

1. A situation requiring Level V Curtailment exists when levels of reduction in water use are required in excess of 40% to ensure that demand does not exceed the supply of available water, and that public health and safety are not compromised.

Water use reductions of 75% or more may be necessary under Level V. The City Manager or designee shall issue a general order requiring mandatory cutbacks in water use of up to 75%. For all customers a daily allotment is one that is consistent with the average winter quarter use (November through February) during the prior water year. During Level V Curtailment no new service connections will be allowed to the system. Significant surcharges and termination of service will be employed to elicit compliance.

- A. Objectives:
 1. To restrict water uses in order to meet consumption goals that cannot be met unless strict curtailment measures are employed.
 2. To prohibit most types of water use to lessen the impact of the water shortage event in an effort to sustain supplies for public safety and domestic use.
- B. Potential Triggers:
 1. It is evident that the level of water use reduction required is so severe that Level IV Curtailment efforts have little chance of creating reductions in water use sufficient to meet the curtailment need.

2. Level V Curtailment Actions:

- A. Brief City Council, Manager, Public Works Director, Fire Chief, Water Supervisor and Communications Coordinator of conditions leading up to the water curtailment requirement.
- B. Contact media and determine what information is needed to clearly and concisely report the water shortage event. Distribute press release consistent with the conditions for Level V Curtailment and include reasons for the water shortage, the expected duration of the water shortage, the area involved, and the required water savings needed. The City will continue to rely on the support and cooperation of the public, but it is also necessary to restrict certain water uses to ensure that

throughout the duration of this shortage an adequate supply of water is available for public health and safety. Failure to comply with Level V Water Curtailment mandates can result in penalties, fines, and/or discontinuation of water service.

- C. Notify Redmond School District and City of Redmond Parks Department and request an immediate cease of water use in irrigated areas.
- D. Brief City of Redmond employees so that personnel can deliver a consistent message to the public.
- E. Recommend specific actions that citizens may use to reduce water consumption.
- F. Post notices inside City facilities about current water supply conditions and information on conservation.
- G. Identify specific requirements to reduce water consumption, including further mandatory reductions in irrigation.
- H. Determine penalties for those customers that violate the Water Curtailment mandate. Establish procedure and conditions under which re-establishment of service will occur.
- I. Extra meter readings may be necessary to keep water use within safe limits.
- J. Prohibit most types of water use except those necessary to sustain interior household use.
- K. Prohibit any exterior use of water for any purpose.

4.842 Surcharges:

- 1. When water supplies are critically limited, as in Level IV and Level V Curtailment events, the City Manager or designee thereof may institute a Water Curtailment Surcharge on each residential, commercial and industrial customer as follows:
 - A. For the duration of a Level IV Curtailment event, the City Manager or designee may choose to implement a surcharge between twenty-five percent (25%) and one hundred percent (100%) of the current commodity charge for water usage above the imposed curtailment level. In the case of Level IV Curtailment that amount will be set at:
 - 1. For residential customers an allotment of 50% of the water used during the same period of time in the previous year.
 - 2. For commercial and industrial customers an allotment of 75% of the water used during the same period of time in the previous year.
 - B. For the duration of a Level V Curtailment event, the City Manager or designee may choose to implement a surcharge between twenty-five percent (25%) and one hundred percent (100%) of the current commodity charge for water usage above the imposed curtailment level. In the case of Level V Curtailment that amount will be set at:
 - 1. For residential, commercial, and industrial customers an amount equal to an average of the daily amount of water used during the winter quarter (November through February) of the prior water year.
 - C. Under conditions where water supplies are severely critical, the City Manager or designee shall restrict the use of water to those purposes which are absolutely essential to life, health, and safety.

4.844 Penalties and Enforcement:

- 1. Violation of any provisions of the Water Curtailment Code shall be subject to the following civil penalties:

- A. For the first offense violators shall receive a written warning, delivered in person or posted on the residence by a representative of the City of Redmond.
- B. For the second offense, violators shall be fined fifty dollars (\$50.00).
- C. For the third offense and each subsequent offense, violators shall be fined one hundred dollars (\$100.00) for each offense.
- D. Each violation shall be counted as a separate violation.
- E. The City Manager or designee may suspend water service to any customer continuing to violate the provisions of this article or regulations promulgated thereunder. If water service is terminated, the customer shall pay a reconnection fee of forty dollars (\$40.00) before service is restored.

[Sections 4.800 through 4.844 added by Ord. #2004-10 passed May 11, 2004]

PENALTIES

4.900 Specific Penalties.

- 1. The water service of an owner or consumer may be discontinued for any of the following:
 - A. Failure to comply with regulations concerning water service, sewer service and refuse collection adopted by the Council.
 - B. Failure to comply with the provisions of this chapter.
 - C. Failure to pay the charges imposed for water service, sewer service or refuse collection.
- 2. Water service shall not be restored until the owner or customer complies with the requirements of this chapter and regulations of water service, sewer service and refuse collection adopted by the Council, and until payment of any amount which may be due, together with the charges imposed for restoration of service by this chapter.

4.902 General Penalties. Violation of any provision in this chapter or regulations promulgated by authority of this chapter shall be deemed a Class A civil infraction and/or a Class A administrative infraction.

[Section 4.200 amended by Ord. #2014-05 passed April 8, 2014]

Redmond Code

CHAPTER 5 PUBLIC PROTECTION

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Redmond Code

CHAPTER 5: PUBLIC PROTECTION

CRIMINAL CODE

General Provisions

5.000 Title. Sections 5.005 to 5.045 shall be referred to as the "City of Redmond Criminal Code."

5.005 Application of the Oregon Criminal Procedures and Penalties. Provisions of the Oregon Criminal Code of 1971, as they now exist, relating to defenses, burden of proof, general principles of criminal liability, parties, general principles of justification, classification of offenses and penalties apply to offenses defined and made punishable by the City of Redmond Criminal Code. Updated 1997.

[Section 5.005 amended by Ord. #87-15 passed October 13, 1987]

[Section 5.005 amended by Ord. #98-03 passed January 13, 1998]

5.010 Definitions. Except where the context clearly indicates a different meaning, the definitions appearing in the definitional and other sections of particular chapters of the Oregon Criminal Code, as they now exist, are applicable to sections 5.020 to 5.045.

Offenses

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

5.025 Discharge of Weapons.

1. No person other than as authorized by this code section shall fire or discharge any gun or other weapon, including spring or air-actuated pellet guns, or a weapon which propels a projectile by use of a bow or sling, explosives, or jet or rocket propulsion.
2. The following are authorized to discharge a gun or other weapon within the city limits:
 - A. An authorized peace officer;
 - B. Airport personnel (designated by the Airport Manager) controlling animals on the airport;
 - C. Public Works employee (designated by the Public Works Director) exterminating burrowing animals at the cemetery; and
 - D. Employees of a gun repair business, gun manufacturer, or ammunition manufacturer using a gun bullet trap, clearing barrel, or similar device.
3. The provisions of this section shall not be construed to prohibit firing or discharging any weapon by any person in the lawful defense or protection of his property, person or family or at any duly licensed firing range.
4. A violation of this section is punishable as a Class A misdemeanor.

[Section 5.025 amended by Ord. #93-23 passed June 8, 1993]

[Section 5.025 amended by Ord. #98-10 passed January 27, 1998]

[Section 5.025 amended by Ord. #2016-10 passed August 23, 2016]

5.030 Unlawful Assembly.

1. At an assembly of three or more persons, when there is reasonable cause to believe that a disturbance of the peace or a danger to public safety is imminent if an assembly continues, a peace officer may order persons present at the assembly to abandon any weapons or to disperse if he finds that two or more persons present:
 - A. Are threatening bodily harm to another or damage to property, with immediate power to carry out that threat, or
 - B. Have committed an unlawful act of violence during the course of the assembly.
2. It is unlawful for any person present at the scene of an assembly of three or more persons to disobey an order of a peace officer authorized by this section.
3. A violation of this section is punishable as a Class B misdemeanor.

[Section 5.030 amended by Ord. #98-03 passed January 13, 1998]

5.035 False Certification.

1. No person shall, in connection with the issuance of a civil or administrative infraction citation, or filing of a complaint as defined in section 2.750 to 2.799, knowingly certify falsely to the matters set forth in the citation or complaint.
2. A violation of this section is punishable as a Class B misdemeanor.

[Section 5.035 amended by Ord. #2014-05 passed April 8, 2014]

5.040 Public Nudity.

1. It is unlawful for any person over the age of ten years to expose his or her genitalia or buttocks or for any female to fully expose one or both breasts in a public place or a place visible from a public place if the public place is open or available to persons of the opposite sex. Provided, however, the prohibitions on a female exposing one or more of her breasts shall not apply to a mother nursing her child.
2. A violation of this section is punishable as a Class C misdemeanor.

5.045 Failure to Appear in the Third Degree.

1. A person commits the crime of failure to appear in the third degree if he intentionally fails to appear at a scheduled court appearance subsequent to the date of arraignment if the defendant has been given prior notice that his appearance is required.
2. For the purposes of this section, notice of a scheduled court appearance is deemed given if the notice is mailed to the last known address of the defendant or if the defendant has been given actual notice of the scheduled proceeding.
3. A violation of this section is a Class B misdemeanor.
4. In addition to and not in lieu of the penalty imposed in subsection (3), the court may issue a warrant of arrest upon the person's failure to appear.

5.060 Trespass to a Vehicle.

[Section 5.060 added by Ord. #88-17 passed July 26, 1988]

[Section 5.060 deleted by Ord. #98-03 passed January 13, 1998]

CIVIL INFRACTIONS

5.100 Civil Infraction Procedure.

[Section 5.100 amended by Ord. #1999-28 passed August 10, 1999]

[Section 5.100 deleted by Ord. #2014-05 passed April 8, 2014]

General Infractions

5.110 Children Confined in Vehicles.

[Section 5.110 deleted by Ord. #98-03 passed January 13, 1998]

5.120 Obstructing Public Ways.

1. No unauthorized person shall obstruct, cause to be obstructed, assist in obstructing or interfere with a public way, including streets, alleys and sidewalks, by depositing or storing personal property or other material on public ways or by any other manner obstructing or interfering with public ways.
2. This section shall not apply to the delivery of merchandise or equipment provided delivery is accomplished within a reasonable time.
3. An authorized obstruction of a public way between sunset and sunrise shall be illuminated by warning lights clearly visible 200 feet in all directions.
4. No person shall use a public way for display or sale of goods except as authorized by the City.
5. No unauthorized person shall deposit garbage, earth, debris or rubbish of any kind on a public way or in the Central Oregon Irrigation canals within the City.
6. A violation of this section is a Class B civil infraction.

5.125 Sidewalks.

1. No person shall leave open a cellar door or a grating of any kind located in or on a sidewalk except when the door or grating is necessarily open during its immediate use. When being used, the opening shall be properly guarded and protected.
2. Except in an authorized parade, no person shall lead, ride, tie or fasten a goat, horse, cow, sheep, swine or similar animal in such a manner as to permit it to remain on or go along a parking strip, sidewalk area, or public pathway.
3. No person shall ride, drive or operate on a public sidewalk a motorcycle, automobile, buggy, wagon, hack or other vehicle within the City. However, this section shall not apply to baby carriages or perambulators on a sidewalk.
4. A violation of this section is a Class C civil infraction.

5.130 Public Urination or Defecation.

1. No person shall urinate or defecate in public by exposing his or her genitals in view of others except in urinals and washrooms provided for that purpose.
2. A violation of this section is a Class B civil infraction.

5.135 Curfew for Minors.

1. No minor under the age of 18 years, except an emancipated minor shall be in or on a street, highway, park, alley or other public place between the hours of 10 p.m. and 4 a.m. of the following morning, if the following morning is a school day in the Redmond public school system, and between the hours of 12 a.m. and 4 a.m. on other days.
2. No parent, guardian, or person having the care and custody of a minor under the age of 18 years shall allow the minor to be in or on any street, highway, park, alley or other public place in violation of subsection (1).
3. Enforcement. Peace officers and other law enforcement officers may take or send the minor to the minor's residence and notify the parents, guardian or person having care and custody of the minor concerning the violation.
4. Exceptions. This section shall not apply:
 - A. If the minor is accompanied by a parent or legal guardian or other person 21 years of age or older and authorized by the parent or by law to have care and custody of the minor;

- B. If the minor is engaged in a lawful pursuit or activity which requires the minors's presence in public places during the hours specified in this section;
 - C. To minors in motor vehicles engaged in direct interstate or intrastate travel.
5. A violation of this section is a Class B civil infraction.

[Section 5.135 amended by Ord. #98-03 passed January 13, 1998]

5.137 Duty to Send Children to School

- 1. Except as provided in ORS 339.030, every person having control of any child between the ages of 7 and 18 years who has not completed the twelfth grade, is required to send such child to, and maintain such child in regular attendance at a public full time school during the entire school term.
- 2. A violation of section (1) shall be considered a Class C infraction. A person subject to citation may be cited into the Redmond Justice Court.
- 3. In addition, the School District Superintendent, or education service district superintendent, or any employee specifically designed by either superintendent has jurisdiction of and may enforce infractions established under this section in the manner provided for in this Code.
- 4. Prior to issuing a citation described above to the parent or guardian of a student not regularly attending full time school, a school district superintendent, or educational service district superintendent shall:
 - A. Provide a parent or guardian of the student, and the student, with written notification that:
 - 1. the student is required to attend regularly a full time school;
 - 2. explains the failure to send a student, and maintain the student in regular class attendance is a Class C infraction;
 - 3. stated that the superintendent may issue a citation of up to an amount set by resolution;
 - 4. requires that a parent or guardian of the student and the student to attend a conference with a designated official; and
 - 5. is written in the native language of the parent or guardian of the student.
 - B. Schedule the conference described in paragraph (A)(4) of this sub-section.

[Section 5.137 added by Ord. #96-19 passed June 11, 1996]

[Section 5.137 amended by Ord. #97-42 passed November 11, 1997]

[Section 5.137 amended by Ord. #2003-03 passed January 14, 2003]

5.139 Failing to Supervise Child

- 1. A person commits the offense of failing to supervise a child if the person is the parent, lawful guardian or other person lawfully charged with the care or custody of a child under 18 years of age and the child:
 - A. Commits an act in violation of the Redmond Municipal Code.
 - B. Commits an act that would otherwise bring the child within the jurisdiction of the juvenile court under ORS 419C.005.
- 2. In a prosecution of a person for failing to supervise a child under subsection (1) of this section, it is an affirmative defense that the person:
 - A. Took reasonable steps to control the conduct of the child at the time the person is alleged to have failed to supervise; or
 - B. reported the act to the appropriate authorities.
- 3. In addition to any fine or penalty imposed pursuant to this section, the court may order the person to pay any restitution to a victim of the child's conduct. The amount of the restitution ordered pursuant to this section shall not exceed \$2,500.
- 4. The first time a person is convicted of an offense described in section one of this section, the person shall not be required to pay a fine exceeding \$100 if the person successfully

participates and completes a parent effectiveness program to the satisfaction of the court.

5. The offense described in this section of failure to supervise a child is a Class A infraction punishable by a maximum fine of \$1,000.

[Section 5.139 added by Ord. #2001-11 passed May 22, 2001]

Skateboards / Roller Devices

5.140 Definitions. The following words and phrases, when used in this Chapter, shall, for the purpose of this Chapter have the following meanings:

1. **Operating** is the act of having one or more feet on the board of a skateboard or roller device or other portion designed for a foot to propel the skateboard.
2. **Riding** is the act of propelling a skateboard or roller device by means other than carrying it.
3. **Skateboard and Other Roller Devices** - includes roller skates, in-line roller skates, blades, scooters, coasters, roller skis or any similar device.

[Section 5.140 amended by Ord. #88-08 passed April 12, 1988]

[Section 5.140 amended by Ord. #97-41 passed October 28, 1997]

5.141 Areas Permitted; Areas Prohibited.

1. **Where Riding Permitted.** Riding or operating a skateboard or roller device is permitted in the following areas:
 - A. **25 Mph Streets.** Streets where the designated speed for vehicles is 25 miles per hour or less unless prohibited in section (B)(1).
 - B. **Private Property Where Consent.** Private property where the owner or person in charge has consented.
 - C. **Areas Within City Parks.** In city parks, except designated and posted areas prohibiting the use of skateboards and other roller devices.
 - D. **Sidewalks.** On city sidewalks unless otherwise prohibited by this ordinance.
2. **Where Riding Prohibited.** No person shall ride or operate a skateboard or roller device in the following areas:
 - A. **Streets or Sidewalks in the Downtown Area.** Sidewalks or streets in the downtown area described in this subsection as delineated on the attached map marked Exhibit A. The downtown area is described as that area included within and inclusive of the following described boundaries:
 1. The north boundary shall be Dogwood Avenue including sidewalks on both sides;
 2. The west boundary shall be Seventh Street including sidewalks on both sides;
 3. The south boundary shall be Highland Ave including sidewalks on both sides; and
 4. The east boundary shall be Fifth Street including the sidewalks on both sides.
 - B. **City Parks.** Within any city park including streets within the boundaries of a park if the designated area within a park, has been specifically designated by the Redmond Park Commission as a prohibited area for skateboard or roller device use.
 - C. **Certain Streets.** On any street where the designated speed is greater than 25 miles per hour.
 - D. **Airport.** The Redmond Municipal Airport terminal area and parking lot.

- E. **Private Property Unless Consent.** On private property. It is an affirmative defense to a prosecution on any charge under this subsection that the property owner or person in charge of the property consented to such use of the property.
- F. **Other Property Which is Posted.** On any other public or private property where signs on the property indicate that the operation of a skateboard or other roller device use is prohibited.

[Section 5.141 added by Ord. #97-41 passed October 28, 1997]

5.142 Regulations. Where such activity is allowed, the following regulations apply to the operation of a skateboard or other roller device on a public street, sidewalk or public property:

1. **Yield Right-of-Way.** Any person operating a skateboard or other roller device shall yield the right-of-way to any vehicle, such as a motor vehicle or bicycle, or pedestrian including yielding the right of way to any vehicle when approaching or crossing a driveway.
2. **Standing Position.** Any person operating a skateboard or other roller device shall operate the skateboard in a standing position unless operated in conformance with rules established by the Park Commission within a city park.
3. **Operating on Right-hand Side.** While on a street, a person shall ride skateboard or other roller device as close as practicable to the right-hand curb or edge of the roadway.
4. **Equipment.** No skateboard or other roller device shall be operated on any public street or sidewalk between 30 minutes after sunset and 30 minutes before sunrise unless the skateboard, roller device, or rider is equipped with lighting equipment.
5. **Traffic Control Devices.** Any person operating a skateboard or other roller device shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles.
6. **Traffic Regulations.** The operation of a skateboard or other roller device on a street shall be subject to all of the provisions or laws of the State and the laws of the City, including those applicable to the drivers of vehicles, except as to the latter, those provisions that by their very nature have no application.
7. **Operation on Sidewalks.** No person shall operate a skateboard or other roller device on a sidewalk:
 - A. So as to suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard.
 - B. Without giving an audible warning before overtaking and passing a pedestrian. Except as provided in Section 5.120 (which prohibits placing obstructions in streets and/or sidewalks, e.g. ramps, jumps or other devices) and the provisions stated herein, an operator of a skateboard or other roller device on a sidewalk or in a crosswalk has the same rights and duties as a pedestrian on a sidewalk or in a crosswalk.
8. **Racing.** No person shall engage in, or cause others to engage in, a skateboard or other roller device race upon the streets, sidewalks or any other public property. Provided, however, that it shall not be a violation of this subsection if racing occurs in conformance with rules established by the Park Commission within a city park.
9. **Hitching on Vehicles.** No person while operating a skateboard or other roller device shall in any way attach themselves or the skateboard to any moving motor vehicle.
10. **Careless Riding.** No person shall ride a skateboard or other roller device in a careless manner. Riding in a careless manner means the person rides a skateboard or other roller device in a manner that endangers or would be likely to endanger any person or property.

[Section 5.142 through added by Ord. #97-41 passed October 28, 1997]

5.143 Penalties.

1. A. violation of these sections shall be punishable as a Class C, Civil Infraction.
2. Upon a third conviction, the court may, in addition to any other penalty, order that the skateboard or other roller device that was used at the time of the offense be impounded for a time not to exceed thirty (30) days.

[Section 5.143 added by Ord. #97-41 passed October 28, 1997]

Airport

5.145 Airport Entry.

1. No unauthorized person shall enter or be on a ramp, apron, runway, pad, taxiway, hangar, building or other improved area of Roberts Field.
2. The City Manager, Airport Manager, the Council or its designee, or a lessee or the lessee's agent may authorize persons to be upon the above mentioned premises for proper business only.

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

5.155 Airport Penalties. A violation of a provision in Sections 5.145 or 5.150 is a Class B civil infraction.

Controlled Substances

5.160 Controlled Substances.

[Section 5.160 deleted by Ord. #98-03 passed January 13, 1998]

Alcoholic Liquor

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

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

Commission. The Oregon Liquor Control Commission.

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

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

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

Minor. A person under the age of 21.

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

5.170 Drinking on Unlicensed Premises.

1. The following definitions shall apply to this section:
 - A. **Public place.** Those places defined as public by ORS 161.015(9).
 - B. **Premises open to the public.** Those premises which are open to the general public, whether privately or publicly owned, irrespective of whether or not the premises are actually open at the time.
2. Except as provided in Section (3), no person shall drink or be in possession of an open container of alcoholic beverages in a public place or premises open to the public unless the place or premises has been licensed by the Oregon Liquor Control Commission to sell intoxicating liquor for consumption or on premises for which a permit has been issued by the City.
3. A person or persons, over the age of 21, in a group less than ten (10) may consume alcoholic beverage or possess an open container of alcoholic beverage in a public park. Groups in excess of ten (10) persons must first obtain an alcohol consumption permit or a special events permit which specifically allows alcohol consumption from the Redmond Police Department. The fee for an alcohol consumption permit shall be set by resolution and the permit shall be valid for a period of up to one day. The Chief of Police may prescribe the form of application required of applicants for permits and all applications shall be truthfully and completely filled out. No permit will be issued to a person who has previously been found in violation of any provision of Redmond Code Section 5.170 within a period of one year preceding the date of the permit requested. Nothing provided in this section shall supersede the provisions of the City's events ordinance.
4. A violation of this section is a Class B civil infraction.

[Section 5.170 amended by Ord. #93-14(A) passed April 13, 1993]

5.180 Intoxicated Persons.

1. A person who is intoxicated in a public place may be taken or sent to the person's home or to a treatment facility by the police. However, if the intoxicated person is incapacitated, the person's health appears to be in immediate danger, or the police have reasonable cause to believe the person is dangerous to himself or herself or to any other person, the person shall be taken by the police to an appropriate treatment facility. A person shall be considered incapacitated when unable to make a rational decision as to the acceptance of assistance.
2. The director of the treatment facility shall determine whether a person shall be admitted as a patient, referred to another treatment facility, or denied referral or admission. If the person is incapacitated or the person's health appears to be in immediate danger, or if the director has reasonable cause to believe the person is dangerous to himself or herself or to any other person, the person must be admitted.
3. In the absence of a treatment facility or if refused entry into a treatment facility, an intoxicated person who would otherwise be taken by police to a treatment facility may be taken to the city jail and held until the person is no longer intoxicated or incapacitated.
4. A person shall be discharged unless the person has applied for voluntary admission to the treatment facility within 48 hours.
5. An intoxicated person taken into custody by the police for a violation of a city ordinance or code provision shall immediately be taken to an available treatment facility, if any, when the condition of intoxication requires emergency medical treatment.
6. The records of a patient at a treatment facility shall be confidential and shall not be disclosed without the consent of the patient. A patient's request that no disclosures be made of the patient's admission to a treatment facility shall be honored unless the patient is incapacitated or disclosure of admission is otherwise required by law.

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

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

1. No person shall allow a person who is visibly intoxicated to drink or consume any alcoholic liquor on any licensed premises.
2. A violation of this section is a Class A civil infraction.

5.200 Minors.

1. Employment in Certain Places. A person who operates a card room, poolroom, billiard room or shooting gallery where intoxicating beverages are consumed shall not allow a minor in or about the premises.
2. A violation of this section is a Class B civil infraction.

5.205 Minors on Premises.

1. Except as authorized by rule of the Commission or as necessitated in an emergency, no person under the age of 21 years shall enter or attempt to enter any portion of a licensed premises that is posted or otherwise identified as being prohibited to the use of minors.
2. A violation of this Section is a Class C civil infraction.

5.210 Minors on Licensed Premises.

1. The provisions of Sections 5.200 and 5.205 shall not be construed to prohibit:
 - A. A minor from entering licensed premises for the transaction of business pursuant to the minor's duties in the regular course of employment.
 - B. A minor spouse from entering and remaining on licensed premises when the minor is in the immediate company of a spouse who is 21 years of age or older.
2. This section shall not be construed to authorize a minor spouse to consume alcoholic liquor on licensed premises.

5.215 Delivering or Selling Liquor by Minor.

1. Except as provided in subsection (3), no minor shall sell, offer to sell, or deliver alcoholic liquor either for himself or herself or as agent or employee of another.
2. Except as provided in subsection (3), no employer shall employ, hire or engage a minor to sell, offer to sell, or deliver alcoholic liquor.
3. If allowed by state law, an employee, 18 years of age or older, of a person who holds a valid license from the commission may serve and sell alcoholic liquor authorized by the license on the licensed premises.
4. A violation of this section is a Class C civil infraction.

5.220 Consumption by Licensee.

1. No licensee or licensee's employee shall consume alcoholic liquor upon the premises where employed or be under the influence of alcoholic liquor while on duty.
2. A violation of this section is a Class A civil infraction.

5.225 Bringing Alcoholic Liquor Upon Licensed Premises.

1. No licensee or agent or employee of a licensee shall keep or knowingly permit to be kept, brought, or consumed on the licensed premises, alcoholic liquor not allowed to be sold or served upon the premises.
2. A violation of this section is a Class C civil infraction.

5.235 Lawful Hours of Sale.

1. No package store licensee shall sell, dispense, deliver or permit the removal of alcoholic liquor from the licensed premises between the hours of 2:30 a.m. and 7:00 a.m.
2. No retail malt beverage, restaurant or dispenser licensee shall sell, dispense, deliver or allow the consumption of alcoholic liquor on licensed premises or permit the removal of alcoholic liquor from licensed premises between the hours of 2:30 a.m. and 7:00 a.m.
3. A violation of this section is a Class B civil infraction.

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

5.245 Minor in Possession.

1. No person under the age of 21 years shall attempt to purchase or acquire alcoholic liquor. Except when a minor is in a private residence accompanied by a parent or legal guardian of the minor and with the parent's or guardian's consent, no person under the age of 21 years shall have personal possession of alcoholic liquor.
2. For the purposes of this section, personal possession of alcoholic liquor includes the acceptance or consumption of such liquor. However, this section does not prohibit the acceptance or consumption by any person of sacramental wine as part of a religious rite or service.
3. A violation of this section is a Class B civil infraction.

Animals

5.250 Definitions. For purposes of Sections 5.250 to 5.290 the following words and phrases mean:

Animal. Any domestic dog, domestic cat, reptile, livestock, exotic animal, or wildlife.

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

Cat means any animal of the feline species, male or female.

Dog means any animal of the canine species, male or female.

Exotic Animal means:

- A. A lion, tiger, leopard, cheetah, ocelot or any other cat not indigenous to Oregon, except domestic cats;
- B. Any ape, gorilla, or other non-human primate (excluding monkeys);
- C. Any wolf or wolf mix or any canine not indigenous to Oregon, except domestic dogs (wolf mix shall be any wolf or dog breed which has been mixed); and
- D. any bear.

Keeper means a person or entity who is a custodian or has temporary possession of an animal and includes the parents or guardian of an animal owner when the owner is under the age of 18 years and when the owner resides with the parent or guardian on the date of the alleged violation. As used in these sections the term owner means either the owner or the keeper.

Owner means the person or entity entitled to possession of an animal and includes a person, firm, association or corporation owning, in possession of, in temporary control of, is the keeper of, or who is responsible for the care of an animal.

Dangerous Animal means any animal which:

- A. has violated section 5.270(1)(b), (c), or (f), following a prior violation of sections of 5.270(1)(b), (c), (d), (e), or (f);
- B. has violated section 5.270(b) and has been classified as a dangerous animal by the Court; or
- C. is trained for or used in animal fighting.

Physical injury means impairment of physical condition or substantial pain.

Unconfined means not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner or keeper of a dangerous animal. Such pen or structure must be securely constructed and must be adequate to ensure the confinement of the dangerous animal.

[Section 5.250 amended by Ord. #91-26 passed August 27, 1991]

[Section 5.250 amended by Ord. #93-13 passed April 27, 1993]

[Section 5.250 amended by Ord. #97-32 passed June 24, 1997]

[Section 5.250 amended by Ord. #2002-02 passed January 22, 2002]

[Section 5.250 amended by Ord. #2002-10 passed June 25, 2002]

5.252 Dog at Large.

[Section 5.252 amended by Ord. #91-26 passed August 27, 1991]

[Section 5.252 deleted by Ord. #2002-02 passed January 22, 2002]

5.255 Dog Licensing.

1. Except as provided in subsection (3), every dog within the City that has a set of permanent canine teeth shall be licensed through Deschutes County Animal Control. The license tag shall be attached to a collar worn by the dog. The owner and/or keeper of the dog shall be found in violation of this ordinance if the dog is not wearing its collar and tag or if the tag is not present on the dog's collar at any time.
2. An owner of a dog within the City shall license the dog not later than 30 days after the person becomes the owner of the dog.
3. Licenses shall not be required for dogs owned by pet store owners, dealers, breeders or exhibitors if the dogs are kept in a pet store or kennels exclusively for sale, exhibition or transportation purposes or while such dogs are being transported to and from a dog show or fair. Licenses are not required for dogs used by blind persons.
4. A violation of this section is a Class B civil infraction.

[Section 5.255 amended by Ord. #91-26 passed August 27, 1991]

[Section 5.255 amended by Ord. #97-32 passed June 24, 1997]

[Section 5.255 amended by Ord. #98-16 passed March 24, 1998]

[Section 5.255 amended by Ord. #2002-02 passed January 22, 2002]

[Section 5.255 amended by Ord. #2010-04 passed April 27, 2010]

5.257 Animal Waste.

1. It shall be unlawful for a dog or an animal to deposit solid waste matter on any property other than that of the person owning or keeping said animal. The owner having the care or control of the animal shall be responsible for animal waste, but it shall be a defense to this action if the owner immediately removes the solid waste deposited by his animal on any property other than the owner's. An owner of an animal shall remove all visible solid waste from the owner's property within seven days.

2. A violation of this section is a Class B civil infraction and/or a Class B administrative infraction.

[Section 5.257 added by Ord. #91-26 passed August 27, 1991]

[Section 5.257 amended by Ord. #2002-02 passed January 22, 2002]

[Section 5.257 amended by Ord. #2010-04 passed April 27, 2010]

[Section 5.257 amended by Ord. #2014-05 passed April 8, 2014]

5.260 Cat Nuisance.

[Section 5.260 added by Ord. #91-26 passed August 27, 1991]

[Section 5.260 deleted by Ord. #2002-02 passed January 22, 2002]

5.265 Animals at Large.

1. No animal, other than domestic cats, shall run at large, except in designated public off-leash areas, regulated by the City of Redmond. The owner having the care or control of the animal shall be responsible for an animal at large.
2. A violation of this section is a Class B civil infraction. Any animal found at large which is subject to this subsection shall be impounded at the owner's expense.
3. Sections 5.250 through 5.285 of the City Code shall be enforced within designated off-leash areas. Additionally:
 - A. All puppies younger than 4 months are prohibited within off-leash areas.
 - B. Female dogs in heat are prohibited within off-leash areas.

[Section 5.265 amended by Ord. #91-26 passed August 27, 1991]

[Section 5.265 amended by Ord. #97-32 passed June 24, 1997]

[Section 5.265 amended by Ord. #2002-02 passed January 22, 2002]

[Section 5.265 amended by Ord. #2002-10 passed June 25, 2002]

[Section 5.265 amended by Ord. #2009-11 passed September 8, 2009]

[Section 5.265 amended by Ord. #2010-04 passed April 27, 2010]

5.270 Animal Nuisances.

1. A dog or other animal is a nuisance and the owner of the animal shall be responsible, if the animal:
 - A. Disturbs any person by frequent or prolonged noises.
 - B. Bites, injures or attacks a person.
 - C. Shows a propensity to bite persons, by placing a person in fear of imminent physical injury, without provocation, said fear being reasonable under the circumstances.
 - D. Chases any vehicle or person.
 - E. Damages property belonging to a person other than the owner of the animal.
 - F. Attacks, injures or kills an animal or fowl belonging to a person other than the owner of the dog or animal.
 - G. Scatters garbage.
2. It shall be an affirmative defense if the victim is trespassing on the owner's property at the time of the violation of section 5.270(1). It shall be an affirmative defense to section 5.270(1)(b) or (c) that the animal was provoked by the victim.
3. A violation of section (1)(B), (C), (D), (E), or (F) is a Class A civil infraction. If there is a violation of section (1)(B), the Court may classify the animal as a dangerous animal if the court determines that there is a substantial likelihood that the animal will violate section (1)(B) again.
4. A violation of section (1)(A) or (G) is a Class B civil infraction.

5. A violation of section (1)(B), (C), or (F) following a prior conviction under section (1)(B), (C), (D), (E), or (F) and involving the same animal is a Class A civil infraction. The Justice Court shall also enter an order that the animal is a dangerous animal and shall impose on the owner requirements set out in section 5.272.
6. The City may petition the Justice Court to classify an animal as a dangerous animal subject to the requirements of section 5.272. Upon the filing of the Petition the Justice Court shall promptly set the hearing and shall provide the owner with not less than seven days notice of the hearing date. The Court shall deem the animal as dangerous if it finds that there is a substantial likelihood that the animal will violate 5.270(1)(B) or that there has been a prior violation of 5.270(1)(B), (C), (D), (E), or (F) and a subsequent violation of 5.270(1)(B), (C), or (F).

[Section 5.270 amended by Ord. #91-26 passed August 27, 1991]

[Section 5.270 amended by Ord. #97-32 passed June 24, 1997]

[Section 5.270 amended by Ord. #2002-02 passed January 22, 2002]

[Section 5.270 amended by Ord. #2002-10 passed June 25, 2002]

[Section 5.270 amended by Ord. #2010-04 passed April 27, 2010]

5.272 Dangerous Animals

1. An owner of a dangerous animal will post the premises at the expense of said owner.
2. An owner is responsible to make certain that a dangerous animal shall not go unconfined on the premises of the owner.
3. An owner is responsible to make certain that a dangerous animal shall not go beyond the premises of such person unless such animal is securely leashed and humanely muzzled.
4. A violation of this section is a Class A civil infraction. In addition, following a violation of this section, the Justice Court may order other relief that the Court deems appropriate for the protection of the public, including that the animal be destroyed.

[Section 5.272 added by Ord. #91-26 passed August 27, 1991]

[Section 5.272 amended by Ord. #97-32 passed June 24, 1997]

[Section 5.272 amended by Ord. #2002-02 passed January 22, 2002]

5.275 Impoundment / Destruction.

1. Dangerous Animal
 - A. At the time a citation is issued under section 5.272 or under section 5.270 for an animal classified as a dangerous animal, the animal shall be impounded and held at the Humane Society of Redmond until any citations issued to the dangerous animal's owner have been resolved and until the Justice Court has determined whether or not the animal should be destroyed. The citation shall contain a notice to the owner that if they fail to appear or if a violation of section 5.272 is found, their rights to the animal may be forfeited and the animal may be destroyed. If the court finds the owner in violation of section 5.272, the owner shall be required to pay all costs of impounding and keeping the animal.
 - B. If the owner of an impounded animal fails to appear in Justice Court to answer the charges filed against the owner which resulted in the animal's impoundment or if the owner fails to appear at any other time as required by the Justice Court, the court may issue an order terminating the rights of the owner to the animal or setting such other conditions on the continued possession of the animal that the court determines is appropriate to protect the public. The court may also order that the animal be humanely destroyed.
 - C. If the owner appears and the Court finds that a violation of Section 5.272 or 5.270(1)(B) has occurred, the Court may also issue an order that the rights of the

owner in the animal be terminated and/or that the animal be destroyed in a humane manner or set such other conditions on the continued possession of the animal that the court determines is appropriate to protect the public.

2. Nuisance / Unlicensed / At Large Animal.
 - A. An animal that is a nuisance as described in Section 5.270, is unlicensed as required by city ordinance or state law or is at large in violation of City Ordinance may be impounded.
3. An animal impounded as a nuisance, because it is unlicensed, or because it is at large, shall be handled as follows:
 - A. The animal shelter operator shall make reasonable effort to locate the owner of the animal and inform them of what must be done to release the animal. If an animal is licensed, the shelter operator shall make reasonable effort to contact the owner by telephone or in person. If the animal is not licensed, the shelter operator is not required to use a particular method of notifying the owner.
 - B. Impounded animals may be reclaimed by paying the expense of keeping the animal and other fees or amounts, such as licenses and fines, provided by law.
 - C. Unlicensed animals that are not reclaimed within three days and licensed animals that are not reclaimed after five days of being impounded may be disposed of by the shelter operator by selling the animal, securing a home for the animal, or destroying the animal in a humane manner.

[Section 5.275 amended by Ord. #91-26 passed August 27, 1991]

[Section 5.275 amended by Ord. #97-32 passed June 24, 1997]

[Section 5.275 amended by Ord. #2002-02 passed January 22, 2002]

[Section 5.275 amended by Ord. #2002-10 passed June 25, 2002]

[Section 5.255 amended by Ord. #2010-04 passed April 27, 2010]

5.280 Seizing Certain Animals. Any animal found biting, attacking or injuring or which has injured a person may be summarily seized by any person and promptly delivered to a member of the Redmond Police Department. Further, any member of the Redmond Police Department may apply to the Justice Court for a warrant authorizing the search for a seizure of any animal that has violated Redmond Code Section 5.270 or 5.272.

[Section 5.280 amended by Ord. #91-26 passed August 27, 1991]

[Section 5.280 amended by Ord. #2002-02 passed January 22, 2002]

[Section 5.280 amended by Ord. #2002-10 passed June 25, 2002]

5.282 Exotic Animals.

1. No person shall keep any exotic animal within the City limits of Redmond. Provided, however, any such animal used in connection with a circus or other special event for which a special permit has been issued by the City, shall be exempt from this regulation.
2. A violation of this section shall be a Class A civil infraction for each day the animal remains within the City limits of Redmond.

[Section 5.282 added by Ord. #93-13 passed April 27, 1993]

[Section 5.282 amended by Ord. #97-32 passed June 24, 1997]

5.285 Quarantined and Rabid Animals.

1. All animals noticeably infected with rabies and displaying vicious propensities may be killed by the City without notice to the owner. The owner is required to notify the city police and public health officials if their animal has been exposed to rabies.
2. If an animal is believed to have rabies, has been bitten by an animal suspected of having rabies, or has bitten a person, the animal shall be confined by a leash or chain on the

owner's premises for a period of ten days. The city police or public health officials may have the animal removed from the owner's premises to a veterinary hospital or other location as determined by the city police or public health official and there placed under observation for a period of ten days at the expense of the owner if, in the opinion of the city police or public health official, the animal is not or cannot be confined in such a manner to protect the public and other animals. An owner shall not remove from the city or destroy an animal that is subject to the quarantine requirements of this subsection.

3. No person knowing or suspecting an animal has rabies shall allow the animal to be taken off the person's premises or beyond the city limits without written permission of the city police. An owner, or other person, on ascertaining an animal is rabid, shall immediately notify the city police, who shall remove the animal to the Humane Society of Redmond or summarily destroy it.
4. A violation of this section is a Class A civil infraction.

[Section 5.285 amended by Ord. #2002-02 passed January 22, 2002]

[Section 5.285 amended by Ord. #2002-10 passed June 25, 2002]

5.290 Vehicles Injuring Animals.

1. A person operating a vehicle who runs over, strikes, injures, maims or kills a domestic animal shall immediately stop and aid the animal if the animal is injured or provide for the disposition of the carcass if the animal is killed. In either case, such person shall diligently inquire to determine the owner of the animal. If the owner is found, the person shall notify the owner of the occurrence and if the owner is not found, the person shall report it to the police department.
2. A violation of this section is a Class B civil infraction.

Fire Regulations

5.295 Open Burning.

1. No person shall burn waste or other material except in accordance with all applicable regulations.
2. A violation of this section is a Class B civil infraction.

5.300 Fire Control: Water Regulations.

1. If, in the opinion of the Fire Chief or designee, it is necessary for fire fighting purposes to require temporary termination of outdoor water usage, the City may order such use temporarily prohibited. No person shall use water in violation of such a prohibition.
2. A violation this section is a Class A civil infraction.

5.305 Fireworks.

1. Article 78 of the Uniform Fire Code, as amended, and ORS 480.110, 480.120, 480.130, 480.140(1), 480.150 and 480.170 are hereby incorporated by reference and made a part of the Redmond Code, and shall apply to the use of fireworks within the City.
2. A violation of this section is a Class C civil infraction.

[Section 5.305 amended by Ord. #98-03 passed January 13, 1998]

Fireman's Pond

5.310 Fishing Permits.

1. Persons under 14 years of age and handicapped persons are given the exclusive permission to fish Fireman's Pond.

2. The rules and regulations of the Oregon Department of Fish and Wildlife shall apply for fishing at Fireman's Pond.
3. A violation of this section is Class C civil infraction.

Parks

5.312 Definitions. For purposes of Section 5.314, the following shall mean:

City Property. Other real property owned or controlled by the City either within or without the city limits, excluding maintained city streets.

Person. A person, firm or corporation, not including City or Central Oregon Park & Recreation District personnel or those acting with the authority or permission of the Council or the Central Oregon Park & Recreation District.

Public Parks. All property owned or controlled by the City or by the Central Oregon Park and Recreation District and operated for the public's recreational use.

[Section 5.312 added by Ord. #96-26 passed July 23, 1996]

5.314 Violations.

1. Persons using public parks and other city property shall obey the following rules and regulations:
 - A. No person shall cut, remove or damage flowers, trees, or trails.
 - B. No person shall build a fire except in a stove or fireplace provided. Fires shall not be left unattended and every fire must be extinguished before its user leaves the park. Portable gas, gasoline, charcoal and oil camp stove may be used in the parks only if in safe operating condition and only if operated in a safe manner.
 - C. No person shall camp except in areas designated for camping or in connection with activities authorized by the Council.
 - D. No person shall damage or injure a building, installation, equipment or other property in public parks.
 - E. No person shall sell merchandise or services or operate a concession in public parks without a permit.
 - F. No person shall litter in the parks. Garbage and refuse shall be deposited in proper receptacles provided for this purpose. Garbage and refuse shall not be brought to parks.
 - G. No person shall operate or park a motor vehicle except on roads or designated parking areas.
 - H. No person shall operate in or bring into a public park a vehicle with a gross weight exceeding five tons, except buses carrying passengers to the park and vehicles necessarily used in the construction of public facilities.
 - I. No persons shall use a device to amplify sound without a permit from the City, except radios, tape and CD players and similar devices may be used if done so in a manner allowed by the City of Redmond Noise Ordinance.
 - J. No person shall ride or lead a horse in a public park except on a designated bridle path. Horses or other animals shall not be tied to a tree or shrub in such manner as to cause damage to the tree or shrub.
 - K. No person shall use golf clubs, archery equipment, discus, javelin, shot put or model aircraft in parks except as permitted by the City.
 - L. Except as authorized by permit by the City of Redmond or, where required, a permit from the Oregon State Fish and Game Commission, no person shall hunt, pursue, trap, kill, injure, or disturb the habitat of a bird or animal.
 - M. Except those persons authorized to carry firearms under ORS 166.260, no person shall possess a loaded firearm in a park.

- N. No persons shall dig up, deface or remove dirt, stones, rock or other substances or make any excavation.
 - O. No person shall erect signs, markers or instructions without City permission.
 - P. No person shall wash clothing or materials or clean fish in streams, springs, pools or wells.
 - Q. No person shall use the public parks between from one hour after sunset until sunrise, except as permitted by the City Manager or designee. No person shall use public park structures and buildings except as posted and as permitted by the City Manager or designee.
 - R. No person shall enter any building, enclosure, or place within any of the parks upon which the words "no admittance" is displayed or posted by sign, placard, or otherwise, without the consent of the parks supervisor.
 - S. No person shall refuse a request to obey any reasonable direction of a park officer or employee employed by the Public Works Department, or an officer of the Redmond City Police Department.
 - T. No person shall willfully mark, scratch, disfigure, deface, or in any manner injure any public drinking fountain in the City, or throw, place, or deposit in any cup or basin of same any cigar stub or cigarette stub, or any other matter or refuse whatever, or obstruct the regular flow of water thereof in any manner whatever.
2. A violation of this section is a Class B civil infraction.

[Section 5.314 added by Ord. #96-26 passed July 23, 1996]

[Section 5.314 amended by Ord. #2001-05 passed February 27, 2001]

5.315 Trespass. In addition to other measures provided for violation of this Code or any of the laws of the State of Oregon, any peace officer, as defined by ORS 133.005(3) as amended, or any public works official or employee, or the Redmond Municipal Airport Director and their designee(s) may exclude any person who violates any provision of this Code, any airport regulation, any laws of the State of Oregon, or who is engaged in any behavior that is dangerous, illegal or unreasonably disruptive to other users of public property from any city park or city property for a period of not more than thirty (30) days.

- 1. Written notice shall be given to any person excluded from any city park or city property. Such notice shall specify the dates and places of exclusion. It shall be signed by the issuing party. Warning of consequences of failure to comply (that the person may be arrested for criminal trespass in the second degree, ORS 164.245 shall be prominently displayed on the notice).
- 2. A person receiving such notice may appeal to the Justice Court judge for the City of Redmond to have the written notice rescinded or the period shortened. The appeal shall be filed within five (5) days of receipt of the exclusion notice, unless extended by the Justice Court judge for good cause shown.
- 3. At any time within thirty (30) days, a person receiving such notice may apply in writing to the City Manager for a temporary waiver from the effects of the notice for good reason.

[Section 5.315 amended by Ord. #96-26 passed July 23, 1996]

[Section 5.315 amended by Ord. #2003-03 passed January 14, 2003]

[Section 5.315 amended by Ord. #2015-13 passed October 13, 2015]

5.320 Violations.

[Section 5.320 amended by Ord. #93-04 passed January 26, 1993]

[Section 5.320 amended by Ord. #95-02 passed January 24, 1995]

[Section 5.320 amended by Ord. #96-26 (renumbered to 5.314) passed July 23, 1996]

Nuisances

5.325 Definitions. For the purposes of the Redmond Nuisance Code (Sections 5.237 to 5.380), the following definitions mean:

Chief of Police. The duly appointed and Acting Chief of Police of the City of Redmond, Oregon, or the Chief of Police's designee.

Commercial Property. Property used for commercial purposes and located Property in a commercial zone.

Control. The ability to regulate, restrain, manage, counteract or govern conduct that occurs on property.

Debris. The remains of something broken down or destroyed, including, but not limited to: scrap metal, paper, plastic or wood; pieces of asphalt, concrete, lumber or other building supplies; or yard clippings or cuttings of plant material.

Development. Any change to real property, including, but not limited to, structures, filling, grading or excavating.

Enclosed and Locked Space. Is a space that is enclosed in a manner that prevents entry and is secured at all points of ingress or egress with a locking mechanism such as a key or combination lock designed to limit access.

Firebreak. A space in which combustible or flammable materials are removed so as to prevent the spread or travel of fire.

Garbage. Food waste, refuse, rubbish, trash or other useless material.

Good Cause. Circumstances beyond the ability of a person acting with reasonable care and diligence to control.

Habitual Nuisance Property. Property upon which three (3) or more incidents of any of the below listed behaviors occur, or whose employees, residents, owners or occupants engage in three or more incidents of any of the below listed behaviors within 50 feet of the property, during any 30 day period as a result of three or more separate and documented incidents. ("Incidents" shall be defined as any citation, report, arrest, and/or conviction.)

1. Harassment as defined in ORS 166.065.
2. Intimidation as defined in ORS 166.155.
3. Disorderly conduct as defined in ORS 166.025.
4. Discharge of a firearm as defined in Section 5.025 of this code.
5. Noise disturbance as defined in Section 5.335 (15) of this code.
6. Drinking in public as defined in Section 5.170 this code.
7. Minor in possession of alcohol as defined in ORS 471.430.
8. Assault as defined in ORS 163.160, or ORS 163.165 to 166.185.
9. Sexual abuse as defined in ORS 163.415 or 163.427.
10. Public indecency as defined in ORS 163.465.
11. Trespass as defined in ORS 164.245 to 165.265.
12. Criminal mischief as defined in ORS 164.345 to ORS 164.365.
13. Child Abuse and neglect as defined in ORS 163.535 to ORS 163.547 and ORS 163.665 to ORS 163.695.
14. Possession of a Controlled Substance as Defined in ORS 475.992.
15. Delivery of a controlled substance as defined in ORS 475.005.
16. Manufacture of a controlled substance as defined in ORS 475.005.
17. Frequenting a place where controlled substances are used as defined in ORS 167.222.

Inoperative Vehicle. A vehicle that cannot be immediately operated.

Junk. Broken, discarded, or accumulated objects, including but not limited to: appliances, building supplies, furniture, abandoned vehicles, vehicle parts, old machinery, old machinery parts, mattresses, or any discarded material.

Livestock. Beef or dairy animals, burros, goats, horses, llamas, mules, rabbits, or sheep.

Marijuana Cultivation or Cultivate. All phases of growth of marijuana from seed to harvest; or preparing, processing, packaging, or labeling of marijuana.

Marijuana. All parts of the plant genus *Cannabis*, whether growing or not, the seeds thereof, the resin extracted from any portion of the plant, and every compound, manufacture, salt, derivate, mixture or preparation of the plant, its seeds or its resin, including marijuana concentrate.

Nuisance Appeal Board. A Board appointed by the Mayor, with the concurrence of the City Council, to hear any appeals from a City Manager's decision to abate a nuisance or to levy assessments. The Board shall be comprised of three (3) electors of the City of Redmond.

Owner. Any person, agent, firm or corporation having a legal or equitable or management interest in a property. Owner includes, but is not limited to:

1. A mortgagee in possession in whom is vested:
 - A. All or part of the legal title to the property; or
 - B. All or part of the beneficial ownership and a right to present use and enjoyment of the premises; or
2. A person who can control what occurs on that property.

Permit. To suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.

Person in Charge of Property. An owner, agent, contract purchaser, lessee, occupant, or other person having possession or control of property.

Place or Property. Any premises, room, house, building or structure, or any separate part or portion thereof, whether permanent or not, or the ground itself.

Property. Any real property including land and that which is affixed, incidental or appurtenant to land, including but not limited to any premises, room, house, building or structure or any separate part or portion thereof, whether permanent or not.

Public Sidewalk. A paved walkway within the public right-of-way or on publicly owned property.

Street. The portion of a road ordinarily used for vehicular travel, including the public right-of-way shoulder, regardless of whether or not it is paved, graveled or dirt.

Structure. That which is built or constructed, an edifice or building of any kind including units thereof or mobile homes; any of which is an addition to or a fixture on real property.

Vehicle. Any device in, upon or by which any person or property is or may be transported, or drawn upon a public highway and includes vehicles that are propelled or powered by any means.

[Section 5.325 amended by Ord. #93-29 passed July 27, 1993]

[Section 5.325 repealed by Ord. #93-26 passed November 16, 1993]

[Section 5.325 added by Ord. #93-26 passed November 16, 1993]

[Section 5.325 amended by Ord. #98-03 passed January 13, 1998]

[Section 5.325 amended by Ord. #1999-25 passed June 22, 1999]

[Section 5.325 amended by Ord. #1999-28 passed August 10, 1999]

[Section 5.325 amended by Ord. #2003-13 passed May 27, 2003]

[Section 5.325 amended by Ord. #2015-07 passed June 9, 2015]

5.327 Declaration of Purpose.

1. It is hereby found and declared that:
 - A. Because of repeated disruptive behavior on them, properties within the City of Redmond can create unreasonable disruptions to the neighborhoods where the properties are located.

- B. Because of certain conditions upon them, properties may become chronic nuisances to surrounding property owners and degrade neighborhoods.
 - C. Existing state criminal statutes and City ordinances are inadequate to address, control or remedy the denigration that results from the chronic unlawful activity occurring at the properties.
2. Based upon these findings, the City Council declares that civil regulation of these properties will provide a remedy to the problems caused by these chronic behaviors and will promote and protect the public health, safety and welfare.

[Section 5.327 added by Ord. #93-26 passed November 16, 1993]

5.330 General Nuisance. No person in charge of property may permit, or no person may cause to exist, any thing, substance or act that is detrimental to the public health, safety or welfare. A general nuisance unmistakably exists when there is imminent danger to human life or property.

[Section 5.330 repealed by Ord. #93-26 passed November 16, 1993]

[Section 5.330 added by Ord. #93-26 passed November 16, 1993]

5.335 Public Nuisances. The following shall be deemed Public Nuisances within the City of Redmond:

- 1. **Accumulations of debris, garbage, junk, or animal excrement.** No person in charge of property or in those areas between the property line and the back edge of the curb or the edge of an improved roadway or right-of-way may permit or cause to exist accumulations of debris, garbage, junk, or animal excrement that are not removed within a reasonable time. The following are private property exceptions:
 - A. Yard cuttings, other than grass clippings, may be accumulated to be burned during the first available open burning season. The accumulations shall meet the size and location requirements of the fire code.
 - B. Yard cuttings and other organic material may be accumulated for composting, but only if it is not visible from a street or sidewalk, is maintained in a manner that does not attract vermin, and does not produce an offensive odor.
 - C. Garbage may be accumulated in order to be hauled by a licensed solid waste hauler or to be taken by the person to a landfill, if the garbage is secured within a covered or sealed container that is kept clean and in good repair, and is removed within a reasonable time.
 - D. Animal excrement from livestock may be accumulated for farm or agricultural purposes as long as it does not produce odors on adjacent properties and become a danger to health or safety.
 - E. Debris or junk may be stored in a back yard if it is screened from adjoining properties, streets and public right of ways by a sight-obscuring fence.
- 2. **Vegetation.** No person in charge of property that abuts a public street, road, alley or sidewalk may permit or cause to exist vegetation that:
 - A. Is a hazard to pedestrian use of a public sidewalk or is a hazard to bicycle or vehicular use of a public or private street by impeding passage or vision. The hazards include, but are not limited to:
 - 1. Vegetation which encroaches upon, or overhangs lower than 8 feet over a public sidewalk or other pedestrian way, or encroaches upon, or overhangs lower than 10 feet over a public or private street.
 - 2. Vegetation that impedes motorist, bicyclist or pedestrian views of traffic, traffic signs or signals, street lights or name signs, or other safety fixtures or markings placed in the public way.

- B. Obstructs drainage facilities in the public way, including but not limited to roadside ditches, street curbs and gutters, catch basins or culverts;
 - C. Has roots that have entered a sewer or waterline, main or system, and that stops, restricts or retards the flow of sewage or water, or damages the pipes or connectors. An owner may remove a nuisance defined under this subsection by removing that portion of the root causing the nuisance.
 - D. Has roots that have cracked or displaced a sidewalk, curb or street. An owner may remove a nuisance defined under this subsection by removing that portion of the root causing the nuisance.
 - E. Is a weed or grass more than 10 inches high at any time during the year (which is classified by the city for all purposes to constitute an imminent fire danger to surrounding properties) except for:
 - 1. Agricultural grasses that are not a fire hazard and are actively used for grazing livestock; or
 - 2. Crops that are being commercially grown;
 - 3. Areas identified by the Redmond Urban Area Comprehensive Plan as open space or natural resource areas.
 - F. In those areas between the property line and the back edge of curb or the edge of an improved roadway or right-of-way, is a weed, grass or dead plant more than 10 inches high.
 - G. Property, debris, weed and grass, or any other accumulation or activity that the City Manager or designee deems a fire hazard or potential fire hazard to other properties.
3. **Noxious Weeds.**
- A. No person shall allow the growth of invasive noxious vegetable growth on the property they own within the Redmond city limits. Invasive noxious weeds include but are not limited to, African rue, buffaloburr, common houndstongue, dyers woad, false brome, hydrilla, leafy spurge, meadow knapweed, Mediterranean sage, medusahead rye, musk thistle, orange hawkweed, perennial pepperweed, puncturevine, purple loosestrife, rush skeletonweed, Russian knapweed, saltcedar tamarix, scotch thistle, squarrose knapweed, sulfur cinquefoil, tansy ragwort, whitetop hoary cress, and wild carrot or any other weed identified in the Deschutes County Weed list.
 - B. Property owners are responsible for removal of noxious vegetable growth in those areas between the property line and the back edge of curb or the edge of an improved roadway or right-of-way.
4. **Containers.** No person in charge of property may permit or cause to exist on private or public property, accessible containers accessible to children with a capacity of more than one cubic foot and a door or lid that locks or fastens when closed and that cannot be easily opened from the inside, unless said containers are securely locked shut.
5. **Wells, Cisterns, etc.** No person in charge of property may permit or cause to exist a well, cistern, cesspool, pit, quarry, excavation, or other hole of a depth of four feet or more with a top width of 12 inches or more, unless:
- A. It is fenced or securely covered; or
 - B. The excavation is part of an authorized construction project and during the course of construction reasonable safeguards are maintained to prevent injury.
6. **Sidewalks/Sidewalk Maintenance.**
- A. The owner, occupant and/or person in charge of property shall maintain the sidewalk adjacent to their property in good repair and safe condition. The owner, occupant and/or person in charge of property shall not permit or cause to exist on a public sidewalk adjoining the property of the owner, person in charge of the property, any defective or dangerous condition that impedes the public use of the sidewalk and that the City Manager or designee deems it a hazard or potential hazard to pedestrians or the public including but not limited to the following:

1. Any accumulations of snow and/or ice on commercial property. Commercial property owners shall remove the snow and/or ice within the first six hours of daylight after the snow has stopped falling or ice has formed.
2. Sand or cinders (except when temporarily used to cover ice), rocks, leaves, or other debris.
3. Cracks, holes, unevenness that impairs pedestrian traffic per the Americans with Disability Act (ADA) standards.
4. Drainage across the sidewalk from a drain, pipe or other source.
5. Property, debris, or any other accumulation or activity.
7. **Dumping On Sidewalks.** Except as permitted by the City Public Works Department, no person in charge of property or no driver of a vehicle may permit or cause to exist on a public sidewalk or public or private street adjacent to the property, any dumping or storage of dirt, sand, rocks, gravel, bark dust, or other similar material.
8. **Attractive Nuisances.** No owner or person in charge of property shall permit thereon:
 - A. Unguarded machinery, equipment or other devices attractive, dangerous and accessible to children.
 - B. Lumber, logs or piling placed or stored in a manner as to be attractive, dangerous and accessible to children. This section shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children.
 - C. Vacant or unoccupied buildings or structures that are open, unlocked, or otherwise accessible.
9. **Fences.**
 - A. No owner or person in charge of property shall construct a barbed wire fence thereon without design review by the City, except such wire may be placed above the top of other fencing not less than six feet high.
 - B. No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or public way or along the adjoining property line of another person.
 - C. No owner or person in charge of property shall have a fence that is structurally unstable.
10. **Open Burning/Burn Barrels.** No person in charge of property shall burn garbage containing animal or vegetable matter or other matter causing offensive odor. All persons using burn barrels or conducting an open burning shall comply with the Uniform Fire Code and any amendment of the Uniform Fire Code adopted by ordinance of the City of Redmond and any restrictions imposed by the Redmond Fire Department.
11. **Irrigation Canals.** Owners of property which irrigation canals of the Central Oregon Irrigation District benefit are responsible for maintenance of the lateral canals. The maintenance shall be conducted in a reasonable manner or to such standards as promulgated by the District. The Central Oregon Irrigation District is hereby authorized to inspect the irrigation canals and insure that the maintenance standards are being met. If necessary, the employees of the irrigation district are authorized to make improvements necessary if the owners are unable or unwilling to do so and said cost shall become a lien against the property affected thereby.
12. **Nuisances Affecting Public Health.** No person shall cause or permit on property owned or controlled by him/her a nuisance affecting public health. The following are nuisances affecting public health and may be abated as provided in this ordinance:
 - A. Stagnant water. Stagnant water which affords a breeding place for mosquitoes and other insect pests.
 - B. Odor. Premises which are in such a state or condition as to cause an offensive odor for adjacent properties or which are in an unsanitary condition.
 - C. Septic Tanks. Septic tanks which are in an unsanitary condition or which cause an offensive odor for adjacent properties.

13. **Discarded Vehicles.** Discarded vehicles include major parts thereof, including but not limited to bodies, engines, transmissions and rear ends. For the purpose of this section, "discarded" means any vehicle that is in one or more of the following conditions:
- A. Inoperative
 - B. Wrecked
 - C. Dismantled
 - D. Partially dismantled
 - E. Abandoned
 - F. Junked

No person shall store or permit the storing of a discarded vehicle on any private property for more than two (2) weeks unless it is enclosed within a building or in a rear yard and behind a site obscuring fence from adjacent properties or streets or, unless it is in connection with a business dealing in junked vehicles lawfully conducted within the City.

14. **Notices and Advertisements.**

- A. No person shall place or cause to be placed any advertising paper, handbill, circular, poster or any other form of commercial advertising on any real or personal property, whether public or private, without first securing permission from the owner, occupant or proper public authority. This section shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the City regulating the use of and the location of signs and advertising.
- B. No person shall distribute, circulate or pass to or among persons on a public place or premises open to the public within the City, or place in or on any automobile or other vehicle on or along any public place in the City, any advertising paper, handbill, circular, poster or other form of commercial advertising.
- C. Nothing in this section shall prohibit the distribution or delivery of any newspaper that is capable of being entered as second class matter under the provisions of the United States Postal Regulations, and nothing in this section shall be deemed to prohibit or otherwise regulate the delivery of any such matter by the United States Postal Service.
- D. Nothing in this section shall be deemed to prohibit the delivery of any such matter on the porch or stoop of any occupied residence, provided such matter is enclosed within an addressed envelope.

15. **Noise.** This section is adopted pursuant to the provisions of ORS 467.100.

- A. Definitions. As used in this section, the following mean:
 - 1. **Motorcycle.** A motor vehicle having a seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a trailer. This includes motorcycles suitable for use off a road or on dirt trails, regardless of whether it may also be used on public streets or highways under state law. It includes motorcycles sold or commonly described as dirt bikes, motorcross bikes, trail bikes and enduro bikes.
 - 2. **Motor Vehicle.** A self-propelled vehicle designed for self-propulsion, except road rollers, farm tractors and traction engines. Police vehicles, ambulances, fire engines, and other emergency vehicles responding to emergency calls are not subject to this section.
 - 3. **Unreasonably loud or raucous noise:**
 - a. **Motor Vehicles.** Motor vehicle noise louder or heard for a longer period than that produced by reasonable use that disturbs, injures or endangers the comfort, repose, health, peace or safety or persons 30 or more feet away, if the noise is not emitted in order to make the motor vehicle move up to the maximum speed limit on

public streets, roads or highways for the purpose of direct transportation.

- b. **Motorcycles.** Using a motorcycle outside of public right-of-ways where the use disturbs the sleep, peace, quiet, comfort or repose of persons 30 or more feet away. If the user has a permit allowing a person to operate a motorcycle outside of public right-of-ways within the terms of the permit.
- c. **Horns, signaling devices, etc.** Sounding a horn or signaling device on an automobile, motorcycle, bus, or other vehicle except as a reasonable signal required by the exigencies of vehicular or pedestrian traffic; creating by a signaling device a sound that disturbs the sleep, peace, quiet, comfort or repose of other persons; sounding such device for an unnecessary or unreasonable period of time.
- d. **Radios, phonographs, etc.** Playing, using or operating a radio, musical instrument, phonograph, television set, tape recorder or other machine or device for producing or reproducing sound in a manner that disturbs the sleep, peace quiet, comfort or repose of other persons, or using the machine or device with louder volume than is necessary for convenient hearing by the person or persons who are in the room, vehicle or chamber in which the machine is operated and others who are voluntary listeners. The operation of a machine or device in a manner that is plainly audible to a peace officer at a distance of at least 50 feet from the building, room structure or vehicle in which it is located shall be prima facie proof of a violation of this section.
- e. **Loudspeakers, amplifiers, etc.** Using, operating or permitting to be used or operated a mechanical or electrical loudspeaker or sound amplifier, either stationary or mobile, for producing or reproducing sound that is cast on the public streets or other public property if it disturbs the sleep, peace, quiet, comfort or repose of persons more than 30 feet away. This subpart does not prohibit the reasonable use of mechanical loudspeakers or sound amplifiers as authorized by the City or emergency announcements required by public safety. However, repetitive mechanically or electrically amplified political advertising shall not be allowed in zoned residential neighborhoods between 10 p.m. and 7 a.m. This subpart shall not apply to public meetings, special events, sports events and shows held at schools, stadiums, the fairgrounds, auditoriums, churches, meeting halls and public parks and playgrounds.
- f. **Yelling, shouting, etc.** Yelling, shouting, hooting, whistling or singing on public streets between the hours of 10 p.m. and 7 a.m. or at any time or place that disturbs the sleep, peace, comfort or repose of persons more than 30 feet away. This subpart shall not apply to applause and cheering at public meetings, lectures, sports events and shows held at schools, stadiums, auditoriums, churches, meeting halls, public parks and public playgrounds.
- g. **Exhausts.** Discharging into the open air the exhaust of a steam engine, stationary internal combustion engine, motor boat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises.

- h. **Defect in vehicle or load.** Using an automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to disturb the sleep, peace, quiet, comfort or repose of persons more than 30 feet away.
 - i. **Unloading, loading, opening boxes.** Loading or unloading a vehicle or opening, closing or destroying bales, boxes, crates and containers so as to disturb the sleep, peace, comfort or repose of persons more than 30 feet away.
 - j. **Constructing or repairing buildings, streets, etc.** Constructing (including excavating), demolishing, altering or repairing a building, street, sidewalk, driveway, sewer or utility line between the hours of 10 p.m. and 7 a.m. except as provided in the code.
 - k. **Schools, courts, churches, hospitals.** Creating a sound on a street adjacent to a school, institution of learning, church or court while in use, or an institution for the care of the sick or infirm, that would tend to unreasonably interfere with the operations of the institution or disturb the sleep, peace, quiet, comfort or repose of persons more than 30 feet away. "Adjacent" means within 500 feet of an institutional building.
 - l. **Environmental quality standards.** Noise that violates the standards of the Environmental Quality Commission adopted pursuant to ORS 467.030 and that is not exempt under ORS 467.035 or permitted by a variance issued under ORS 467.060.
 - m. **Blowers and compressors.** Operating a blower, power fan, internal combustion engine, electric motor or compressor, or the compression of air, unless the sound from each machine is sufficiently muffled so as not to disturb the sleep, peace, quiet, comfort or repose of persons more than 30 feet away between the hours of 10 p.m. and 7 a.m.
 - n. **Clock or Church Chimes.** Operating a clock chime or tones or a church chime other than between the hours of 7:00 a.m. and 9:00 p.m. unless otherwise authorized by the City Manager. In addition, the duration of such chime or tones shall not exceed two minutes.
4. **Acts prohibited.** Except as permitted, no person within the boundaries of the City shall make unreasonably loud or raucous noise that disturbs, injures or endangers the comfort, repose, health, peace or safety of others. A violation of this section is a Class A civil infraction.

B. Permits.

- 1. In cases of emergency or other urgent public necessity, the City Manager may issue a permit allowing activities to take place at any hour. Emergency permits may not be issued for a period exceeding three days, but may be renewed for successive periods not exceeding three days each for as long as the emergency continues.
- 2. The Manager may also issue a permit for a concert or similar event allowing activities such as concerts or events is permitted under the applicable provisions of this code.
- 3. The Manager may also issue a permit for a special event on commercial property between the hours of 9:00 a.m. and 10:00 p.m.
- 4. Denial of permits by the Manager may be appealed to the Council within 15 days after denial. The date of a denial shall be the date a permit is orally denied or the date a written denial is made, whichever is later. The

granting of a permit may be appealed at any time by a person who resides or works within 100 feet of the property wherein the noise is generated as a result of granting of the permit.

5. This subsection shall not apply to emergency work performed on improvements and utilities. Such activities may be conducted without restriction.

16. **Trees.**

- A. No person, in charge of property or in those areas between the property line and the back edge of the curb or edge of an improved roadway or right-of-way, may allow trees that are dead or decaying if it is a hazard to the public, persons or surrounding property except for:
 1. Street trees within the designated areas shown on the Street Tree City Responsibility Map and;
 2. Trees located in medians on publicly owned areas which will be maintained by the City.
- B. No person in charge of property or in those areas between the property line and the back edge of the curb or the edge of an improved roadway or right-of-way may allow trees that are diseased or insect infested to go untreated if it is a hazard to persons, trees or surrounding property. Disease shall include any tree disease or insect that compromises the tree's health or longevity and is capable of being transmitted to other trees.
- C. The adjacent property owner shall obtain the necessary permits prior to any major pruning of trees located in the public right-of-way.

17. **Alleys.**

- A. No owner or person in charge of property that abuts an alley shall allow the accumulation from the property line to the centerline of the alley of material including, but not limited to, debris, vehicles, waste products or firewood in such a manner so as to impede travel through the alley.
- B. In those areas between the property line and the center line of the alley, no owner or person in charge of property that abuts an alley shall allow a weed, grass or dead plant more than 10 inches high.

18. **Dust and Debris - Construction.**

- A. No debris of any kind, including dirt, dust, sand, or other wind-borne material, shall for any reason progress beyond the perimeter of any property that is being developed for construction or where construction is in progress. It is the responsibility of the owner, the person in charge of a property, and contractor working on a property to insure that no debris progress beyond the perimeter of any property that is being developed for construction or where construction is in progress.

19. **Graffiti Nuisance Property.**

Graffiti Prohibited

- A. Graffiti creates a visual blight and property damage. When graffiti is allowed to remain on property and is not promptly removed, it invites additional graffiti and criminal activity and constitutes a nuisance and is prohibited by this section.
- B. No person in charge of property may permit or cause to exist Graffiti Nuisance Property as described in this section.

Definitions:

- A. "Graffiti" means any inscription, word, figure, design, painting, writing, drawing or carving that is marked, etched, scratched, drawn, painted, or otherwise applied to property without the prior authorization of the owner of the property regardless of the graffiti content, or nature of the material used in the commission of the act, or the material of the property.
 - B. "Graffiti Nuisance Property" means property to which graffiti has been applied, if the graffiti is visible from any public right of way, from any other public or private property or from any premises open to the public, and if the graffiti has not been abated within the time provided in Section 5.345.
20. **Residential Marijuana Cultivation.** The residential cultivation of marijuana is designated as a public nuisance unless the cultivation is conducted as provided in this code. In addition, non-compliance with this code section is designated as a public nuisance. It is the purpose of this code to require that persons growing marijuana in a residential setting within the city limits do so in a safe manner that does not disrupt the use and enjoyment of other property owners, endanger the public health, safety, and welfare, or create a public nuisance per the following regulations:
- A. **Residential Accessory Use.** Marijuana cultivation shall occur only as an accessory use to a legal established residence.
 - B. **Public View.** The growing and processing of marijuana plants must not be observable from the public right-of-way, which includes the public sidewalks.
 - C. **Inside Cultivation.** Residential marijuana cultivation shall only take place in an enclosed, locked space, and shall not be conducted openly or in public view.
 - 1. All buildings used for the cultivation of marijuana shall be constructed of solid materials and be provided with locking doors. The door shall remain locked at all times when the property owner or tenant is not within the building.
 - 2. The structural space where marijuana is grown, cultivated or processed shall meet all applicable local and state regulations.
 - 3. This subsection (5.335(20)(C)) shall not apply to existing residential medical marijuana cultivation until January 1, 2016.
 - D. **Adverse Impacts to Neighbors.** Marijuana cultivation shall not adversely affect the health or safety of nearby residents by creating noise, noxious gasses and/or odor.
 - 1. The smell or odor of marijuana growing within the residential structure shall not be capable of being detected by a person with a normal sense of smell from any adjoining lot, parcel, or tract of land not owned by the owner of the residential structure or from any adjoining public right of way.
 - 2. Cultivation shall not create an odor, humidity or mold problem on the subject property or adjacent property, nearby property or areas open to the public.
 - 3. Cultivation of marijuana shall not violate any other provisions of this code, including Section 5.335(15).
 - E. **Chemical Extractions.** No chemical shall be used at the residential property to enhance or extract tetrahydrocannabinol from marijuana that is grown in a residential structure.
 - F. **Sale.** The marijuana grown on residential property shall not be made available for sale.

[Section 5.335 repealed by Ord. #93-26 passed November 16, 1993]

[Section 5.335 added by Ord. #93-26 passed November 16, 1993]

[Section 5.335 amended by Ord. #95-29 passed August 22, 1995]

[Section 5.335 amended by Ord. #1999-25 passed June 22, 1999]
[Section 5.335 amended by Ord. #2003-13 passed May 27, 2003]
[Section 5.335 amended by Ord. #2004-05 passed March 9, 2004]
[Section 5.335 amended by Ord. #2005-25 passed December 13, 2005]
[Section 5.335 amended by Ord. #2006-03 passed April 11, 2006]
[Section 5.335 amended by Ord. #2007-03 passed March 13, 2007]
[Section 5.335 amended by Ord. #2007-14 passed August 14, 2007]
[Section 5.335 amended by Ord. #2007-21 passed November 13, 2007]
[Section 5.335 amended by Ord. #2008-04 passed February 12, 2008]
[Section 5.335 amended by Ord. #2010-03 passed February 23, 2010]
[Section 5.335 amended by Ord. #2010-09 passed October 12, 2010]
[Section 5.335 amended by Ord. #2014-05 passed April 8, 2014]
[Section 5.335 amended by Ord. #2015-07 passed June 9, 2015]
[Section 5.335 amended by Ord. #2016-01 passed January 12, 2016]
[Section 5.335 amended by Ord. #2017-10 passed September 26, 2017]

5.340 Unenumerated nuisances.

1. The acts, conditions or objects specifically enumerated and defined are declared public nuisances and such acts, conditions or objects may be abated by any of the procedures set forth in Section 5.345.
2. In addition to the nuisances specifically enumerated in this code, every other thing, substance or act which is determined by the Council to be injurious or detrimental to the public health, safety or welfare of the City is declared a nuisance and may be abated as provided in Section 5.345.

[Section 5.340 repealed by Ord. #93-26 passed November 16, 1993]
[Section 5.340 added by Ord. #93-26 passed November 16, 1993]

5.341 Continuing Violation. Each day that a nuisance continues to exist constitutes a separate violation and a separate penalty may be assessed for each day the violation continues.

[Section 5.341 added by Ord. #2010-09 passed October 12, 2010]

5.342 Summary Abatement. The procedure provided by Sections 5.325 to 5.340 is not exclusive, but is in addition to procedures provided by other sections of the code. The Chief of the Fire Department, the Fire Marshal, the Police Chief, the Planning Director, the Manager or any other City Official may proceed summarily to abate a health or other nuisance which unmistakably exists and which imminently endangers health or property. The cost of the summary abatement shall be paid by the property owner and shall be a lien on the property where the nuisance was abated.

[Section 5.342 added by Ord. #93-26 passed November 16, 1993]
[Section 5.342 amended by Ord. #2003-13 passed May 27, 2003]

5.344 Remedies Not Exclusive. The abatement of a nuisance is not a penalty for violating the nuisance provisions of this chapter, but is an additional remedy. The imposition of a civil infraction fine does not relieve a person of the duty to abate the nuisance.

[Section 5.344 added by Ord. #93-26 passed November 16, 1993]

5.345 Notice of Public Nuisance and Abatement Procedure.

1. If the Chief of Police or designee is satisfied that a public nuisance exists, the Chief of Police or designee shall cause a Notice of Abatement to be posted on the premises, or at the site of the nuisance, directing the person or persons in charge of the property to abate the nuisance.
2. At the time of posting, the Police Chief or designee shall cause a copy of the Notice of Abatement to be forwarded by registered or certified mail, postage prepaid, to the person or persons in charge of the property and the owner of the property, if different than the person in charge of property, (or registered agent) at the last known address of such person(s) as shown on the tax rolls of Deschutes County.
3. If the property is unimproved, the Chief of Police or designee shall cause a Notice of Abatement to be sent by registered or certified mail, postage prepaid, to the person or persons in charge of the property and the owner of the property, if different than the person in charge of property (or registered agent), at the last known address of such person(s) as shown on the tax rolls of Deschutes County.
4. If the registered/certified Notice of Abatement is returned as undeliverable or is unclaimed by the property owner, nothing shall preclude the city from exercising its option to abate the nuisance as specified herein in Section 5.350(2).
5. The Notice of Abatement to abate shall contain:
 - A. A description of the real property, by street address or otherwise, on which the nuisance exists.
 - B. A direction to abate the nuisance within 10 days from the date of notice.
 - C. A description of the nuisance.
 - D. A statement that unless the nuisance is removed, the City may abate the nuisance and the full cost of abatement including administrative charges will be charged to the person responsible and shall become a lien on the property.
 - E. A statement that failure to abate a nuisance may warrant imposition of a fine upon the person responsible for the nuisance.
 - F. A statement that the person responsible may protest the order to abate by giving written notice to the City Manager within 10 days from the date of the notice, together with a written statement as to why a nuisance should not be declared.
6. If the person in charge of the property is not the owner, an additional Notice of Abatement shall be sent to the owner at the time of posting of the Notice of Abatement stating that the cost of abatement not paid by the person responsible shall be assessed to and become a lien on the property. The notice to the owner shall be sent to his or her address as last shown on the Deschutes County tax rolls.
7. On completion of the posting and mailing, the persons posting and mailing shall execute and file **with the City Recorder** certificates stating the date and place of the mailing and posting.
8. The City shall use all reasonable means to provide notice to the person responsible. Failure to provide actual notice to the person responsible shall not void the procedure to abate the nuisance, however.

[Section 5.345 repealed by Ord. #93-26 passed November 16, 1993]

[Section 5.345 added by Ord. #93-26 passed November 16, 1993]

[Section 5.345 amended by Ord. #2010-09 passed October 12, 2010]

5.350 Abatement.

1. **Abatement by the Owner or Person in Charge of Property.**
 - A. Within 10 days after posting and mailing the notice, as provided in this code, the owner or person in charge of the property shall remove the nuisance, present a plan to remove the nuisance or show that no nuisance exists.

- B. A person in charge of the property, disputing the declaration of nuisance shall file within ten (10) days with the City Manager a written statement which shall specify the basis for the protest.
 - C. If after review of the statements, the City Manager again determines that a nuisance in fact exists, the person responsible shall abate the nuisance within 10 days after the City Manager's final determination.
 - D. If the person in charge of the property disagrees with the final determination of the City Manager, that person may appeal that determination to the Nuisance Appeals Board by filing a written statement within ten (10) days of the City Manager's final determination specifying the basis for the appeal.
 - E. The Nuisance Appeals Board shall either affirm, overturn or modify the City Manager's decision. The decision of the Nuisance Appeals Board shall be the final action of the City.
2. **Abatement by the City – Without Warrant.** If the violation for which a Notice of Abatement has been issued is not corrected within the specified timeframe (within ten (10) days of the posting and/or mailing of the Notice of Abatement, or within ten (10) days of the City Manager's final determination of a dispute, or within ten (10) days of the decision of the Nuisance Appeals Board), and is considered a public health and safety hazard, the City Manager may cause the nuisance to be abated without a warrant.
3. **Abatement by the City – Nuisance Abatement Warrant Authorized.** The Deschutes County Justice Court shall have the authority to issue warrants authorizing any City official authorized by the City Manager to enforce provisions of the Redmond City Code to make searches and seizures reasonably necessary to enforce any provision of the Redmond City Code pertaining to nuisances.
- A. Every warrant authorized by this section shall be supported by affidavit or sworn testimony establishing probable cause to believe that a nuisance violation has occurred, describing:
 - 1. The applicant's status in applying for the warrant;
 - 2. The ordinance or regulation requiring or authorizing the removal and abatement;
 - 3. The building or property to be entered; the basis upon which cause exists to remove or abate the violation;
 - 4. A statement of the violation to be removed or abated; and
 - 5. A statement that consent to enter onto the property to abate the violation has been sought and refused or the facts and circumstances that reasonably justify the failure to seek or inability to obtain such consent.
 - B. Cause shall be deemed to exist if there is reasonable belief that a code violation exists with respect to the designated property, and that the property owner and person in charge of the property have been given notice and an opportunity to abate the violation and has not responded in a timely fashion.
 - C. The court may, before issuing an abatement warrant, examine the applicant and any other witness under oath and shall be satisfied of the existence of grounds for granting such application. If the court is satisfied that cause for the removal and abatement of the violation(s) exists and that the other requirements for granting the application are satisfied, the court shall issue the abatement warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered, and a statement of the general types and estimated quantity of the items to be removed or conditions abated.
 - D. In issuing an abatement warrant, the court may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and to assist in any way necessary to enter the property and, remove and abate the violation.
 - E. Execution of Abatement Warrants
 - 1. Occupied Property. In executing an abatement warrant, the person authorized to execute the warrant shall, before entry into the occupied

premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request. A copy of the warrant shall be left with the occupant or the person in possession. The warrant is not required to be read aloud.

2. Unoccupied Property. In executing an abatement warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person. In such case a copy of the abatement warrant shall be conspicuously posted on the property.
3. Return. An abatement warrant must be executed within 14 working days of its issue and returned to the court by whom it was issued within 14 working days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant, unless executed, is void.
4. If an abatement warrant to secure entry onto the property subject to the notice of violation has been obtained, no property owner, occupier, or other person in charge of the property, shall refuse, fail or neglect, after proper request, to promptly permit entry by authorized persons to abate the violation(s). It shall be unlawful for any property owner, occupier, or other person in charge of the property to refuse to permit entry by authorized persons to abate the violations for which an abatement warrant has been obtained. Violation of this subsection is a Class B Violation.
4. The City Manager shall have the final authority to decide whether or not to enter onto property to abate a violation in each particular case.
5. **Joint Responsibility.** If more than one person is a person in charge of the property, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the City in abating the nuisance.

[Section 5.350 repealed by Ord. #93-26 passed November 16, 1993]

[Section 5.350 added by Ord. #93-26 passed November 16, 1993]

[Section 5.350 amended by Ord. #98-34 passed July 14, 1998]

[Section 5.350 amended by Ord. #2010-09 passed October 12, 2010]

5.351 Abatement Cost, Notice, and Collection.

1. The property owner and all persons in charge of the property shall be jointly and severally liable for all costs associated with the abatement of a nuisance, including administrative costs, warrant costs, and attorney fees.
2. The City Manager or designee shall keep an accurate record of the expense incurred by the City for abatements. After the violations have been determined by the City to be corrected, the City Manager or designee shall mail to the owner and persons in charge of the property an Abatement Costs Notice which includes:
 - A. The total costs of abatement;
 - B. Notification that the costs of abatement shall become a lien against the property; and
 - C. Notification that if the owner objects to the Abatement Cost Notice: The decision of the Nuisance Appeals Board is final except as provided in subsection (2).
 1. The owner may request a hearing before the Nuisance Appeals Board by delivering to the City a written protest and request for a hearing within thirty (30) calendar days from the date of the notification to the owner was mailed.

2. If a written protest and request for a hearing was not submitted to the Nuisance Appeals Board within thirty (30) calendar days from the date the notification to the owner was mailed, then a written protest and request for a quasi-judicial hearing with a Hearings Officer may be submitted up to one year from the date the notification to the owner was mailed. This request must include the Code Enforcement Hearings Officer appeal fee. The decision of the Hearings Officer is final.
3. Collection and Abatement Costs.
 - A. The costs listed in the Abatement Costs Notice shall be delinquent if not paid within thirty (30) days from later of the date of the notice or from the date on which the Nuisance Appeals Board makes a final decision on a protest.
 - B. If the abatement costs are delinquent, the amount due may accrue interest at 10% per annum.
 - C. The abatement costs shall be entered in the docket of city liens, and shall constitute a lien upon the property that was in violation of the city code. In addition, the Abatement Costs Notice shall constitute a personal obligation of the owner and persons in charge of the property. The City may seek a money judgment against the owner and/or persons in charge of the property through the Justice Court.
 1. The lien may be enforced in the same manner as liens for assessments for local improvement districts. Failure to pay may result in foreclosure in any manner provided by ORS 223.505 to 223.650 or otherwise provided by law.
 2. An error in the name of the owner shall not void the lien, nor shall a failure to receive the notice render the lien void, but it shall remain a valid lien against the property.
 - D. The City Manager shall have the final authority to decide what form of remedy the City will pursue for collecting abatement costs.

[Section 5.351 added by Ord. #2010-09 passed October 12, 2010]

[Section 5.351 amended by Ord. #2016-02 passed January 12, 2016]

[Section 5.351 amended by Ord. #2018-04 passed April 10, 2018]

5.353 Nuisance Appeals Board Hearings.

[Section 5.353 added by Ord. #2016-02 passed January 12, 2016]

[Section 5.353 amended by Ord. #2018-04 passed April 10, 2018]

[Section 5.353 deleted by Ord. #2018-08 passed July 10, 2018]

5.355 Habitual Nuisance Property. Any property within the City of Redmond which becomes habitual nuisance property as defined in section 5.325, is in violation of this chapter and subject to its remedies. Any person who permits property under his or her ownership or control to be a habitual nuisance property shall be in violation of this chapter and subject to its remedies. No person shall allow a residential dwelling to become a habitual nuisance property as defined in Section 5.325.

Abatement Procedure for Habitual Nuisance Property:

Notice.

- A. When the Chief of Police believes in good faith that property within the City has become habitual nuisance property, the Chief of Police shall notify the owner and the occupant, if known, in writing that the property has been determined to be habitual nuisance property. The notice shall contain the following information:

1. The street address or description sufficient for identification of the property.
 2. That the Chief of Police has found the property to be habitual nuisance property with a concise description of the conditions leading to his/her findings.
 3. A direction to notify the Chief of Police in writing within 15 days from the date of mailing the notice of the actions the owner intends to take to abate the nuisance.
 4. A direction to abate the nuisance, or show good cause to the Chief of Police why the owner cannot abate the nuisance, within 60 days from the date of mailing the notice.
 5. That if the nuisance is not abated and good cause for failure to abate is not shown, the City Manager may order abatement, with appropriate conditions. The City Manager may also employ any other remedy deemed by it to be appropriate to abate the nuisance, including but not limited to authorizing a civil complaint in a court of competent jurisdiction which may include seeking closure of the property.
 6. That the owner may be required to pay to the City a civil penalty for each day the nuisance continues after the council orders abatement.
 7. That the above remedies are in addition to those otherwise provided by law.
- B. Service of the notice is completed upon mailing the notice first class, postage prepaid, addressed to:
1. The owner at the address of the property believed to be a habitual nuisance property, and to such other address as shown on the tax rolls of the county in which the property is located or such other place which is believed to give the owner actual notice of the determination by the Chief of Police.
 2. A copy of the notice shall be served on occupants of the property, if different from the owner. Service shall be completed upon mailing the notice by registered or certified mail, postage prepaid, addressed to "occupant" or each unit of the property believed to be a habitual nuisance property.
 3. The failure of any person or owner to receive actual notice of the determination by the Chief of Police shall not invalidate or otherwise affect the proceedings under this chapter.

[Section 5.355 amended by Ord. #93-29 passed July 27, 1993]

[Section 5.355 repealed by Ord. #93-26 passed November 16, 1993]

[Section 5.355 added by Ord. #93-26 passed November 16, 1993]

[Section 5.355 amended by Ord. #2003-13 passed May 27, 2003]

5.357 Abatement Procedure for Habitual Nuisance Property.

1. Notice by Chief of Police.

- A. Within 15 days of the posting and mailing of the notice, the owner shall notify the Chief of Police in writing of the actions that owner intends to take to abate the nuisance.
- B. Within 60 days of the posting and mailing of the notice, the owner shall abate the nuisance or show good cause to the Chief of Police why the owner cannot abate the nuisance within that time.
- C. If the owner does not comply with subsection A or B of this section, the Chief of Police may refer the matter to the City Manager for a hearing. The City Recorder shall give notice of the hearing to the owner and occupants, if different from the

owner. At the time set for hearing the owner and occupants may appear and be heard by the City Manager. The City Manager shall determine whether the property is habitual nuisance property and whether the owner has complied with subsection A and B of this section.

2. **Remedies by City Manager.**

- A. In the event the City Manager determines that property is a habitual nuisance property and the owner has failed to comply with Section (1) above, the City Manager may order that the nuisance be abated. The order may include conditions under which abatement is to occur. The Manager may also employ any other remedy deemed by it to be appropriate to abate the nuisance, including but not limited to authorizing a civil complaint in a court of competent jurisdiction which may include seeking closure of the property.
- B. If the person in charge of the property disagrees with the final determination of the City Manager, that person may appeal that determination to the Nuisance Appeals Board by filing a written statement within ten (10) days of the City Manager's final determination specifying the basis for the appeal.
- C. The Nuisance Appeals Board shall either affirm, overturn or modify the City Manager's decision. The decision of the Nuisance Appeals Board shall be the final action of the City.
- D. The remedies in this section are in addition to those otherwise provided by law.

3. **Assessment of Costs for Habitual Nuisance Property.**

- A. The Manager or designee, by registered or certified mail, postage prepaid, shall send to the owner and the person in charge of property a notice stating:
 - 1. The total cost of abatement, including the administrative overhead.
 - 2. That the cost as indicated will be assessed to and become a lien against the property unless paid within 30 days from the date of the notice.
 - 3. That if the owner or person responsible objects to the cost of the abatement as indicated, a notice of objection may be filed with the administrator no more than 10 days from the date of the notice.
- B. On the expiration of 10 days after the date of the notice, the City Manager shall hear and make a decision on the objections to the costs assessed.
- C. If the costs of the abatement are not paid within 30 days from the date of the notice, the assessment of the costs shall be entered in the docket of the city liens. When the entry is made it shall constitute a lien on the property from which the nuisance was removed or abated.
- D. The lien shall be enforced in the same manner as liens for street improvements are enforced and interest shall begin to run from the date of entry of the lien in the lien docket
- E. The City shall use all reasonable means to provide notice of the assessment to the person responsible. However, an error in the name of the owner or person responsible shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

[Section 5.357 added by Ord. #93-26 passed November 16, 1993]

[Section 5.357 amended by Ord. #2003-13 passed May 27, 2003]

~~5.360 Discarded vehicles.~~

~~5.365 Surface Water, Drainage.~~

[Sections 5.360 and 5.365 repealed by Ord. #93-26 passed November 16, 1993; numbers reused below]

5.360 Penalties.

1. Any person or person who shall be found to be an owner and/or a person in charge of property for a nuisance, or otherwise guilty of a violation of any of the provisions of the Nuisance Code shall be subject to the penalty provisions set forth herein.
2. All persons responsible shall be liable for any injuries resulting from a violation of this Nuisance Code.
3. Any violations of Sections 5.327 through 5.365 shall be deemed a Class B Civil Infraction and/or a Class B administrative infraction.

[Section 5.360 reused by Ord. #2003-13 passed May 27, 2003]

[Section 5.360 amended by Ord. #2014-05 passed April 8, 2014]

5.365 Separate Violations.

1. For habitual nuisance property, a nuisance continues to exist if there is any further single occurrence of a behavior listed in the definitions of habitual nuisance property upon the property or by any employee, resident, owner or occupant within 50 feet of the property.
2. The abatement of a nuisance is not a penalty for violating this ordinance, but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance; however, abatement of a nuisance within ten (10) days of the date of notice to abate, or if a written protest has been filed, then abatement within ten (10) days of the City Manager's determination that a nuisance exists will relieve the person responsible from the imposition of any fine under these code provisions.

[Section 5.365 reused and amended by Ord. #2003-13 passed May 27, 2003]

5.370 Civil Emergencies.

1. **Definitions.** For the purposes of this Section, the following mean:
 - A. **Civil Emergency.** A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force, if accompanied by three or more persons acting together without authority of law; or any time hostages are held; or any natural disaster or man-made calamity including flood, conflagration, cyclone, tornado, earthquake or explosion resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.
 - B. **Curfew.** A prohibition against a person walking, running, loitering, standing or driving on an alley, street, highway, public property or vacant premises, except persons officially designated to duty with reference to the civil emergency.
2. **Regulations.** When the Mayor, or the President of the Council if the Mayor is unable to act, determines that a civil emergency exists as a result of mob action or riotous assembly that causes danger of injury to or damage to persons or property, he or she may impose by proclamation any and all of the following regulations necessary to preserve the peace and order of the City:
 - A. Impose a curfew on all or a portion of the City requiring all persons in designated curfew areas to remove themselves from the public streets, alleys, parks or other public places and, if three or more are assembled, to disperse. Physicians, nurses and **emergency medical technicians** performing medical services, utility personnel maintaining essential public services, fireman, and City authorized or requested law enforcement officers and personnel may be exempted from the curfew.
 - B. Close business establishments within the City for the duration of the emergency including, but not limited to, those selling intoxicating liquors, cereal malt beverages, gasoline or fire arms.
 - C. Close any public street, thoroughfare or vehicle parking area to motor vehicles and pedestrian traffic.

- D. Call on regular and auxiliary law enforcement and fire agencies outside or without the City to assist in preserving and keeping the peace within the City.
 - E. Close all private clubs or portions thereof where the consumption of intoxicating liquor and/or beer is permitted.
 - F. Discontinue selling, distributing, giving away or transporting gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.
 - G. Discontinue selling, distributing, dispensing or giving away firearms or ammunition of any character.
 - H. Issue such other orders as are immediately necessary for the protection of life and property.
 - I. Discontinue the sale of alcoholic beverages.
 - J. Any violation of a regulation promulgated under this section is punishable as a Class A misdemeanor.
3. **Time Limit on Emergency Regulations.**
- A. The proclamation of emergency provided in this Section shall become effective on its issuance and dissemination to the public by appropriate news media.
 - B. A proclamation of emergency shall terminate 48 hours after its issuance or on the issuance of a proclamation determining that an emergency no longer exists, whichever occurs first, provided, however, that a proclamation of emergency may be extended for additional periods of time as determined necessary by resolution of the Council.

[Section 5.370 repealed by Ord. #93-26 passed November 16, 1993]

[Section 5.370 added by Ord. #93-26 passed November 16, 1993]

~~5.375 Penalties:~~

[Section 5.375 repealed by Ord. #93-26 passed November 16, 1993]

[Section 5.375 added by Ord. #93-26 passed November 16, 1993]

[Section 5.375 renumbered to Section 5.360 by Ord. #2003-13 passed May 27, 2003]

~~5.380 Separate Violations:~~

[Section 5.380 added by Ord. #93-26 passed November 16, 1993]

[Section 5.380 amended by Ord. #98-03 passed January 13, 1998]

[Section 5.380 renumbered to Section 5.365 by Ord. #2003-13 passed May 27, 2003]

5.385 Noise.

5.390 Unenumerated Nuisances.

[Sections 5.385 through 5.390 repealed by Ord. #93-26 passed November 16, 1993]

Nuisance Abatement Procedure

5.400 Notice.

5.405 Abatement by the Person Responsible.

5.410 Joint Responsibility.

5.415 Abatement by the City.

5.420 Assessment of Costs.

5.425 Summary Abatement.

5.430 Remedies Not Exclusive.

[Sections 5.400 through 5.430 repealed by Ord. #93-26 passed November 16, 1993]

CIVIL EMERGENCIES

5.450 Definitions.

5.455 Regulations.

5.460 Time Limit on Emergency Regulations.

[Sections 5.450 through 5.460 repealed by Ord. #93-26 passed November 16, 1993]

EMERGENCY PROVISIONS

General Provisions

5.500 Title. Sections 5.505 to 5.535 shall be referred to as the “City of Redmond Emergency Code”.

[Section 5.500 added by Ord. #98-13 passed March 10, 1998]

5.505 Authority. The authority of the City of Redmond to establish an Ordinance governing activities during a declared emergency is granted under ORS Chapter 401, Sections 015 and 305 through 335.

[Section 5.505 added by Ord. #98-13 passed March 10, 1998]

5.510 Definitions. Except where the context clearly indicates a different meaning, the definitions appearing in the definitional and other sections of Chapter 401 or the Oregon Revised Statutes (ORS), as they now exist, are applicable to sections 5.515 to 5.535.

[Section 5.510 added by Ord. #98-13 passed March 10, 1998]

5.515 Emergency Management Agency. The City Council hereby establishes the Redmond Emergency Management Agency which shall consist of all department heads of the City. The Agency shall function as a committee and shall be chaired by the Emergency Program Manager, who shall be appointed by the City Council. The Agency shall report and be accountable to the City Manager and /or City Council.

[Section 5.515 added by Ord. #98-13 passed March 10, 1998]

5.520 Executive Responsibility. The City Manager or designee is responsible for implementation of the Emergency Operations Plan. When the City Manager determines that a state of emergency exists, the City Manager or designee shall make a declaration to that effect and request the Mayor to call a special meeting of the City Council in order to ratify the declaration of emergency.

[Section 5.520 added by Ord. #98-13 passed March 10, 1998]

5.525 Declaration and Ratification of an Emergency.

1. The declaration by the City Manager of a state of emergency shall:
 - A. State the nature of the emergency;
 - B. Designate the geographic boundaries of the area which in subject to the emergency controls; and
 - C. State any special regulations imposed as a result of the state of emergency.

2. In addition to the statements enumerated in City Emergency Code, the ratification by the City Council of a state of emergency shall:
 - A. State the duration of time during which the area so designated shall remain an emergency area.
 - B. Authorize specific emergency powers for the duration of the emergency period set forth in the declaration.

[Section 5.525 added by Ord. #98-13 passed March 10, 1998]

5.530 Regulation of Persons and Property. Whenever a state of emergency is declared to exist within the City, the Manager or designee is empowered to order the following measures in the interest of the public health, safety, or welfare, in the area designated as an emergency area:

1. Redirect City funds for emergency use and suspend standard City procurement procedures;
2. Establish a curfew which fixes the hours during which all persons other than officially authorized personnel may not be upon the public streets or other public places;
3. Prohibit or limit the number of persons who may gather or congregate upon any public street, public place, or any outdoor place;
4. Barricade streets and prohibit vehicular or pedestrian traffic, or regulate the same on any public street leading to the emergency area for such distance as may be deemed necessary under the circumstances;
5. Evacuate persons;
6. Prohibit the sale of alcoholic beverages;
7. Prohibit or restrict the sale of gasoline or other flammable liquids;
8. Prohibit the sale, carrying, or possession of any weapons or explosives of any kind on public streets, public places, or any outdoor place;
9. Curtail or suspend commercial activity;
10. Turn off water, gas, or electricity;
11. Order such other measures as are necessary for the protection of life or property, or for the recovery from the emergency.

[Section 5.530 added by Ord. #98-13 passed March 10, 1998]

5.535 Price Gouging Prohibited.

1. Whenever a state of emergency is declared to exist, no person or business may sell or attempt to sell any goods or services for a price in excess of the normal market price which existed for a good or service prior to the state of emergency. "Normal market price" shall mean the person's or business's average of the regular price of the goods or services 30 days preceding the state of emergency.
2. When a person starts a business or acquires inventory after the commencement of a state of emergency, the price of any goods or services during the state of emergency shall be consistent with the normal market price of the industry for such goods or service, with consideration given to demonstrated higher costs with the new business or inventory.

[Section 5.535 added by Ord. #98-13 passed March 10, 1998]

5.540 Violation of Emergency Regulations.

1. No person may knowingly violate a regulation imposed under a state of emergency as provided in sections 5.530 and 5.540.
2. Violation of an emergency regulation is a Class B misdemeanor per ORS.

[Section 5.540 added by Ord. #98-13 passed March 10, 1998]

Alarm Systems

5.601 Purpose. The purpose of this chapter is to encourage commercial and residential alarm users and alarm businesses to assume increased responsibility for maintaining the mechanical reliability and the proper use of alarm systems, to prevent unnecessary police emergency response to false alarms, and thereby to protect the emergency response capability of the City from misuse.

[Section 5.601 added by Ord. #2003-07 passed February 11, 2003]

[Section 5.601 amended by Ord. #2018-06 passed May 22, 2018]

5.602 Permit Required.

1. An “alarm user” is the person or business in possession of the property the alarm system is designated to protect. Every alarm user shall obtain an alarm user’s permit for each system from the Chief of Police within 30 days of the time when the system becomes operational. The permit shall be issued to the person in possession of the property the alarm system is designed to protect. The permit shall remain valid for the earlier of three years or until the alarm user is no longer in possession of the property.
2. An application for an alarm system permits shall be filed with the Chief of Police on such forms as may be prescribed. The applications shall contain: 1) the name, address and telephone number of at least three persons, so that at least one person will be available to respond to an alarm or render service or repairs to the alarm system during any hour of the day or night, and 2) such additional information as the Chief of Police shall reasonably deem necessary for the evaluation and proper processing of the permit application. At the time the alarm permit is issued the alarm user shall receive a copy of this ordinance and the service fee schedule for false alarms.
3. A fee shall be established by the City Council by resolution for the permit required under this section, for the transfer of the permit, for the failure to obtain the required permit, permit renewal, and for false alarms.
4. Any alarm user who fails to obtain a permit for an operational alarm system as required by this chapter, shall be subject to a service fee as determined by the City of Redmond Fee Schedule per police response, regardless of whether the alarm is false or an actual emergency exists.
5. All alarm users shall renew their permit every three years. An alarm permit application must be filled out and contract information updated. A service fee as determined in the City of Redmond Fee Schedule is charged at the time the application is turned into the police department for renewal. Alarm user permits issued prior to the adoption of this chapter will be allowed to continue their existing permit until December 31, 2021. Those permits will expire at midnight on that date.

[Section 5.602 added by Ord. #2003-07 passed February 11, 2003]

[Section 5.602 amended by Ord. #2018-06 passed May 22, 2018]

5.603 Transferability of Permit. An alarm system permit issued in accordance with the provisions of this chapter shall be valid only for the permittee named on the permit and only for the particular alarm system or systems specified on the permit. No alarm system permit shall be transferred or assigned without the written consent of the Chief of Police. A request to transfer an alarm system permit shall be made on the form the Chief of Police prescribes and shall be accompanied by a nonrefundable fee which is set by resolution. False alarms previously charged to the transferor shall not be charged to the

transferee. However, the Chief of Police may deny a request to transfer an alarm system permit if, after reasonable investigation, it appears that the transfer is requested for the purpose of allowing the transfer to evade responsibility for prior false alarm.

[Section 5.603 added by Ord. #2003-07 passed February 11, 2003]

[Section 5.603 amended by Ord. #2018-06 passed May 22, 2018]

5.604 Regulations, Requirements and Duties.

1. No person shall install, connect or have in operation an alarm system that emits the sound of a siren.
2. Audible Alarm System Requirements. An alarm system that, when activated, generates an audible sound on the premises, shall have as part of the system an automatic shut-off that will deactivate the audible portion of the system within 15 minutes after it is first activated.
3. Display of Alarm System Permit. An alarm system permit shall be kept on the premises where the alarm system is located.
4. Automatic Dialing Device Regulations.
 - A. No automatic dialing device shall be interconnected to a primary trunkline of the communications center or police department.
 - B. Persons owning or leasing an automatic dialing device may have the device interconnected to a telephone line, cellular, or other internet connected device transmitting directly to:
 1. A central station;
 2. A modified central station; or
 3. An answering service.
 - C. The relaying of messages to the communications center by a modified central station or an answering service shall be over a special trunkline if available. The relaying of messages by a central station may be over a direct line, cellular, or other internet connected device.
 - D. No automatic dialing device may be interconnected to the telephone company operator.
5. Response Required. When an alarm system has been activated, the alarm business or the permittee shall have an alarm agent or other person in responsible control present at the location within 20 minutes after being requested to do so by a representative of the communications center or the police department.
6. Power Supply. An alarm system shall be equipped with an uninterruptible power supply in such a manner that the failure or interruption of normal electrical utility power shall not activate the alarm system. This power supply must be capable of at least four hours of operation.
7. Notice of Name of Services or Occupant. Every audible alarm system shall have a sign or notice posted on or near the audible device with the name and telephone number of the person or company responsible for the maintenance of the system.

[Section 5.604 added by Ord. #2003-07 passed February 11, 2003]

[Section 5.604 amended by Ord. #2018-06 passed May 22, 2018]

5.605 False Alarms.

1. Service Fees. Service fees will be assessed against alarm users for more than one false alarm during a calendar year. For the purpose of this chapter, medical emergency alarms are excluded as a source of a false alarm. The service fees will be set by City Council Resolution. Service fees not paid within 30 days will double and will accrue

- interest at 18%. If the service fee is not paid within an additional 30 days the Alarm User will also be responsible for all collection costs including all attorney fees.
2. Notice. The Chief of Police will send a notification of false alarm by regular mail of hand delivery to notify the alarm user of a false alarm resulting in a warning. The Chief of Police will send a notification by certified mail or hand delivery to notify the user of false alarm(s) resulting in a service fee. The notification will include the incident number, date, and time of the alarm, the service fee amount, and that the service fee must be paid within 30 days. The notification will also include the consequences of the failure to pay the service fee and inform the alarm users of their right to appeal the validity of the false alarm.
 3. Additional Information. In the event of a false alarm the alarm user shall provide to the Chief of Police any information concerning the alarm system that is requested. Such information shall be provided within 10 days. Following a second or subsequent false alarm, the Chief of Police may require the alarm user, at the alarm user's expense, to have the alarm system inspected and a written report of the inspection provided to the Chief of Police.
 4. Appeal. The appeal to challenge the validity of the false alarm shall be in writing and shall be hand delivered to the lobby of the Police Department during normal business hours and signed for by staff or sent via certified mail to the Chief of Police. The appeal must be received by 5 PM on the 10th calendar day after the date of the notification to the Alarm User. The hearing will be held within 30 days of the date the appeal is received. The Chief of Police will conduct the hearing at a location and time set by the Chief of Police. In the absence or unavailability of the Chief of Police, the designee of a rank of Lieutenant or higher can fill the Chief of Police roll in the hearing. The hearing is limited in scope to determining if the alarm(s) was false or not. Information obtained during any inspection of the alarm system as defined in 5.605(3), can be considered as mitigating factors. The service fee amount for each false alarm which is sustained is outside the scope of the hearing.

The decision of the Chief of Police may be appealed to the City Manager. That appeal shall be in writing and delivered by certified mail. It must be received at Redmond City Hall, attention the City Manager, by 5 PM on the 10th calendar day after the decision of the Chief of Police is issued. The decision of the City Manager is final. No new information is to be allowed in the hearing by the City Manager. If affirmed, the service fee amount is due on the 10th calendar day after the appeal, or the next business day thereafter.

[Section 5.605 added by Ord. #2003-07 passed February 11, 2003]

[Section 5.605 amended by Ord. #2018-06 passed May 22, 2018]

5.606 Confidentiality. The information furnished or obtained pursuant to this chapter is an exempt public record pursuant to ORS 192.345 and 192.355 and shall be confidential in character. These records shall not be subject to public inspection, and shall be kept so that the contents are not known except to persons charged with the administration of this chapter. It is declared that the public interest served by not making the information subject to public inspection clearly outweighs the public interest served by disclosure of the information.

[Section 5.606 added by Ord. #2003-07 passed February 11, 2003]

[Section 5.606 amended by Ord. #2018-06 passed May 22, 2018]

Redmond Code

CHAPTER 6 TRAFFIC

TRAFFIC CODE

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Redmond Code

CHAPTER 6: VEHICLES AND TRAFFIC

TRAFFIC CODE

General Provisions

6.010 Title. Sections 6.010 to 6.900 of this code may be cited as the Redmond Uniform Traffic Code.

6.015 Application of State Traffic Laws. ORS Chapter 153 and the Oregon Vehicle Code, as defined in ORS 801.010 et.seq, are adopted by reference. A violation of a provision in those State laws is an offense against the City. Updated 2001 Edition.

[Section 6.015 amended by Ord. #87-15 passed October 13, 1987]

[Section 6.015 amended by Ord. #98-03 passed January 13, 1998]

[Section 6.015 amended by Ord. #2002-14 passed September 10, 2002]

6.020 Definitions. In addition to the definitions contained in the Oregon Vehicle Code, the following mean:

Abandoned vehicle. A vehicle left unoccupied and unclaimed, unregistered or uninsured, inoperable or could not be lawfully operated on the streets or highway, or in a damaged or dismantled condition upon the streets or alleys of the City and includes motor vehicles, boats, trailers, or other personal property.

Bus stop. A space on the edge of a roadway designated by sign for use by buses loading or unloading passengers.

Holiday. New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day proclaimed a holiday by the Council.

Loading zone. A space on the edge of a roadway designated by sign for loading or unloading passengers or materials during specified hours of specified days.

Taxicab stand. A space on the edge of a roadway designated by sign for use by taxicabs.

Traffic lane. The area of a roadway used for movement of a single line of traffic.

[Section 6.020 amended by Ord. #98-03 passed January 13, 1998]

[Section 6.020 amended by Ord. #2002-14 passed September 10, 2002]

Administration

6.025 Powers of the Council.

1. Subject to state laws, the Council shall exercise all municipal traffic authority for the City except those powers delegated by the code or by ordinance.
2. The powers of the Council shall include, but not be limited to:
 - A. Designation of through streets.
 - B. Designation of one-way streets.
 - C. Designation of truck routes.
 - D. Designation of parking meter zones
 - E. Designation of certain streets as bridle paths and prohibition of horses and animals on other streets.
 - F. Authorization of greater maximum weights or lengths for vehicles using city streets than is specified by state law.
 - G. Initiation of proceedings to change speed zones.

- H. Revision of speed limits in parks.
 - I. Temporary blocking or closing of streets.
 - J. Establishment of bicycle lanes and paths and traffic controls for them.
 - K. Restriction of use of certain streets by any class or kind of vehicle to protect the streets from damage.
3. The Council may exercise the powers set forth in subsection (2) by order or resolution.

6.030 Duties and Powers of the City Manager. The Manager or designee shall:

- 1. Implement the actions taken by the Council under Section 6.025.
- 2. Establish, maintain, remove or alter the following classes of traffic controls:
 - A. Crosswalks, safety lanes, and traffic lanes.
 - B. Intersection channelization and areas where drivers of vehicles shall not make right, left, or U-turns and the time when the prohibition applies.
 - C. Parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal).
 - D. Loading zones and stops for vehicles.
 - E. Traffic control signals.
 - F. Temporarily block or close off local residential streets.
- 3. Issue parking permits for persons temporarily disabled.

6.035 Public Danger. Under conditions constituting a danger to the public, the Manager or designee may install temporary traffic control devices.

6.040 Standards. City traffic regulations shall be based on:

- 1. Traffic engineering principles and traffic investigations.
- 2. Standards, limitations and rules promulgated by the Oregon Transportation Commission.
- 3. Other recognized traffic control standards.

6.045 Authority of Police and Fire Officers.

- 1. It shall be the duty of police officers to enforce the provisions of this code.
- 2. In the event of a fire or other public emergency, police and fire officers may direct traffic as conditions require, notwithstanding the provisions of this code.

General Regulations

6.050 Exceeding the Maximum Speed Limit.

[Section 6.050 deleted by Ord. #98-03 passed January 13, 1998]

6.055 Crossing Private Property.

- 1. The operator of a vehicle shall not proceed from a street to an intersecting street by crossing private property. This provision shall not apply to stops on the property to procure or provide goods or services.
- 2. A violation of this section is a Class C traffic infraction.

6.060 Unlawful Riding.

- 1. The operator of a vehicle shall not permit a passenger to and no passenger shall ride on a vehicle on a street except on a part of the vehicle designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to a person riding within a truck body in space intended for merchandise.
- 2. No person shall board or alight from a vehicle while the vehicle is in motion on a street.
- 3. A violation of this section is a Class C traffic infractions.

6.065 Damaging Sidewalks and Curbs.

1. The operator of a motor vehicle shall not drive onto a sidewalk or a roadside planting strip except to cross at a permanent or temporary driveway.
2. A violation of this section is a Class C traffic infraction.

6.070 Streets Prohibited to Trucks.

1. When the use of certain streets is prohibited to trucks exceeding a specified weight, no person shall operate a truck on such streets contrary to the prohibition except for the purpose of delivering or picking up materials or merchandise, and then only by entering such streets at the intersection nearest the destination of the vehicle and leaving by the shortest route.
2. A violation of this section is a Class C traffic infraction.

6.075 Removing Glass and Debris.

1. A party to a vehicle accident or a person causing broken glass or other debris to be deposited on a street shall remove the glass or other debris from the street.
2. A violation of this section is a Class C traffic infraction.

Special Events

6.090 Prohibited Activity.

1. A procession of people using the public right-of-way and consisting of 10 or more persons or 3 or more vehicles shall be considered a special event. No person shall organize or participate in a special event without obtaining a permit.
2. A violation of this section shall be a Class B civil infraction.

6.095 Special Event Permit.

1. Application for a special event permit shall be made to the Chief of Police at least 30 days before the date of the event unless the time is waived by the Chief.
2. The application shall be signed by the person designated as chairperson and shall include the following:
 - A. Name and address of person responsible for the parade.
 - B. Date of the parade.
 - C. Desired route, including assembly points.
 - D. Number of persons, vehicles and animals that will be participating in the parade.
 - E. Proposed starting and ending time.
3. The Chief of Police shall issue a special permit authorized under this section conditioned on the applicant's written agreement to comply with the terms of the permit unless the Chief finds:
 - A. The time, route and size of the event will disrupt the movement of other traffic to an unreasonable extent.
 - B. The event is of a size and nature that requires the diversion of so great a number of police officers to the event that allowing the event would deny reasonable police protection to the City.
 - C. The event will conflict with another event for which a permit has already been issued.
 - D. The information contained in the application is found to be false or nonexistent in a material detail.
 - E. The applicant refuses to agree to abide by or comply with all conditions of the permit.

4. If the Chief of Police finds one or more of the conditions listed in subsection (3), other than subpart (E), exist, the Chief may impose such reasonable conditions in the permit necessary to alleviate the conditions, including but not limited to:
 - A. Requiring an alternate date.
 - B. Requiring an alternate route.
 - C. Restricting the size of the parade.
5. The Chief of Police shall notify the applicant of the decision within five days of receipt of the application.
6. If the Chief of Police proposes alternatives or refuses to issue a permit, the applicant shall have the right to appeal the decision to the Council.

6.100 Appeal to the Council.

1. An applicant may appeal the decision of the Chief of Police by filing a written request of appeal with the Recorder within five days after the Chief has proposed alternatives or refused to issue a permit.
2. The Council shall schedule a hearing, which shall be no later than the second regular session following the filing of the written appeal, and shall notify the applicant of the date and time.

6.105 Offenses Against Special Events.

1. No person shall unreasonably interfere with a special event or participant.
2. No person shall operate a vehicle that is not part of a special event between the vehicles or persons in the event.
3. A violation of subsection (1) is a Class B civil infraction. A violation of subsection (2) is a Class B traffic infraction.

6.110 Permit Revocable. The Chief of Police may revoke a special event permit if circumstances show that the event can no longer be conducted consistent with public safety.

6.115 Funeral Processions.

1. No permit shall be required for a funeral procession.
2. A funeral procession shall proceed to the place of interment by the most direct route that is both legal and practical.
3. The procession shall be accompanied by an adequate number of escort vehicles for traffic control.
4. All motor vehicles in the procession shall be operated with their lights on.

Parking Regulations

6.150 Method of Parking.

1. Where parking is allowed, a person shall park a vehicle only within a dedicated parking space and in manner wherein the vehicle faces in the direction in which vehicles in the adjacent lane of the roadway are required to travel.
2. The operator who first begins maneuvering a vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to interfere.
3. When the operator of a vehicle discovers that the vehicle is parked close to a building to which the Fire Department has been summoned, the operator shall immediately remove the vehicle from the area unless directed otherwise by police or fire officers.
4. A violation of this section is a parking violation.

[Section 6.150 amended by Ord. #92-07 passed April 14, 1992]

[Section 6.150 amended by Ord. #2002-14 passed September 10, 2002]

6.153 Prohibited Storage. No person shall store any vehicle, boat, trailer, or other personal property on the streets or within the right of way for the City of Redmond. A vehicle or other personal property is stored on the street or within the right of way if it is not being presently used for local personal transportation and has been parked on a street or within the right of way for more than seven days in any six month period. A violation of this section is a parking violation.

[Section 6.153 added by Ord. #2002-14 passed September 10, 2002]

6.155 Prohibited Parking or Standing. In addition to those areas designated in ORS 811.550, no person shall stop, park or leave standing any vehicle, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device, in any of the following places:

1. Semi-truck tractor or trailer on a street in a residential zone or a residential area with an established residential use between the hours of 9 p.m. and 7 a.m.
2. A semi-truck tractor or trailer blocking a sidewalk in a residential zone or a residential area with an established residential use.
3. A vehicle in an alley, except for a stop of not more than 30 consecutive minutes for loading or unloading persons or materials.
4. A vehicle in violation of lawfully erected parking limitation sign.
5. Upon State Highway 97 from Highland Avenue south to City limits.
6. A commercial trailer or utility trailer (including but not limited to boat trailer, dump trailers) for any purpose located on a street in a residential or commercial zone for a consecutive period exceeding 10 hours. Provided however, the Chief of Police may issue a parking permit for a period not to exceed 48 hours in the event said period is needed to load or unload personal property. Provided further, brief interruptions in parking (for a period of 2 hours or less) shall not interfere with the 10 hour parking restriction.
7. A motor home, camp trailer or other vehicle that is being used to reside or sleep in on a street in a residential zone or a residential area with an established residential use, for more than 72 hours in any six month period.
8. A violation of this section is a parking violation.

[Section 6.155 amended by Ord. #87-13 passed September 8, 1987]

[Section 6.155 amended by Ord. #98-03 passed January 13, 1998]

[Section 6.155 amended by Ord. #1999-22 passed April 13, 1999]

[Section 6.155 amended by Ord. #2002-14 passed September 10, 2002]

6.157 Prohibiting Parking on Certain Streets Overnight and During Snow Emergencies.

1. No person shall park any vehicle, boat, trailer or other personal property except in compliance with directions of a peace officer or an official traffic control device on any of the following streets between the hours of 2:30 a.m. and 5:30 a.m.:
 - A. Fifth and Sixth Streets between Forest Avenue and Black Butte Avenue.
 - B. The following avenues between Fifth and Seventh Streets:
 1. Forest Avenue
 2. Evergreen Avenue
 3. Deschutes Avenue

4. Cascade Avenue
5. Black Butte Avenue
2. In the event that there is an accumulation of snow in excess of four (4) inches, the City Manager or designee is hereby authorized to prohibit any person from parking a vehicle on the streets described in Section 6.157(1) until the snow is removed. The City Manager or designee shall publish notice of said prohibition as soon as it can be reasonably determined that said prohibition shall be necessary. For the purpose of this Section, public notice shall only require dissemination of the prohibition to the news media and the posting of temporary no parking signs in various locations on said streets.
3. The City Manager or designee is also hereby authorized to remove any vehicles, boats, trailers or other personal property parked in violation of Section 6.157(2) immediately without any further notice to the registered owner or operator thereof. The City Council specifically finds that said vehicles constitute a hazard and an obstruction to motor vehicle traffic using the road or highway as defined in ORS 819.120. Any vehicle or other personal property removed under the provisions of this action shall be subject to the provisions of ORS 819.120.
4. A violation of this section is a parking violation.

[Section 6.157 added by Ord. #86-12 passed October 13, 1986]

[Section 6.157 amended by Ord. #2002-14 passed September 10, 2002]

6.160 Parking by Fire Plugs or a Bicycle Lane.

1. No person shall park a vehicle, boat, trailer or other personal property within prohibited areas adjacent to fire plugs or in designated bicycle lanes.
2. Unless the police officer issuing the citation witnesses the parking of the vehicle, boat, trailer or other personal property, a rebuttable presumption exists that a vehicle parked in violation of this section was parked by the registered owner of the vehicle, boat, trailer or other personal property and the citation issued for the violation may be placed on the vehicle, boat, trailer or other personal property. If the parking of the vehicle, boat, trailer or other personal property is witnessed by the police officer, the operator of the vehicle, boat, trailer or other personal property is in violation of this section.
3. A violation of this section is a parking violation.

[Section 6.160 amended by Ord. #2002-14 passed September 10, 2002]

6.165 Prohibited Parking. No operator shall park and no owner shall allow a vehicle, boat, trailer or other personal property to be parked on a street for the principal purpose of:

1. Displaying the vehicle, boat, trailer or other personal property for sale.
2. Repairing or servicing the vehicle, boat, trailer or other personal property, except repairs necessitated by an emergency.
3. Displaying advertising from the vehicle, boat, trailer or other personal property.
4. Selling merchandise from the vehicle, boat, trailer or other personal property, except when authorized.
5. A violation of this section is a parking violation.

[Section 6.165 amended by Ord. #2002-14 passed September 10, 2002]

6.167 Prohibited Parking for Displaying of a Vehicle, Boat, Trailer or Other Personal Property or its Contents for Sale. No person shall park a vehicle, boat, trailer or other personal property for more than four (4) hours in a twenty-four (24) hour period on private property not owned or leased by the owner of the vehicle, boat, trailer or other personal property where such property is in view of State Highway 97 (including but not

limited to 5th and 6th Streets), State Highway 126 (Highland Avenue and Glacier Avenue), Airport Way and Sisters Avenue for the purpose of displaying the vehicle, boat, trailer or other personal property or its contents for sale, nor shall a person park a vehicle, boat, trailer or other personal property for more than four (4) hours in a twenty-four (24) hour period on State Highway 97 (including but not limited to 5th and 6th Streets), State Highway 126 (Highland Avenue and Glacier Avenue) for the purpose of displaying the vehicle, boat, trailer or other personal property or its contents for sale, nor shall a person park a vehicle, boat, trailer or other personal property at any time on Airport Way or on Sisters Avenue for the purpose of displaying the vehicle, boat, trailer or other personal property or its contents for sale. For purposes of this subsection, the display of any sign or notice that a vehicle, boat, trailer or other personal property or its contents are for sale shall be sufficient proof that the vehicle, boat, trailer or other personal property is parked for the purpose of displaying the vehicle, boat, trailer or other personal property or its contents for sale. A violation of this section is a parking violation.

[Section 6.167 added by Ord. #91-04 passed February 27, 1991]

[Section 6.167 amended by Ord. #91-13 passed April 23, 1991]

[Section 6.167 amended by Ord. #1999-07 passed January 26, 1999]

[Section 6.167 amended by Ord. #1999-28 passed August 10, 1999]

[Section 6.167 amended by Ord. #2002-14 passed September 10, 2002]

6.168 Prohibited parking in public parking lots. Enforcement of parking regulations in public parking lots.

1. No person shall park a vehicle, boat, trailer or other personal property in a public parking lot in violation of the posted restrictions including but not limited to fire lanes, time limitations and handicapped parking. No person shall park in a public parking lot except in a designated parking space. No person shall store any vehicle, boat, trailer, or other personal property in a public parking lot. A vehicle or other personal property is stored in a public parking lot if it is not being presently used for local personal transportation and has been parked in the parking lot for more than seven days in any six month period. For the purposes of this section, public parking lots shall include lots owned by the City of Redmond and the Redmond School District.
2. The Redmond Police Department, its officers and employees are authorized to enforce such regulations by the issuance of parking citations.
3. A violation of Section One shall be a parking violation.

[Section 6.168 added by Ord. #94-08 passed February 8, 1994]

[Section 6.168 amended by Ord. #2002-14 passed September 10, 2002]

[Section 6.168 amended by Ord. #2003-02 passed January 14, 2003]

6.170 Use of Loading Zone. No person shall stand or park a vehicle for any purpose or length of time in a place designed as a loading zone when the hours applicable to the loading zone are in effect, except for loading or unloading persons or materials. When the hours applicable to the loading zone are in effect, the stop for loading and unloading shall not exceed the time limits posted. If no time limits are posted, use of the zone shall not exceed 30 minutes.

6.175 Unattended Vehicles. When a police officer finds an unlocked motor vehicle parked or standing unattended with the ignition key in the vehicle, the officer is authorized to remove the key from the vehicle and deliver the key to the person in charge of the police station.

6.180 Standing or Parking Buses and Taxicabs. The operator of a bus or taxicab shall not stand or park the vehicle on a street in a business district at a place other than a bus stop or taxicab stand, except that this provision shall not prevent the operator of a taxicab from temporarily stopping the taxicab outside a traffic lane while loading or unloading passengers if no parking spaces are readily available.

6.185 Restricted Use of Bus and Taxicab Stands. No person shall stand or park a vehicle other than a taxicab in a taxicab stand or a bus in a bus stop, except that the operator of a passenger vehicle may stop temporarily while engaged in loading or unloading passengers when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space.

6.190 Lights on Parked Vehicle. No lights need be displayed on a vehicle that is parked in accordance with this chapter on a street where there is sufficient light to reveal a person or object at a distance of at least 500 feet from the vehicle.

6.195 Extending Parking Time. Where maximum parking time limits are designated by sign, movement of vehicle to another parking space within a block shall not extend the time limits for parking.

6.200 Time limit.

1. No person shall park in excess of a time limit duly posted for said area.
2. No business owner, operator, employee or resident of a business or property on any street located between Black Butte Avenue and Glacier Avenue and 5th Street and 7th Street shall park in violation of any applicable parking restrictions for the streets within said area. If a business owner, operator, employee or resident therein violates the provisions of this Section, the applicable fine shall be set by resolution.

[Section 6.200 amended by Res. #201 passed November 1, 1984]

[Section 6.200 amended by Ord. #91-22 passed June 25, 1991]

[Section 6.200 amended by Ord. #97-42 passed November 11, 1997]

Airport Parking Regulations

6.260 Parking Regulations

1. No person shall stop, park or leave any vehicle along the terminal curbside at Redmond Municipal Airport except while in the immediate process of passenger pick up or drop off.
2. No person shall park a vehicle at Redmond Municipal Airport other than in a designated parking area.
3. Individuals with parking permits issued by the Redmond Municipal Airport shall park only in compliance with the issued parking permits.
4. Where parking is allowed at the Redmond Municipal Airport, a person shall park a vehicle only within a dedicated parking space.
5. No person shall park at the Redmond Municipal Airport in violation of a parking limitation, parking restriction, or other parking regulation sign posted for the parking area.
6. No person shall stop, park or leave standing any vehicle at the Redmond Municipal Airport, whether attended or unattended, in those areas designated in ORS 811.550 except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or official traffic control device.
7. In addition to the above provisions, all other provisions of the Redmond Municipal Code shall continue to apply to the Redmond Municipal Airport.

8. A violation of this code section is an Airport Parking Violation. In addition, any vehicles in violation of this code section may be immediately impounded or towed at the vehicle owner's expense.

[Section 6.260 added by Ord. #2013-11 passed August 27, 2013]

Parking Citations and Owner Responsibility

6.290 On Illegally Parked Vehicle. When a vehicle without an operator is found parked in violation of a restriction imposed by this code or state law, the officer finding the vehicle shall take its license number and any other information displayed on the vehicle that may identify its owner and shall conspicuously affix a parking citation to the vehicle. The citation shall instruct the operator to answer to the charge or pay the penalty imposed within five days during specified hours and at a specific place. The citation shall also state the penalties that may be imposed for failure to comply.

6.295 Failure to Comply with Parking Citation. If the operator does not respond within five working days to a parking citation affixed to a vehicle, the Police Department shall send a letter to the owner of the vehicle informing the owner of the violation and giving notice that if the citation is disregarded for a period of thirty days, the vehicle may be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid.

6.300 Illegal Cancellation of Parking Citation.

1. No person shall dismiss a parking citation in any manner, except when approved by the Justice Court Judge.
2. A violation of this section is a Class B civil infraction.

[Section 6.300 amended by Ord. #2003-03 passed January 14, 2003]

6.305 Owner Responsibility. The owner of a vehicle in violation of a parking restriction shall be responsible for the offense unless use of the vehicle was secured by the operator without the owner's consent.

6.310 Registered Owner Presumption. In a proceeding against a vehicle owner charging violation of a parking restriction, proof that the vehicle was registered to the defendant at the time of the violation shall constitute a rebuttable presumption that the defendant was the owner.

Bicycles

6.325 Bicycle Operating Rules. In addition to observing all applicable provisions of this ordinance and state laws pertaining to bicycles, a person shall:

1. Not leave a bicycle other than in a bicycle rack. If no rack is provided, the person shall leave the bicycle so it does not obstruct a roadway, sidewalk, driveway or building entrance. A person shall not leave a bicycle in violation of the motor vehicle parking provisions.
2. Not ride a bicycle on a sidewalk in any business district, except along an unimproved street. However, in a business district, bicycles may be ridden on sidewalks to deliver newspapers and messages and to make other deliveries. In addition, Redmond police officers who are operating their bicycles in the course and scope of their duties may ride on sidewalks.

3. Not engage in racing upon a street, sidewalk or premises open to the public unless a special event permit is obtained.
4. Not ride or bring a bicycle within the City of Redmond Skateboard Park.
5. A violation of this section is a Class C civil infraction.

[Section 6.325 amended by Ord. #93-02 passed January 12, 1993]

[Section 6.325 amended by Ord. #2007-04 passed March 13, 2007]

6.330 Licensing.

[Section 6.330 amended by Ord. #93-05 passed January 26, 1993]

[Section 6.330 amended by Ord. #97-42 passed November 11, 1997]

[Section 6.330 repealed by Ord. #2003-23 passed October 28, 2003]

6.335 Renting Bicycles.

1. No person shall rent to another a bicycle that is not licensed and equipped as required by this code and state law.
2. A violation of this section is a Class C civil infraction.

6.340 Impounding Bicycles.

1. No person shall leave a bicycle on public or private property without consent of the person in charge or the owner of the property.
2. A bicycle left on public property for more than 24 hours may be impounded by the Police Department.
3. In addition to any citation issued, a bicycle parked in violation of this code may be immediately impounded by the Police Department.
4. If a bicycle impounded under this code is licensed, or other means of determining its ownership exist, the police shall make a reasonable effort to notify the owner of a stolen bike.
5. A bicycle impounded under this code and remaining unclaimed shall be disposed of in accordance with city procedures for disposal of abandoned or lost personal property.
6. Except as provided in subsection (4), a fee which is set by resolution shall be charged to the owner of a bicycle impounded under this section.
7. A violation of subsection (1) of this section is a Class C civil infraction.

[Section 6.340 amended by Ord. #97-42 passed November 11, 1997]

Abandoned vehicles

6.350 Application of State Law. The procedures of the City pertaining to the towing, impoundment and sale of abandoned vehicles are those contained in ORS Chapter 819.

Vehicle Nuisances

6.500 Certain Vehicles as Nuisances. The following vehicles are hereby declared to be nuisances and subject to forfeiture.

1. A motor vehicle operated by a person whose operator's license is suspended or revoked or in violation of a hardship or probationary permit in violation of the provisions of ORS 811.182; and
2. A motor vehicle operated by a person under the influence of intoxicants in violation of ORS 813.010, where the person has:

- A. Participated in a driving under the influence of intoxicants diversion program as provided for by the Oregon Revised Statutes, or its statutory counterparts in any jurisdiction within ten years prior to arrest or citation; or
- B. Been convicted or forfeited bail or security within the previous ten years of:
 - 1. Driving Under the Influence of Intoxicants under ORS 813.010 or its statutory counterpart in any jurisdiction; or
 - 2. Any degree of murder, manslaughter, criminally negligent homicide or assault resulting from the operation of a motor vehicle, or statutory counterparts in any jurisdiction; or
 - 3. Any crime punishable as a felony with proof of a material element involving the operation of a motor vehicle, or statutory counterparts in any jurisdiction; or
 - 4. Failure to perform the duties of a driver under ORS 811.705 or its statutory counterpart in any jurisdiction; or
 - 5. Reckless driving under ORS 811.140 or its statutory counterpart in any jurisdiction; or
 - 6. Fleeing or attempting to elude a police officer under ORS 811.540 or its statutory counterpart in any jurisdiction; or
 - 7. Any degree of recklessly endangering another person, menacing or criminal mischief resulting from operation of a motor vehicle, or statutory counterparts in any jurisdiction;
 - 8. Failure to perform the duties of a driver under ORS 811.700 while driving a commercial motor vehicle or its statutory counterpart in any jurisdiction.
- C. Has habitual offender status under ORS 809.640 or its statutory counterpart in any jurisdiction.

[Section 6.500 added by Ord. #92-15 passed August 11, 1992]

6.510 Impoundment. Any vehicle declared a nuisance and subject to forfeiture by this chapter may be impounded at the time of arrest or citation of the driver for:

- 1. Criminal driving while suspended or revoked or in violation of a hardship or probationary permit in violation of ORS 811.182; or
- 2. Driving under the influence of intoxicants in violation of ORS 813.010.

[Section 6.510 added by Ord. #92-15 passed August 11, 1992]

6.520 Forfeiture proceedings.

[Section 6.520 added by Ord. #92-15 passed August 11, 1992]

[Section 6.520 amended by Ord. #98-03 passed January 13, 1998]

[Section 6.520 deleted by Ord. #2000-24 passed December 12, 2000]

Penalties

6.900 Parking Penalties. Except where a specific penalty is provided, violation of Sections 6.150 to 6.195 is punishable by the fine schedule which is set by resolution.

[Section 6.900 amended by Ord. #91-04 passed February 27, 1991]

[Section 6.900 amended by Res. #91-09 passed March 12, 1991]

[Section 6.900 amended by Ord. #91-13 passed April 23, 1991]

[Section 6.900 amended by Ord. #91-22 passed June 25, 1991]

[Section 6.900 amended by Ord. #97-42 passed November 11, 1997]

[Section 6.900 amended by Ord. #98-03 passed January 13, 1998]

Redmond Code

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Processing Fee	7.955
City Action	7.960

PENALTY PROVISION

Penalty	7.990
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Redmond Code

CHAPTER 7: BUSINESS

BUSINESS LICENSES

7.005 Short Title. The provisions of Sections 7.010 to 7.048 shall be known as the City of Redmond Business License Code and is referred to herein as “Business License Code” or “BLC”.

[Section 7.005 amended by Ord. #2013-01 passed January 8, 2013]

7.010 Purpose and Scope.

1. The Redmond Business License Code facilitates the collection of information about businesses in the City of Redmond for the benefit of the public health, safety, and welfare of the community.
 - A. Emergency responders from the Police and Fire Departments are better able to respond effectively and safely to emergency situations at City of Redmond businesses when they have information about the types of businesses and the contents of the structures in the City.
 - B. Building code compliance, planning code compliance, fire code compliance and wastewater discharge compliance are enhanced by obtaining annual data from business license applications about structures in which businesses are located.
 - C. Business demographic information is also necessary to promote economic development.
2. The annual business license fee imposed by the Business License Code is for revenue purposes to assist in defraying the cost of police and other necessary municipal services to support the business community.
3. The fee required by this Business License Code shall be in addition to general ad valorem taxes now or hereafter levied under law and shall be in addition to license taxes prescribed in other parts of this code.
4. Neither the acceptance of the prescribed fee nor the issuance of the applicable license shall be construed to constitute a regulation of any business activity or a permit to engage in any activity otherwise prohibited by law or this code or a waiver of any regulatory licensing requirement imposed by any sections of the code other than Sections 7.005 to 7.048.

[Section 7.010 amended by Ord. #2013-01 passed January 8, 2013]

7.012 Definitions. For purposes of Sections 7.005 to 7.048, the following mean:

1. "Business". The term “business” means any trade, profession, occupation or pursuit conducted for gain and similar places or establishments employing full or part-time employees in any business for gain.
2. “City”. The City of Redmond
3. “City Manager”. The person appointed by the Redmond City Council to act as City Manager and for the purposes of this chapter includes a person designated by the City Manager to perform his or her functions.
4. “Doing Business”. An act or series thereof performed in the course of pursuit of a business activity on more than one (1) occasion or day in a calendar quarter and not as a one-time or isolated activity or event. A person is presumed to be “doing business” in

the City of Redmond and subject to the Business License Code if engaged in any of the following:

- A. Advertising or otherwise professing to be doing business within the City.
 - B. Owning, leasing, or renting personal or real property within the City which is used in a trade or business
 - C. Engaging in any transaction involving the production of income from holding property or the gain from the sale of property, which is not otherwise exempted in this Chapter. Property may be personal, including intangible or real in nature.
 - D. Engaging in any activity in pursuit of gain which is not otherwise exempted in this Chapter.
5. "License or Business License". The document issued by the City granting the privilege to carry on a business within the City.
 6. "Temporary Business". A person conducting or operating a business within the City for periods of less than 180 consecutive days in any calendar year. Examples of temporary businesses include, but are not limited to: Christmas Tree lots, fireworks stands, fruit/vegetable stands not part of a farmers market.

[Section 7.012 amended by Ord. #2013-01 passed January 8, 2013]

7.014 Requirement to Obtain Business License.

1. Except as exempted under Section 7.015, all businesses must apply for and obtain a business license. No person shall carry on any business, trade, occupation, profession or calling, or transact any business as defined in Section 7.012 without first obtaining a business license.
2. Non-profit entities must obtain a business license but shall pay a reduced fee as established by City Council resolution.
3. Where a business is part of a larger entity, the local business manager or owner shall be responsible for obtaining the required license.
4. A business activity leased, under concession to, or owned wholly or in part by a different person or persons on the same premises must be separately licensed. In determining whether different activities on the same premises are related to the primary use within the meaning of this section, normal and ordinary custom and usage of the businesses of like nature shall be considered.
5. The following provisions apply to the obligation to obtain a business license:
 - A. Any business that conducts physical activities in the city, whether or not the business operates from a physical location in the city, is subject to the Business License Code and obtain a license.
 - B. If two or more businesses are carried on at the same premise by the same individual or entity, one license shall be sufficient for all businesses. The license shall list all included businesses.
 - C. Electronic businesses, including internet businesses, with a physical location in the City, are required to be licensed.
 - D. If more than one business is conducted on the same premises, each business must obtain a separate business license, except as provided in Section 7.014(5)(B).
 - E. A single business operation that occupies more than one building may obtain a single license. The application and license shall list all buildings and activities carried on in each building.
6. Special Events and Temporary Businesses are subject to the provisions of Sections 7.350 – 7.394 and Sections 7.582 – 7.589, and are required to obtain a temporary business license and pay the fee specified by City Council resolution.

[Section 7.014 amended by Ord. #2013-01 passed January 8, 2013]

7.015 Exemptions.

1. Any business exempted from paying local business license fees or taxes by federal or state constitution or law.
2. Religious institutions and governmental agencies.
3. A service business operated by a person under the age of 18, such as a lawn mowing business, a newspaper delivery business, a lemonade stand, and the like.
4. Individuals who work only on the premises of, and as part of, a licensed business that includes the activity of the individual are not required to obtain a separate license. Examples include barbers, beauticians, and others who perform services as part of the overall licensed business. This exemption does not apply if the overall business operation has not obtained a business license.
5. Persons selling goods or services exclusively during a permitted special event activity where the sponsor of the event has obtained a Special Event Permit and has a business license or is exempt from the business license requirement.
6. Civic leagues or civic organizations operating exclusively for promotion of social welfare which may from time to time conduct business like activities on a temporary basis, the earnings of which are devoted exclusively to social welfare, religious and/or fraternal purposes.
7. Utilities currently franchised by and paying a franchise fee to the City.
8. A person whose primary activity consists of delivering goods inside the City for a business located outside the City.
9. A Consultant whose primary activity is providing services for a business/agency inside the City and whose business is located outside of the City.
10. Household or garage sales conducted consistent with the Redmond City Code.
11. Activities that qualify as hobbies or passive holding of property for investment purposes under the US Internal Revenue Code.

[Section 7.015 added by Ord. #2013-01 passed January 8, 2013]

7.016 License Duration. New licenses shall be valid from the date of issuance to the following December 31st and shall be renewable annually for one year beginning on January 1st. The business license fee shall be prorated based on the start date of the business.

[Section 7.016 amended by Ord. #2013-01 passed January 8, 2013]

7.018 Application for License. Each person wishing to engage in a new business shall apply for a Business License per this chapter, at least 30 (thirty) days prior to the date of the license is requested to be effective. Suitable forms will be furnished by the City. At the time of filing, the applicant shall pay the business license fee required. The application shall be filed with the City Manager and shall contain at a minimum:

1. A description of the trade, shop, business, profession, occupation or calling to be engaged in.
2. The date that business operations commenced or will commence.
3. The name and address of the applicant; if a partnership, the names and addresses of the several partners; if the business is a corporation, its name and the address of the home office, the name and address of the designated agent in the state if a foreign corporation, and the name and address of the local agent or representative who will be in charge of the business in the City.
4. The address(es) where the business will be located or have its city office.

5. A statement of the estimated number of full time, part time and/or seasonal employees of the business.
6. Emergency contact information.
5. The date of application.
6. Any other information the City Manager determines that the application should contain for review purposes under Section 7.020.
7. The signature of the applicant or agent making the application.

[Section 7.018 amended by Ord. #2013-01 passed January 8, 2013]

7.020 Applicant Review. The person or department designated to review a license application may require the applicant to supply information necessary to determine whether the business complies with this code, city ordinance, or state or federal law. If the applicant fails to supply information so required or submits false or misleading information, the license shall be suspended or denied. All businesses must comply with the provisions of this code, city ordinances, and all state and federal laws before a license may be issued.

7.022 Issuance of License.

1. After receipt of reports from all persons and departments designated to review application, the City Manager shall determine whether the business qualifies for issuance of a license. If the business qualifies, the City shall issue the license.
2. No license shall be issued to an applicant if the person has, prior to making application, conducted a business within the City while this Business License Code was in effect, without a current, valid license issued under this code, unless an additional amount equal to the license fees for the year(s) during which the business was thus conducted is paid.

[Section 7.022 amended by Ord. #2013-01 passed January 8, 2013]

7.024 Denial of Application. If, on the basis of the application review under Section 7.020, the City Manager determines that the business does not qualify for issuance of the license applied for, the City Manager shall notify the applicant in writing that the application has been denied. The notice shall state the reason for denial and inform the applicant of the provisions for appeal in Section 7.036.

[Section 7.024 amended by Ord. #2013-01 passed January 8, 2013]

7.026 License Renewal and Late Penalty. The application for renewal of a business license shall be made prior to December 31, the expiration date. A penalty of 10 percent of the fee for each month or part of a month during which the fee remains unpaid, up to 100 percent, shall be added to the license fee accompanying a later renewal application. The effective date of a renewed license shall be January 1 if the application for renewal is made prior to the current license expiration date. Renewal licenses applied to after January 1 shall be effective on the date of issuance.

[Section 7.026 amended by Ord. #2013-01 passed January 8, 2013]

7.028 Review of Renewal. If the City has received complaints about the licensee's business, the application for renewal of the license may be reviewed under Section 7.020.

7.030 Denial of Renewal. If a licensed business does not qualify for renewal under Section 7.020, the City Manager shall notify the licensee in writing that renewal of the license has been denied. The notice shall state the reason for denial and inform the applicant of the provisions for appeal in Section 7.036.

[Section 7.030 amended by Ord. #2013-01 passed January 8, 2013]

7.032 Revocation of License. If the City Manager determines that a licensed business is violating this code, city ordinances, or state or federal law, he or she shall notify the licensee in writing that the license is to be revoked. The notice shall be given at least 30 days before the revocation. If the violation ends within the 30 days, the City Manager may discontinue the revocation proceedings. A notice of revocation shall state the reason for the revocation and inform the licensee of the provisions Section 7.036 for appeal.

[Section 7.032 amended by Ord. #2013-01 passed January 8, 2013]

7.034 Suspension of License. If a licensed business presents an immediate danger to persons or property, the City Manager may suspend the license for the business at once. The suspension takes effect immediately upon notice of suspension's being received by the licensee or being delivered to the licensee's business address as stated on the licensee's application. Such a notice shall be mailed to the licensee and state the reason for the suspension and inform the licensee of the provisions for appeal under Section 7.036. The City Manager may continue a suspension so long as the reason for the suspension exists or until a determination on appeal regarding the suspension is made under Section 7.036.

[Section 7.034 amended by Ord. #2013-01 passed January 8, 2013]

7.036 Appeal.

1. An applicant whose application for a license has been denied or a licensee whose license has been denied renewal, has been suspended, or is to be revoked may, within 30 days after the notice of denial, suspension or revocation is mailed, appeal in writing to the Council.
2. The appeal shall state:
 - A. The name and address of the appellant.
 - B. The nature of the determination.
 - C. The reason the determination is incorrect.
 - D. What the correct determination of the appeal should be.
3. An appellant who fails file the statement within the time permitted waives objections, and the appeal shall be dismissed. If a notice of revocation is appealed, the revocation does not take effect until final determination of the appeal. The Council shall hear and determine the appeal on the basis of the written statement and any additional evidence it considers appropriate. The appellant shall be given written notice of the hearing on the appeal 14 days prior to the hearing. At the hearing, the appellant may present testimony and oral argument, personally or by counsel, and any additional evidence. The rules of evidence as used by courts of law do not apply, and the decision of the Council after the hearing is final.

7.038 Posting of License.

1. Except as provided in subsection (2), at all times after the issuance of the license, the license shall be posted in a conspicuous place upon the business premises, available for

inspection by the public, City employees and by employees and prospective employees of the business.

2. When the licensee has no office, business premises or other established place of business in the City, the license shall be in the possession of the representative of the business who is present in the City at all times during which business is being transacted by any employee or representative in the City, and shall be made available for inspection by the public, City employees and by employees and prospective employees of the business.

[Section 7.038 amended by Ord. #2013-01 passed January 8, 2013]

7.040 Contents of License. Licenses shall be issued to the applicant in the name of the business to be licensed and shall designate the nature of the business, the address of the business premises, if any, and the date of issuance.

7.042 Business License Fee.

1. The fees for all licenses required under this Chapter shall be established by City Council resolution.
2. Any change in the license fee shall not apply retroactively to a license already in effect.
3. Nothing in this code shall be construed as vesting a right in persons under a contract obligation on the part of the City for the amount or character of a business tax.

[Section 7.042 amended by Ord. #97-42 passed November 11, 1997]

[Section 7.042 amended by Ord. #2003-11 passed March 25, 2003]

[Section 7.042 amended by Ord. #2013-01 passed January 8, 2013]

7.044 Limitations. No license required under this Chapter shall:

1. Be assignable or transferable.
2. Authorize a person other than the one named therein to operate the licensed business or activity.
3. Authorize any other business or activity than set out in the license.

[Section 7.044 amended by Ord. #2013-01 passed January 8, 2013]

7.046 Penalty.

1. Any violations of sections 7.010 through 7.048 is a Class B civil infraction and/or a Class B administrative infraction and can be issued to the business owner and/or the property owner.
2. Each day that a business operates without a required license shall be a separate violation.

[Section 7.046 amended by Ord. #2013-01 passed January 8, 2013]

[Section 7.046 amended by Ord. #2014-05 passed April 8, 2014]

[Section 7.046 amended by Ord. #2017-10 passed September 26, 2017]

7.048 Enforcement. In addition to the civil and administrative infraction procedure, the City may file a civil action to recover fees unpaid or, after mailing notice via certified mail to the person responsible for said business, the City may place a lien against the real property where the business is located for the amount of the fee plus interest.

[Section 7.048 amended by Ord. #2013-01 passed January 8, 2013]

[Section 7.048 amended by Ord. #2014-05 passed April 8, 2014]

Motor Vehicle Fuel Dealer's Business License

7.050 Definitions.

[Section 7.050 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.050 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.051 Tax imposed.

[Section 7.051 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.051 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.052 Amount of Payment.

[Section 7.052 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.052 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.053 License Requirements.

[Section 7.053 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.053 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.054 License Applications and Issuance.

[Section 7.054 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.054 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.055 Failure to Secure License.

[Section 7.055 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.055 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.056 Suspension and Revocation of License.

[Section 7.056 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.056 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.057 Cancellation of License.

[Section 7.057 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.057 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.058 Remedies Cumulative.

[Section 7.058 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.058 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.059 Payment of Tax and Delinquency.

[Section 7.059 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.059 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.060 Monthly Statement of Dealer.

[Section 7.060 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.060 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.061 Failure to File Monthly Statement.

[Section 7.061 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.061 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.062 Billing Purchasers.

[Section 7.062 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.062 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.063 Failure to Provide Invoice or Delivery Tag.

[Section 7.063 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.063 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.064 Transporting Motor Vehicle Fuel in Bulk.

[Section 7.064 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.064 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.065 Exemption of Export Fuel.

[Section 7.065 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.065 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.067 Fuel in Vehicles Coming Into City Not Taxed.

[Section 7.067 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.067 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.068 Refunds.

[Section 7.068 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.068 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.069 Examinations and Investigations.

[Section 7.069 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.069 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.070 Limitation on Credit for or Refund of Overpayment and on Assessment of Additional Tax.

[Section 7.070 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.070 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.071 Examining Books and Accounts of Carrier of Motor Vehicle Fuel.

[Section 7.071 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.071 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.072 Records to be Kept by Dealers.

[Section 7.072 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.072 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.073 Records to be Kept Three Years.

[Section 7.073 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.073 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

7.074 Use of Tax Revenues.

[Section 7.074 added by Ord. #2009-10 passed September 8, 2009]

[Section 7.074 deleted due to defeat of ballot measure 9-75 at March 9, 2010 election]

Transient Lodging Tax

7.100 Definitions. For the purposes of Sections 7.100 to 7.128, the following mean:

Accrual accounting. A system of accounting in which the collector enters the rent due from a transient on the operator's records when it is earned, whether or not it is paid.

Cash accounting. A system of accounting in which the collector does not enter the rent due from a transient on the collector's records until the rent is paid.

Collector. A provider or intermediary of transient lodging responsible for collecting and remitting transient lodging taxes.

Gross Rents. Any amount paid for the sale, service, or furnishings of transient lodgings.

Intermediary. A person other than the provider that facilitates the retail sale of transient lodging and charges for occupancy of the transient lodging.

Occupancy. The possession of or the right to possess lodging for overnight human habitation.

Provider. A person who is a proprietor of transient lodging in any capacity. When the provider performs his functions through a managing agent of a type or character other than an employee, the managing agent shall also be considered a provider and shall have the same duties and liabilities as his principal. Compliance with the provisions of Sections 7.100 to 7.128 by either the principal or the managing agent shall be considered compliance by both.

Rent. The consideration charged, whether or not received by the operator, for the occupancy or space in a hotel valued in money, goods, labor, credits, property or other consideration valued in money, without any deduction.

Rent package plan. The consideration charged for both food and rent when a single rate is made for the total of both. The amount applicable to rent for determination of the transient lodging tax shall be the same charge made for rent when it is not a part of a package plan.

Tax. The tax payable by the transient or the aggregate amount of taxes due from a collector during the period for which they are required to report their collections.

Tax administrator. The City Manager or designee.

Transient. An individual who exercises occupancy for a period of 30 calendar days or less, counting portions of calendar days as full days. The day a transient checks out of the hotel shall not be included in determining the 30-day period if the transient is not charged rent for that day by the operator. An individual occupying space in a hotel shall be transient until the period of 30 days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy.

Transient Lodging. A structure or any portion of a structure or space located within the City of Redmond that is occupied or intended or designed for transient occupancy for 30 days or less for dwelling, lodging or sleeping purposes. Examples include: 1) A hotel, motel and inn dwelling units that are used for temporary overnight human occupancy, 2) A space used for parking recreational vehicles or erecting tents during periods of human occupancy, or 3) Houses, cabins, condominiums, apartment units or other dwelling units or portions of any of these dwelling units that are used for temporary human occupancy.

[Section 7.100 amended by Ord. #2015-09 passed August 11, 2015]

7.102 Imposition of Tax.

1. For the privilege of occupancy, each transient shall pay a tax, the amount of which is set by resolution. The tax constitutes a debt owed by the transient to the City, and the debt is extinguished only by payment of the tax to the collector or to the City. The transient shall pay the tax to the collector at the time the rent is paid.
2. The tax must be computed on the total retail price charged for occupancy of the transient lodging, which excludes the sale of any goods, services and commodities other than the furnishing of rooms, accommodations, and parking space in mobile home parks or trailer parks.
3. The collector shall enter the tax into the records when rent is collected if the collector keeps their records on the accrual accounting basis. If rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the collector with each installment. If for any reason the tax due is not paid to the collector of the hotel, the tax administrator may require that the tax be paid directly to the City.

[Section 7.102 amended by Ord. #87-17 passed October 13, 1987]

[Section 7.102 amended by Ord. #92-18 passed September 8, 1992]

[Section 7.102 amended by Ord. #97-42 passed November 11, 1997]

[Section 7.102 amended by Ord. #98-03 passed January 13, 1998]

[Section 7.102 amended by Ord. #2015-09 passed August 11, 2015]

7.103 Distribution and Notice Requirements.

[Section 7.103 added by Ord. #92-18 passed September 8, 1992]

[Section 7.103 deleted by Ord. #97-42 passed November 11, 1997]

7.104 Collection by Collector; Rules for Collection.

1. Every collector, unless exempted under the terms of Sections 7.100 to 7.128, shall collect a tax from the occupant, for the sale, service or furnishing of transient lodging. The tax collected or accrued by the collector constitutes a debt owned by the collector to the City.
2. In all cases of credit or deferred payment of rent, the payment of tax to the collector may be deferred until the rent is paid, and the collector shall not be liable for the tax until credits are paid or deferred payments are made.

3. The tax administrator shall enforce the provisions of sections 7.100 to 7.128 and may adopt rules and regulations not inconsistent with these sections necessary to aid in enforcement.
4. The tax on rent collected shall be set by resolution.

[Section 7.104 amended by Ord. #87-17 passed October 13, 1987]

[Section 7.104 amended by Ord. #92-18 passed September 8, 1992]

[Section 7.104 amended by Ord. #97-42 passed November 11, 1997]

[Section 7.104 amended by Ord. #2015-09 passed August 11, 2015]

7.106 Collector's Duties. A collector shall collect the tax when the rent is collected from the transient. The amount of tax shall be separately stated upon the collector's records and on the receipt given by the collector. A collector shall not advertise that the tax or any part of the tax will be assumed or absorbed by the collector, or that it will not be added to the rent, or that when added any part will be refunded, except in the manner provided by this chapter.

[Section 7.106 amended by Ord. #2015-09 passed August 11, 2015]

7.108 Exemptions. The tax shall not be imposed upon:

1. An occupant for more than 30 successive calendar days. A person who pays for lodging on a monthly basis, irrespective of the number of days in the month, shall not be deemed a transient.
2. A person who rents a private home, vacation cabin or similar facility from an owner who rents the facility incidentally to the owner's own use. Incidental use is defined as renting the facility for a period of less than 15 days a calendar year. If the facility is rented for 15 or more days in a calendar year, transient lodging is due on all rental days.
3. An employee of the federal government, while on federal business, whose lodging is procured and paid for directly by the federal government, through a purchase order or other form of procurement and with a government check. If the federal employee pays for a lodging personally, the employee is not exempt and the tax must be paid, even if the employee is in Redmond on federal business.
4. Any occupant whose rent is paid for a hospital room or a stay in a medical clinic, convalescent home or home for aged people.

[Section 7.108 amended by Ord. #91-30 passed October 22, 1991]

[Section 7.108 amended by Ord. #2015-09 passed August 11, 2015]

7.110 Registration of Collector; Certification of Authority.

1. Each collector shall register with the tax administrator on a form provided by the administrator. Collectors starting a new business must register within 15 calendar days after commencing business. The privilege of registration after the date of imposition of the tax shall not relieve any person from the obligation of payment or collection of the tax regardless of registration.
2. The registration shall include:
 - A. The name(s) under which a collector transacts or intends to transact business.
 - B. The mailing and physical addresses of the business.
 - C. Other information to facilitate the collection of the tax as the tax administrator may require.
 - D. The signature of the collector.
3. The tax administrator shall, within 10 days after registration, issue without charge a certificate of authority to each registrant to collect the tax from the occupant, together with a duplicate for each additional place of business of each registrant. Certificates are

non-assignable and non-transferable and shall be surrendered immediately to the tax administrator on the cessation of business at the location named or on the sale or transfer of the business. Each certificate and duplicate shall state the place of business to which it is applicable and shall be prominently displayed or readily available upon request so as to be seen by or available to all occupants and persons seeking occupancy.

4. The certificate shall state:
 - A. The name of the collector.
 - B. The address of the provider.
 - C. The date on which the certificate was issued.
 - D. "This Transient Lodging Tax Collector Certificate of Authority signifies that the person named has fulfilled the requirements of the transient lodging tax provisions of the Redmond Code by registering with the tax administrator for the purpose of collecting from transients the lodging tax imposed by the City and remitting the tax to the tax administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, or to operate transient lodging without strictly complying with all local applicable laws including but not limited to those requiring a permit from any board, commission, department or office of the City of Redmond. This certificate does not constitute a permit."

[Section 7.110 amended by Ord. #2015-09 passed August 11, 2015]

7.112 Due Date, Returns and Payments.

1. The tax shall be paid by the transient to the collector at the time that rent is paid. The taxes collected by the collector are due and payable to the tax administrator on a calendar basis on the 15th day of the month for the preceding month and are delinquent on the last day of the month in which they are due.
2. On or before the 15th day of the month following each month of collection, a return for the preceding month's tax collections shall be filed with the tax administrator.
3. Returns shall show the amount of tax collected or otherwise due for the related period. The tax administrator may require returns to show the total rentals on which tax was collected or is due, gross receipts of the operator for the period, an explanation in detail of any discrepancy between the amounts, and the amounts of rents exempt.
4. The collector shall deliver the return and the tax due to the tax administrator's office either by personal delivery or by mail. If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies.
5. The collector may retain 5 percent of the tax as reimbursement for the costs incurred by the tax collector in collecting and reporting a transient lodging tax and in maintaining transient lodging tax records.
6. For good cause, the tax administrator may extend the time for filing a return or paying the tax for not more than one month. No further extensions shall be granted except by the Council. A collector to whom an extension is granted shall pay interest at the rate of 1 percent per month on the amount of tax due, without proration for a fraction of a month. If a return is not filed, and the tax and interest due are not paid by the end of the extension, the interest shall become a part of the tax for computation of penalties described in Section 7.114.
7. The tax administrator may require returns and payment of the amount of taxes for other than monthly periods in individual cases to ensure payment or to facilitate collection by the City.

[Section 7.112 amended by Ord. #2015-09 passed August 11, 2015]

7.114 Delinquency Penalties

1. A collector who has not been granted an extension of time for remittance of tax due and who fails to remit the tax prior to delinquency shall pay a penalty of 10 percent of the tax due in addition to the tax.
2. A collector who has not been granted an extension of time for remittance of tax due and who fails to pay a delinquent remittance before the expiration of 31 days following the date on which the remittance became delinquent shall pay a second delinquency penalty of 15 percent of the tax due, the amount of the tax, and the 10 percent penalty first imposed.
3. If the tax administrator determines that non-payment of a remittance is due to fraud or intent to evade the tax, a penalty of 25 percent of the tax shall be added to the penalties stated in subsections (1) and (2).
4. In addition to the penalties imposed by this section, a collector who fails to remit the required tax shall pay interest at the rate of 10 percent per year, without proration for portions of a month, on the tax due, exclusive of penalties, from the date on which the tax first became delinquent until paid.
5. Each penalty imposed and the interest accrued under provisions of this section shall be merged with and become part of the tax required to be paid.
6. A collector who fails to remit the tax within the required time may petition the tax administrator for waiver and refund of the penalty or a portion of it. The administrator may, if good cause is shown, direct a refund of the penalty or a portion of it.

[Section 7.114 amended by Ord. #2015-09 passed August 11, 2015]

7.116 Deficiency Determinations, Fraud, Evasion, Delay.

1. In making a determination that the returns are incorrect, the tax administrator may compute and determine the amount required to be paid on the basis of the facts contained in the return or returns or on the basis of any other information. Deficiency determinations may be made of the amount due for one or more than one period. The determined amount shall be due and payable immediately on service of notice after which the determined amount is delinquent. Penalties on deficiencies shall be applied as provided in Section 7.114.
 - A. In making a determination, the tax administrator may offset overpayments that have been made against any deficiency for a subsequent period or against penalties and interest on the deficiency. The interest on deficiencies shall be computed in the manner provided in Section 7.114.
 - B. The tax administrator shall give the collector a written notice of their determination. The notice may be served personally or by mail. If mailed, the notice shall be addressed to the collector at the address that appears on the records of the tax administrator, and service is completed at the time of deposit in the United States Post Office.
 - C. Except in the case of fraud or intent to evade the tax or rules and regulations pursuant to it, a deficiency determination shall be made and notice mailed within three years after the last day of the month following the close of the monthly period for which the determination has been made or within three years after the return is filed, whichever is later.
 - D. A determination shall become due and payable immediately upon receipt of notice and shall become final within ten days after the tax administrator has given notice. The collector may petition for redemption and refund if the petition is filed before the determination becomes final.
2. If a collector fails or refuses to collect the tax or to make, within the time provided, any report or remit the tax, or makes a fraudulent return or otherwise willfully attempts to evade Sections 7.100 to 7.128, the tax administrator shall obtain facts and information

on which to base an estimate of the tax due. After determining the tax due and the interest and penalties, the tax administrator shall give notice of the total amount due. Notice shall be in the manner provided by 7.116(1)(B). The determination and notice shall be made and mailed within three years after discovery by the tax administrator of fraud, intent to evade, failure or refusal to collect the tax, or failure to file a return. The termination becomes due and payable immediately on receipt of notice and becomes final ten days after the tax administrator has given notice. The collector may petition for redemption and refund if the petition is filed before the determination becomes final.

3. If the tax administrator believes that collection of any amount of tax will be jeopardized by delay or if a determination will be jeopardized by delay, the tax administrator shall determine the amount to be collected, noting the fact on the determination. The amount determined is immediately due and payable after service of notice. After payment has been made, the collector may petition for redemption and refund on such determination if the petition is filed within ten days from the date of service of notice by the tax administrator.

[Section 7.116 amended by Ord. #2015-09 passed August 11, 2015]

7.118 Redeterminations.

1. A collector against whom a determination is made under Section 7.116 or any person directly interested may petition for redetermination, redemption and refund within the time required in Section 7.116. If a petition for redetermination and refund is not filed within the time required, the determination becomes final at the expiration of the allowable time.
2. If a petition for redetermination and refund is filed within the allowable period, the tax administrator shall reconsider the determination and, if the person requests a hearing in the petition, shall grant the person an oral hearing and shall give the person ten days notice of the time and place of the hearing. The tax administrator may continue the hearing if necessary.
3. The tax administrator may decrease or increase the amount of the determination as a result of the hearing. If an increase is determined, the increase is payable immediately after the hearing.
4. The order or decision of the tax administrator on a petition for redetermination of redemption and refund becomes final ten days after service on the petitioner of notice unless appeal of the order or decision is filed with the Council within ten days after service of the notice.

[Section 7.118 amended by Ord. #2015-09 passed August 11, 2015]

7.120 Security for Collection of Tax. The tax administrator may require a collector to deposit security in the form of cash, bond or other security. The amount of security shall be fixed by the tax administrator, but shall not be greater than twice the collector's estimated average monthly liability for the period for which the operator files returns or \$5,000, whichever amount is less. The amount of the security may be increased or decreased by the tax administrator, subject to the limitations of this subsection.

[Section 7.120 amended by Ord. #2015-09 passed August 11, 2015]

7.121 Enforcement. Within three years after any amount of the tax becomes due and payable or within three years after any determination becomes final, the tax administrator may bring an action in the courts of this state, or any other state, or of the United States, in

the name of the City to collect the amount delinquent, together with penalties, interest, and any administrative costs and attorney fees associated with the collection of the tax.

[Section 7.121 added by Ord. #2015-09 passed August 11, 2015]

7.122 Liens.

1. The tax, together with the interest, penalties, filing fees paid to the Clerk of Deschutes County, Oregon, and any advertising costs incurred when the tax becomes delinquent shall be a lien from the date of its recording with the clerk until paid. The lien shall be superior to all subsequent recorded liens on all tangible personal property used in the hotel of an operator within the City and may be foreclosed and the property sold to discharge the recorded lien. Notice of the lien shall be issued by the tax administrator when the operator is in default in the payment of the tax, interests or penalty and shall be sent to the delinquent collector. The personal property subject to the lien seized by the tax administrator may be sold at public auction after ten days notice made by one publication in a newspaper published in the City.
2. A lien for taxes shall be released by the tax administrator after the full payment of all taxes, penalties and interest for which the lien has been imposed. The collector or person making the payment shall receive a receipt stating that the full amount of taxes, penalties and interest has been paid, that the lien is released, and that the record of lien is satisfied.

[Section 7.122 amended by Ord. #2015-09 passed August 11, 2015]

7.124 Refunds.

1. Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the tax administrator under this chapter, it may be refunded if a verified claim in writing, stating the specific reason for the claim, is filed with the tax administrator within three years from the date of payment. The claim shall be made on forms provided by the tax administrator. If the claim is approved by the tax administrator, the excess amount may be refunded or may be credited on any amounts then due and payable by the collector, and the balance may be refunded to the collector, or the collector's administrators, executors or assigns.
2. If the tax has been collected by the collector and deposited by the collector with the tax administrator and it is later determined that the tax was erroneously or illegally collected or received by the tax administrator, it may be refunded by the tax administrator to the transient if a written, verified claim stating the specific reason for the claim is filed with the tax administrator within three years from the date of payment.

[Section 7.124 amended by Ord. #2015-09 passed August 11, 2015]

7.125 Administration.

1. Every collector shall keep transient records, accounting books, and records of lodging sales. All records shall be retained by the collector for a period of three years and six months.
2. The tax administrator or any person authorized in writing by the tax administrator may examine, during normal business hours and after notification, the books, papers and accounting records relating to lodging sales of any collector and may investigate the business of the collector to verify the accuracy of any return made or, if no return is made, to determine the amount to be paid.
3. The tax administrator or any person having an administrative or clerical duty under the provisions of Section 7.100 to 7.128 shall not make known in any manner the business

affairs, operations or information obtained by an investigation of records and equipment of a person required to obtain a Transient Lodging Tax Collector Certificate, or pay a transient lodging tax, or a person visited or examined in the discharge of official duty; or the amount or source of income, profits, losses or expenditures contained in a statement or application; or permit a statement or application, or copy of either, or a book containing an abstract or particulars to be seen or examined by any person. However, nothing in this subsection shall prevent:

- A. This disclosure to, or the examination of a records and equipment by a city official, employee or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of Sections 7.100 to 7.128 or collecting taxes imposed by those sections.
 - B. The disclosure after the filing of a written request to the taxpayer, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, in information concerning any paid tax, any unpaid tax, amount of tax required to be collected, or interest and penalties. However, the City Attorney shall approve each disclosure and the tax administrator may refuse to make a disclosure referred to in this paragraph when, in the tax administrator's opinion, the public interest would suffer.
 - C. The disclosure of the names and addresses of any persons to whom transient lodging registration certificates have been issued.
 - D. The disclosure of general statistics regarding taxes collected or business done in the City.
4. This Ordinance shall become effective November 1, 1987.

[Section 7.125 amended by Ord. #87-17 passed October 13, 1987]

[Section 7.125 amended by Ord. #97-42 passed November 11, 1997]

[Section 7.125 amended by Ord. #2015-09 passed August 11, 2015]

7.126 Appeals to Council. A person aggrieved by a decision of the tax administrator may appeal to the Council by filing a notice of appeal with the tax administrator within ten days of notice of the decision. The tax administrator shall transmit the notice, together with the file of the appealed matter, to the Council. The Council shall fix a time and place for hearing the appeal and shall give the appellant not less than ten days written notice of the time and place of hearing.

7.128 Violations. No collector or other person required to do so shall fail or refuse to register as required, or to furnish any return required, or fail or refuse to furnish a supplemental return or other data requested by the tax administrator, or render a false or fraudulent return. No person required to make, render, sign or verify any report shall make a false or fraudulent statement with intent to defeat or evade the determination of any amount due required by Sections 7.100 to 7.128.

[Section 7.128 amended by Ord. #2015-09 passed August 11, 2015]

7.130 Penalty. A violation of Sections 7.100 to 7.128 is a Class A civil infraction and/or a Class A administrative infraction.

[Section 7.130 amended by Ord. #2014-05 passed April 8, 2014]

Amusement Device Tax

7.150 Short Title. The provisions of Sections 7.150 to 7.170 shall be known as the Amusement Device Tax Act.

[Section 7.150 amended by Ord. #2000-02 passed February 22, 2000]

7.152 Purpose of Amusement Device Tax Act.

1. It is necessary that business taxes be levied and fixed for securing revenue to assist in defraying the cost of police protection and other necessary municipal services.
2. The tax required by the Act shall be in addition to general ad valorem taxes now or hereafter levied under law and shall be in addition to taxes or fees prescribed in other parts of this code or by federal or state law.
3. Neither the acceptance of the prescribed tax nor the issuance of the applicable certificate shall be construed to constitute a regulation of any business activity or a permit to engage in any activity otherwise prohibited by law or this code, or a waiver of any regulatory licensing requirement imposed by any other sections of this code.

7.154 Definitions.

Amusement device.

1. A coin or token operated mechanical, electronic, mechanical-electronic or non-mechanical device which is designed for the amusement of the player or operator and is complete in itself, having as its purpose the production or creation of a game of skill, amusement, entertainment, or test of strength, whether or not any motivating force involved is furnished by the player or the device.
2. "Amusement device" shall not include devices used exclusively for the purpose of selling tangible personal property such as cold drinks, tobacco products, candies, postage stamps, or other merchandise; or services such as pay telephones, music devices, parking meters, money change machines, gas and electric meters, and other distribution of public service.

Display or operate. The display of any amusement device for use by the public or the operation by the public of such device and shall include those amusement devices which are displayed or operated by or for the use of members of any private club, lodge, fraternal society or other like organization whose membership is limited to a portion of the public.

7.156 Amusement Device Tax.

1. There is hereby imposed on amusement devices taxed under this Act an annual tax which is set by resolution.
2. Nothing in this Act shall be construed as vesting a right in persons under a contract obligation on the part of the City for the amount or character of an amusement device tax. Such a tax may be increased or decreased at any time by action of the Council.
3. The tax herein imposed shall be subject to proration on a monthly basis.

[Section 7.156 amended by Ord. #97-42 passed November 11, 1997]

7.158 Display or Operation Without Securing Tax Certificate.

1. No person shall display or operate any amusement device without first obtaining an amusement device tax certificate covering the total number of such devices on the premises.
2. If the premises on which such devices are located are owned or managed by a corporation, it shall be the responsibility of the local business manager to obtain the tax certificate.

7.160 Certificate Duration. Certificates shall be valid from the date of issuance to the following December 31st.

7.162 Issuance of Certificate.

1. Upon receipt of the annual tax for each machine to be displayed or operated, the City Manager shall issue an amusement device tax certificate which shall specify the total number of devices for which the tax has been paid, the premises on which the devices are to be located, and the tax year for which the certificate applies.
2. In the event the owner or manager of premises on which amusement devices are displayed or operated desires to increase the total number of devices on the premises, the recorder shall issue a replacement tax certificate covering the increased total number of devices upon receipt of the additional tax due for the additional amusement devices.

[Section 7.162 amended by Ord. #2000-02 passed February 22, 2000]

[Section 7.162 amended by Ord. #2013-01 passed January 8, 2013]

7.164 Posting of Certificate. At all times after the issuance of a certificate, the certificate shall be posted in a conspicuous place upon the premises in which the amusement devices are displayed or operated, available for inspection by officers and employees of the City.

7.166 Transfer or Assignment of Tax Certificate. The tax certificates issued hereunder may be transferred or assigned in whole upon presentation of the existing certificate to the City Manager and issuance of a new amended certificate indicating the change of name or location.

[Section 7.166 amended by Ord. #2000-02 passed February 22, 2000]

[Section 7.166 amended by Ord. #2013-01 passed January 8, 2013]

7.168 Penalty. A violation of Section 7.158 is a Class B civil infraction.

[Section 7.168 added by Ord. #2002-02 passed February 22, 2000]

7.170 Enforcement. In addition to the civil and administrative infraction procedure, the City may file a civil action to recover taxes unpaid or, after mailing notice via certified mail to the person responsible for said business, the City may place a lien against the real property where the business is located for the amount of the tax plus interest. Said lien shall be filed with the Finance Officer and noted in the lien docket.

[Section 7.170 added by Ord. #2000-02 passed February 22, 2000]

[Section 7.170 amended by Ord. #2014-05 passed April 8, 2014]

Marijuana and Marijuana-Infused Product Tax

7.180 Purpose. For the purposes of Sections 7.180 through 7.193, every person who sells marijuana, medical marijuana or marijuana-infused products in the City of Redmond is exercising a taxable privilege. The purpose of this Chapter is to impose a tax upon the retail sale of marijuana, medical marijuana, and marijuana-infused products.

[Section 7.180 added by Ord. #2014-19 passed October 28, 2014]

7.181 Definitions. When not clearly otherwise indicated by the context, the following words and phrases, as used in in Sections 7.180 through 7.193, shall have the following meanings:

1. "Manager" means the City Manager for the City of Redmond or his/her designee.
2. "Gross Taxable Sales" means the total amount received in money, credits, property or other consideration from sales of marijuana, medical marijuana and marijuana-infused products that is subject to the tax imposed by this chapter.
3. "Marijuana" means all parts of the plant of the Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, as may be defined by Oregon Revised Statutes as they currently exist or may from time to time be amended. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
4. "Oregon Medical Marijuana Program" means the office within the Oregon Health authority that administers the provisions of ORS 475.300 through 475.346, the Oregon Medical Marijuana Act, and all policies and procedures pertaining thereto.
5. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any group or combination acting as a unit, including the United States of America, the State of Oregon and any political subdivision thereof, or the manager, lessee, agent, servant, officer or employee of any of them.
6. "Purchase or Sale" means the acquisition or furnishing for consideration by any person of marijuana within the City.
7. "Purchaser" means any person who acquires marijuana from a seller for any valuable consideration.
8. "Registry identification cardholder" means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Oregon Health Authority.
9. "Retail sale" means the transfer of goods or services in exchange for any valuable consideration.
10. "Seller" means any person who is required to be licensed or has been licensed by the State of Oregon to provide marijuana or marijuana-infused products to purchasers for money, credit, property or other consideration.
11. "Tax" means either the tax payable by the seller or the aggregate amount of taxes due from a seller during the period for which the seller is required to report collections under this chapter.
12. "Taxpayer" means any person obligated to account to the Manager for taxes collected or to be collected, or from whom a tax is due, under the terms of this chapter.

[Section 7.181 added by Ord. #2014-19 passed October 28, 2014]

7.182 Levy of Tax.

1. There is hereby levied and shall be paid a tax by every seller exercising the taxable privilege of selling marijuana and marijuana-infused products as defined in this chapter.
2. The amount of tax levied is as follows:

- a. Five percent (5%) of the gross sale amount paid to the seller by a registry identification cardholder.
- b. Fifteen percent (15%) of the gross sale amount paid to the seller of marijuana and marijuana-infused products by individuals who are not purchasing marijuana under the Oregon Medical Marijuana Program.
- c. The purchaser shall pay the tax to the seller at the time of the purchase or sale of marijuana.

[Section 7.182 added by Ord. #2014-19 passed October 28, 2014]

7.183 Deductions. The following deductions shall be allowed against sales received by the seller providing marijuana:

1. Refunds of sales actually returned to any purchaser;
2. Any adjustments in sales which amount to a refund to a purchaser, providing such adjustment pertains to the actual sale of marijuana or marijuana-infused products and does not include any adjustments for other services furnished by a seller.

[Section 7.183 added by Ord. #2014-19 passed October 28, 2014]

7.184 Seller Responsible for Payment of Tax.

1. The taxes collected by the seller are due and payable to the Manager on a calendar basis on the 20th day of the month for the preceding month and are delinquent on the last day of the month in which they are due. The seller shall make a return to the Manager, on forms provided by the City, specifying the total sales subject to this chapter and the amount of tax collected under this chapter. The Manager may require further information in the return relevant to payment of the tax. A return shall not be considered filed until it is actually received by the Manager.
2. At the time the return is filed, the full amount of the tax collected shall be remitted to the Manager. Payments received by the Manager for application against existing liabilities will be credited toward the period designated by the taxpayer under conditions that are not prejudicial to the interest of the City. A condition considered prejudicial is the imminent expiration of the statute of limitations for a period or periods.
3. Non-designated payments shall be applied in the order of the oldest liability first, with the payment credited first toward any accrued penalty, then to interest, then to the underlying tax until the payment is exhausted. Crediting of a payment toward a specific reporting period will be first applied against any accrued penalty, then to interest, then to the underlying tax. If the Manager, in his or her sole discretion, determines that an alternative order of payment application would be in the best interest of the City in a particular tax or factual situation, the Manager may order such a change. The Manager also may require additional information in the return relevant to payment of the liability. All taxes collected by sellers pursuant to this chapter shall be held in trust for the account of the City until payment is made to the Manager. A separate trust bank account is not required in order to comply with this provision.
4. For good cause, the Manager may extend the time for filing a return or paying the tax for not more than one month. Further extension may be granted only by the City Council. A seller to whom an extension is granted shall pay interest at the rate of one percent (1%) per month on the amount of tax due, without proration for a fraction of a month. If a return is not filed and if the tax and interest due are not paid by the end of the extension granted, the interest shall become a part of the tax for computation of penalties prescribed in Section 7.185.

5. Every seller required to remit the tax imposed in this chapter shall be entitled to retain five percent (5%) of all taxes due to defray the costs of bookkeeping and remittance.
6. Every seller must keep and preserve in an accounting format established by the Manager records of all sales made by the dispensary and such other books or accounts as may be required by the Manager. Every seller must keep and preserve for a period of three (3) years and six (6) months all such books, invoices and other records. The Manager shall have the right to inspect all such records at all reasonable times.

[Section 7.184 added by Ord. #2014-19 passed October 28, 2014]

7.185 Penalties and Interest.

1. Any seller who fails to remit any portion of any tax imposed by this chapter within the time required shall pay a penalty of ten percent (10%) of the amount of the tax.
2. Any seller who fails to remit any delinquent remittance on or before a period of 31 days following the date on which the remittance first became delinquent, shall pay a second delinquency penalty of fifteen percent (15%) of the amount of the tax in addition to the amount of the tax and the penalty first imposed.
3. If the Manager determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in subparagraphs A and B of this section.
4. In addition to the penalties imposed, any seller who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent (1%) per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.
5. Every penalty imposed, and such interest as accrues under the provisions of this section, shall become a part of the tax required to be paid.
6. An operator who fails to remit the tax within the required time may petition the tax administrator for waiver and refund of the penalty or a portion of it. The administrator may, if good cause is shown, direct a refund of the penalty or a portion of it

[Section 7.185 added by Ord. #2014-19 passed October 28, 2014]

7.186 Failure to Report and Remit Tax – Determination of Tax by Manager. If any seller should fail to make, within the time provided in this chapter, any report of the tax required by this chapter, the Manager shall proceed in such manner as deemed best to obtain facts and information on which to base the estimate of tax due. As soon as the Manager shall procure such facts and information as is able to be obtained, upon which to base the assessment of any tax imposed by this chapter and payable by any seller, the Manager shall proceed to determine and assess against such seller the tax, interest and penalties provided for by this chapter. In case such determination is made, the Manager shall give a notice of the amount so assessed by having it served personally or by depositing it in the United States mail, postage prepaid, addressed to the seller so assessed at the last known place of address. Such seller may appeal such determination as provided in section 7.187. If no appeal is filed, the Manager's determination is final and the amount thereby is immediately due and payable.

[Section 7.186 added by Ord. #2014-19 passed October 28, 2014]

7.187 Appeal.

1. Any seller aggrieved by any decision of the Manager with respect to the amount of such tax, interest and penalties, if any, may appeal to the City Council by filing a notice of appeal with the Manager within fifteen (15) days of mailing of the notice of a decision. The City Manager shall fix a time and place for hearing the appeal, as prescribed by the City Council, and shall give the appellant fifteen (15) days written notice of the time and place of the hearing before the City Council.
2. The appellant shall pay a nonrefundable appeal fee to facilitate the appeal. Appeal Fees shall be set at \$150 for each decision appealed, and may be adjusted by Resolution of the City Council.
3. The parties shall be entitled to appear personally and by counsel and to present such facts, evidence and arguments as may tend to support the respective positions on appeal.
4. The City Council shall afford the parties an opportunity to be heard at an appeal hearing after reasonable notice. The City Council shall take such action upon the appeal it sees fit. The City Council shall at a minimum:
 - a. At the commencement of the hearing, explain the relevant issues involved in the hearing, applicable procedures and the burden of proof.
 - b. At the commencement of the hearing place on the record the substance of any written or oral ex parte communications concerning any relevant and material fact in issue at the hearing which was made outside the official proceedings during the pendency of the proceeding. The parties shall be notified of the substance of the communication and the right to rebut the communication. Notwithstanding the above, the parties are prohibited from engaging in ex parte communications with the members of the city council.
 - c. Testimony shall be taken upon oath or affirmation of the witnesses.
 - d. The City Council shall ensure that the record developed at the hearing shows a full and fair inquiry into the relevant and material facts for consideration for the issues properly before the hearings officer.
 - e. Written testimony may be submitted under penalty of false swearing for entry into the record. All written evidence shall be filed with the City Recorder no less than five (5) working days before the date of the hearing.
 - f. The City Council shall hear and consider any records and evidence presented bearing upon the Manager's determination of amount due, and make findings affirming, reversing or modifying the determination.
 - g. Informal disposition may be made of any case by stipulation, agreed settlement, consent order or default.
5. The action of the Manager shall be stayed pending the outcome of an appeal properly filed pursuant to this section.
6. Failure to strictly comply with the applicable appeal requirements, including but not limited to the required elements for the written notice of appeal, time for filing of the notice of appeal, and payment of the applicable appeal fee, shall constitute jurisdictional defects resulting in the summary dismissal of the appeal.
7. The findings of the City Council shall be final and conclusive, and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

[Section 7.187 added by Ord. #2014-19 passed October 28, 2014]

- 7.188 Refunds.** Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once, or has been erroneously collected or received by the City under this chapter, it may be refunded as provided in subparagraph B of this section, provided a claim in writing, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Manager within three (3) years of the date of payment. The claim shall be on forms furnished by the Manager.
1. Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the tax administrator under this chapter, it may be refunded if a verified claim in writing, stating the specific reason for the claim, is filed with the tax administrator within three years from the date of payment. The claim shall be made on forms provided by the tax administrator. If the claim is approved by the tax administrator, the excess amount may be refunded or may be credited on any amounts then due and payable by the operator, and the balance may be refunded to the operator, or the operator's administrators, executors or assigns.
 2. No refund shall be paid under the provisions of this section unless the claimant established the right by written records showing entitlement to such refund and the Manager acknowledged the validity of the claim.

[Section 7.188 added by Ord. #2014-19 passed October 28, 2014]

7.189 Actions to Collect. Any tax required to be paid by any seller under the provisions of this chapter shall be deemed a debt owed by the seller to the City. Any such tax collected by a seller which has not been paid to the City shall be deemed a debt owed by the seller to the City. Within three years after the tax becomes payable or within three years after a determination becomes final, the City may bring an action in the name of the City in the courts of this state, another state or the United States to collect the amount delinquent and penalties and interest. In lieu of filing an action for the recovery, the City, when taxes due are more than 30 days delinquent, can submit any outstanding tax to a collection agency. So long as the City has complied with the provisions set forth in ORS 697.105 (as hereafter amended), in the event the City turns over a delinquent tax account to a collection agency, it may add to the amount owing an amount equal to the collection agency fees, not to exceed the greater of fifty dollars (\$50.00) or fifty percent (50%) of the outstanding tax, penalties and interest owing.

[Section 7.189 added by Ord. #2014-19 passed October 28, 2014]

- 7.190 Confidentiality.** Except as otherwise required by law, it shall be unlawful for the City, any officer, employee or agent to divulge, release or make known in any manner any financial information submitted or disclosed to the City under the terms of this chapter. Nothing in this section shall prohibit:
1. The disclosure of the names and addresses of any person who is operating a licensed establishment from which marijuana is sold or provided; or
 2. The disclosure of general statistics in a form which would not reveal an individual seller's financial information; or
 3. Presentation of evidence to the court, or other tribunal having jurisdiction in the prosecution of any criminal or civil claim by the Manager or an appeal from the Manager for amount due the City under this chapter; or
 4. The disclosure of information when such disclosure of conditionally exempt information is ordered under public records law procedures; or
 5. The disclosure of records related to a business' failure to report and remit the tax when the report or tax is in arrears for over six months or the tax exceeds five

thousand dollars (\$5,000). The City Council expressly finds and determines that the public interest in disclosure of such records clearly outweighs the interest in confidentiality under ORS 192.501(5).

[Section 7.190 added by Ord. #2014-19 passed October 28, 2014]

7.191 Audit of Books, Records or Persons.

1. It shall be the duty of every seller liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of three (3) years and six (6) months all records, books, reports, income tax reports and other matters required by this chapter as may be necessary to determine the amount of such tax as the seller may have been liable for the collection of and payment to the City, which records the Manager shall have the right to inspect at all reasonable times as set forth below. Every operator shall maintain records of marijuana purchase and sales, accounting books and records of income. Sellers must, at a minimum, include a cash receipt and deposit journal, and a cash disbursements journal/check register for all authorized deductions. These records and books shall reconcile to the tax reports and be auditable. They shall also reconcile to the seller's income tax reports. If the Manager finds the books and records of the seller are deficient in that they do not provide adequate support for tax reports filed, or the seller's accounting system is not auditable, it shall be the responsibility of the seller to improve its accounting system to the satisfaction of the Manager.
2. The City, for the purpose of determining the correctness of any tax return, or for the purpose of an estimate of taxes due, may examine or may cause to be examined by an agent or representative designated by the City for that purpose, any books, papers, records, or memoranda, including copies of seller's state and federal income tax return, bearing upon the matter of the seller's tax return. All books, invoices, accounts and other records shall be made available within the City limits and be open at any time during regular business hours for examination by the Manager or an authorized agent of the Manager. If any taxpayer refuses to voluntarily furnish any of the foregoing information when requested, the Manager may immediately seek a subpoena to require that the taxpayer or a representative of the taxpayer attend a hearing or produce any such books, accounts and records for examination.

[Section 7.191 added by Ord. #2014-19 passed October 28, 2014]

7.192 Penalties.

1. It is unlawful for any seller or any other person so required to fail or refuse to furnish any return required to be made, or fail or refuse to furnish the supplementary return or other data required by the Manager or to enter a false or fraudulent report, with intent to defeat or evade the determination of any amount due required by this chapter.
2. Violation of any provision of this chapter of this code shall be punishable by a Class A civil infraction and/or a Class A administrative infraction. Every day in which the violation is caused or permitted to exist constitutes a separate infraction, and the punishment therefore shall be in addition to any other penalty, interest, sum or charge imposed by this code or this chapter. Delinquent taxes and fees, penalty and interest imposed by this chapter and this code may be collected in a civil action.
3. The remedies provided by this section are not exclusive and shall not prevent the City from exercising any other remedy available under the law, nor shall the provisions of this ordinance prohibit or restrict the City or other appropriate prosecutor from pursuing criminal charges under state law or City ordinance.

[Section 7.192 added by Ord. #2014-19 passed October 28, 2014]

7.193 Forms and Regulations. The Manager is hereby authorized to prescribe forms and promulgate rules and regulations to aid in the making of returns, the ascertainment, assessment and collection of said medical marijuana tax and in particular and without limiting the general language of this chapter, to provide for:

1. A form of report on sales and purchases to be supplied to all vendors;
2. The records which sellers providing marijuana and marijuana-infused products are to keep concerning the tax imposed by this chapter.

[Section 7.193 added by Ord. #2014-19 passed October 28, 2014]

REGULATORY LICENSES

General

7.200 Applicability and Definitions.

1. The provisions of Sections 7.200 to 7.240 shall apply to Sections 7.280 to 7.920 when not in conflict with specific provisions contained in those sections.
2. As used in Sections 7.202 to 7.920, the term "license" shall mean regulatory license and can also mean "permit."

[Section 7.200 amended by Ord. #2013-01 passed January 8, 2013]

7.202 Purpose.

1. The regulatory license provisions of Sections 7.200 to 7.920 are intended to serve the purpose of regulation of the activities and not the purpose of taxation or revenue raising.
2. Obtaining a regulatory license shall not exempt the licensee from other code or ordinance requirements, including business license and parking district requirements.

[Section 7.202 amended by Ord. #2013-01 passed January 8, 2013]

7.204 Regulatory License Required. No person shall engage in an activity or operate a device regulated under Sections 7.250 to 7.920 without first obtaining a license from the City as provided in those sections or without complying with conditions imposed by a license obtained under those sections.

[Section 7.204 amended by Ord. #2013-01 passed January 8, 2013]

7.206 Regulatory License Duration. Unless a shorter term is specified, new licenses shall be valid from the date of issuance to the next following December 31st and shall be renewable annually for a term of one year, beginning on January 1st.

[Section 7.206 amended by Ord. #2013-01 passed January 8, 2013]

7.208 Regulatory License Renewal.

1. The application for renewal of a Regulatory License shall be made to the City prior to the license expiration date. The effective date of a renewed Regulatory License shall be January 1st if the application for renewal is made prior to the current license expiration date. A renewal license applied for after January 1st shall be effective on the date of issuance.

2. If a licensee fails to apply for and pay the required fee by January 30th and continues to operate without a valid license, the business license fee and any accrued interest must be paid prior to issuance of the license.

[Section 7.208 amended by Ord. #2013-01 passed January 8, 2013]

7.210 Review of Renewal. If the City has received complaints about the licensed activity or device, the application for renewal of the Regulatory License may be reviewed under Section 7.214.

[Section 7.210 amended by Ord. #2013-01 passed January 8, 2013]

7.212 Application Requirements. Application for all regulatory licenses required by Sections 7.280 to 7.920 shall be made to the City on forms prescribed by the City Manager. Application shall be made at least 30 days prior to the date the license is requested to be effective. The application forms shall provide for information necessary to determine the identity and address of the applicant and of the owner of any business, activity or device to be licensed and shall provide for other information as required by specific license provisions of this code or as necessary for review under Section 7.214. The application shall be signed by the applicant and shall constitute the applicant's consent to conduct an investigation of the applicant's qualifications by the City.

[Section 7.212 amended by Ord. #2013-01 passed January 8, 2013]

7.214 Application Review. Each application shall be referred to the person, department or agency designated by this code or the City Manager to review the application.

[Section 7.214 amended by Ord. #2013-01 passed January 8, 2013]

7.216 Information from Applicant. A person, agency or department designated to review a Regulatory License application may require the applicant to supply information necessary to determine under Section 7.214 the applicant's qualifications for the license. If the applicant fails to supply information so required or submits false or misleading information, the license shall be suspended or denied.

[Section 7.216 amended by Ord. #2013-01 passed January 8, 2013]

7.218 Criteria for Grant or Denial.

1. Approval or denial of the application shall be based on consideration of all available evidence indicating whether the applicant meets the requirements of this code for the Regulatory License that the applicant seeks.
2. The Regulatory License shall not be granted if:
 - A. The activity or device to be licensed would not comply with this code, city ordinances or state or federal law;
 - B. The information supplied for the review does not indicate that the applicant has the special knowledge or skill required to perform the licensed activity;
 - C. The licensed activity or device would endanger property or the public health or safety; or
 - D. The applicant's past or present violation of law or ordinance, including a violation that does not lead to a conviction, presents a reasonable doubt about his or her ability to perform the licensed activity without danger to property or public health or safety.

[Section 7.218 amended by Ord. #2013-01 passed January 8, 2013]

7.220 Issuance or Denial by the City Manager. For regulatory license applications required to be made to the City Manager, the following provisions shall apply:

1. After receipt of reports from all persons, departments and agencies designated to review an application, the City Manager shall determine whether the applicant qualifies for issuance or renewal of a license pursuant to Section 7.218.
2. If the applicant is qualified, the City Manager shall issue or renew the license.
3. If, on the basis of the application review under Section 7.214, the City Manager determines that the applicant does not qualify for issuance or renewal of the license applied for, the City Manager shall notify the applicant in writing that the application has been denied. The notice shall state the reason for denial and inform the applicant of the provisions for appeal in Section 7.228.

[Section 7.220 amended by Ord. #2013-01 passed January 8, 2013]

7.222 Issuance of Denial by the Council. For regulatory license applications required to be made to the Council, the following provisions shall apply:

1. After receipt of review reports from all persons, departments and agencies, the City Manager shall prepare a background and recommendation report and present it to the Council at its next regularly scheduled meeting. The applicant shall be advised by mail of the time and place of the Council meeting.
2. Based on the report of the City Manager, plus any additional evidence that may be presented to the Council during the course of the meeting, the Council shall determine whether the applicant qualifies for issuance or renewal of the license pursuant to Section 7.218.
3. If the applicant is qualified, the Council shall issue or renew the license.
4. If the Council determines that the applicant does not qualify, the application shall be denied and the applicant shall be notified in writing. The notice shall state the reasons for the denial.
5. The decision of the Council shall be final.

[Section 7.222 amended by Ord. #2013-01 passed January 8, 2013]

7.224 Revocation of Regulatory License. The City Manager, upon determining that a licensed activity, establishment or device is violating this code, city ordinances or state or federal law, shall notify the licensee in writing that the Regulatory License is to be revoked. The violations need not lead to a conviction, but must establish a reasonable doubt about the licensee's ability to perform the licensed activity without danger to property or public health or safety. The notice shall be given at least 30 days before the revocation. If the violation ends within 30 days, the City Manager may discontinue the revocation proceedings. A notice of the revocation shall state the reason for the revocation and inform the licensee of the provisions of Section 7.228.

[Section 7.224 amended by Ord. #2013-01 passed January 8, 2013]

7.226 Suspension of Regulatory License. Upon determining that a licensed activity or device presents an immediate danger to person or property, the City Manager may suspend the Regulatory License for the activity or device at once. The suspension shall take effect immediately on notice being received by the licensee, or being delivered to the licensee's business address as stated on the licensee's application for the Regulatory License that is being suspended. The notice shall be mailed to the licensee

and state the reason for the suspension and inform the licensee of the provisions for appeal under section 7.228. The manager may continue suspension as long as the reason for the suspension exists or until a determination on appeal regarding the suspension is made under Section 7.228.

[Section 7.226 amended by Ord. #2013-01 passed January 8, 2013]

7.228 Appeal

1. An applicant whose application to the City Manager for a Regulatory License has been denied or a licensee whose license has been denied renewal, has been suspended or is to be revoked may appeal in writing to the Council within 30 days after the notice of denial, suspension or revocation is mailed. The appeal shall be filed with the City Recorder and shall state:
 - A. The name and address of the appellant.
 - B. The nature of the determination being appealed.
 - C. The reason the determination is incorrect.
 - D. What the correct determination of the appeal should be.
2. An appellant who fails to file such a statement within the time permitted waives his or her objections, and the appeal shall be dismissed. If a notice of revocation is appealed, the revocation does not take effect until final determination of the appeal. The Council shall hear and determine the appeal on the basis of the written statement and such additional evidence as it considers appropriate. The applicant shall be provided at least 14 days written notice of a hearing on the appeal.
3. At the hearing, the appellant may present testimony and oral argument, personally or by counsel, and any additional evidence. The rules of evidence as used by courts of law do not apply, and the decision of the Council after the hearing is final.

[Section 7.228 amended by Ord. #2013-01 passed January 8, 2013]

7.230 Posting of Regulatory License.

1. Except as provided in subsection (2), the Regulatory License or permit shall be posted in a conspicuous place upon the business premises, available for inspection by the public, City employees, employees and prospective employees of the business.
2. If the licensee has no office, business premises or other established place of business within the City, the Regulatory License shall be at all times in the possession of the representative of the business present within the City while business is being transacted by any employee or representative within the City, and be available for inspection by the public, City employees, employees and prospective employees of the business.

[Section 7.230 amended by Ord. #2013-01 passed January 8, 2013]

7.232 Applicability to Persons Exempt by State or Federal Law. Nothing in Sections 7.280 to 7.920 shall be construed to apply to any conduct that is exempt from the Regulatory License or permit requirements or regulations imposed by those sections by virtue of the constitution or laws of the United States or the constitution or laws of the state.

[Section 7.232 amended by Ord. #2013-01 passed January 8, 2013]

7.234 Limitations. Except as otherwise provided by Sections 7.280 to 7.920, no Regulatory License required under this Chapter shall:

1. Be assignable or transferable.
2. Authorize a person other than the one named therein to operate the licensed business or activity.

3. Authorize any other business or activity than set out in the license.

[Section 7.234 amended by Ord. #2013-01 passed January 8, 2013]

7.236 Prorating Regulatory License Fee. The Regulatory License fee imposed by Sections 7.450 to 7.920 shall not be subject to proration.

[Section 7.236 amended by Ord. #2013-01 passed January 8, 2013]

7.238 Penalty. A business that requires a regulatory license that the City Manager has determined knowingly operated without the regulatory license will be considered in violation of this Chapter. A violation of this Chapter is a Class B civil infraction and/or a Class B administrative infraction unless otherwise expressly stated in this Chapter. Every day that a business operates without a required license shall be a separate violation.

[Section 7.238 added by Ord. #2013-01 passed January 8, 2013]

[Section 7.238 amended by Ord. #2014-05 passed April 8, 2014]

7.240 Enforcement. In addition to the civil and administrative infraction procedure, the City may file a civil action to recover fees unpaid or, after mailing notice via certified mail to the person responsible for the business, the City may place a lien against the real property where the business is located for the amount of the fee plus interest. The lien shall be filed with the Finance Officer and noted in the lien docket.

[Section 7.240 amended by Ord. #2014-05 passed April 8, 2014]

Social Gaming

7.280 Definitions. As used in Sections 7.280 to 7.300, except when the context indicates otherwise, the following mean:

Contest of Chance. Any contest, game, gaming scheme or gaming device in which the outcome depends in a material degree on an element of chance, notwithstanding that skill of the contestants also may be a factor.

Gambling. When a person stakes or risks something of value on the outcome of a contest of chance or a future contingent event not under his or her control or influence on an agreement or understanding that he or she or someone else will receive something of value in the event of a certain outcome. "Gambling" does not include:

1. Social games, or
2. Bona fide business transactions valid under the law of contract for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including but not limited to contracts of indemnity or guaranty and life, health or accident insurance.

Gambling device. Any device, machine, paraphernalia or equipment that is used or usable in the playing phases of unlawful gambling, whether it consists of gambling between persons or gambling by a person involving the playing of a machine. Amusement devices, as defined Section 7.154, that do not return to the operator or player anything but free additional games or play shall not be considered to be gambling devices.

Social game. A game involving the playing of cards only, which does not include lotteries, between players in a private business, private club, or place of public business

or public accommodation where no house player, house bank, or house odds exist and there is no income from the operation of the social game.

Social gaming table. Any table used or intended to be used as a card table for the playing of cards only and the use of which is available to the public. This definition shall apply to any bona fide nonprofit society, club or fraternal organization as defined in Section 7.300(1).

7.282 Social Gaming License Required. No business shall allow any social game on its premises without first obtaining a Social Gaming License from the Council.

[Section 7.282 amended by Ord. #2013-01 passed January 8, 2013]

7.284 Social Gaming License Investigation.

1. Except for renewals, an applicant for a social game license shall submit an application pursuant to Section 7.212. The application shall include:
 - A. The true names and addresses of all persons financially interested in the business.
 - B. The personal history and business experiences of such persons.
 - C. The past criminal record, if any, of all persons who have any interest in the business.
 - D. A nonrefundable investigation fee, which is set by resolution, from which payment the organizations defined in Section 7.300 shall be exempt.
 - E. Fingerprints and photographs of persons financially interested in the business.
2. The term "person financially interested" shall include all persons who share in the profits of the business, on the basis of gross or net revenue, including landlords, lessors, lessees, and the owner or owners of the building, fixtures or equipment used in the social game.

[Section 7.284 amended by Ord. #97-42 passed November 11, 1997]

[Section 7.284 amended by Ord. #2013-01 passed January 8, 2013]

7.286 Criteria for Grant or Denial of Application. In addition to conforming to the requirements listed in Section 7.218, the license shall not be granted if:

1. Any person financially interested in business has been previously convicted of a felony within the last ten years;
2. Any person financially interested in the business has been convicted of five or more misdemeanors, the last of which was within the last five years;
3. Any person financially interested in the business has been convicted of any crime involving gambling within the last five years or any person who has any financial interest in the business has forfeited bail for any crime involving gambling within the last five years;
4. Any person financially interested in business has been directly or indirectly involved in a forfeiture proceeding regarding a gambling device, as defined by state law, where such gambling device has been ordered destroyed within the last five years;
5. Any false or misleading information is supplied in the application or any information requested is omitted from the application;
6. Any person financially interested in the business has had a license in his or her name revoked or suspended three or more times by the Oregon Liquor Control Commission, the last of which was in the last five years;
7. Any person financially interested in the business or any employee has violated any provision of Sections 7.280 to 7.300; or
8. Any person financially interested in the business has committed any other conduct involving moral turpitude within the last five years.

7.288 Responsibility of the License.

1. Where a social game is allowed, the licensee shall have the duty to supervise the games and see that they are played strictly in accordance with this code and state law.
2. Licensee shall have the responsibility to ensure that the game is a social game, between players only, and that there are no persons dealing on a regular basis and that there is no one engaging in the game as a business or commercial enterprise.

[Section 7.288 amended by Ord. #92-16 passed July 28, 1992]

7.290 Social Gaming License Not Transferable. Pursuant to Section 7.234, no license shall be assignable or transferable. The addition or the substitution of a person financially interested in a licensed business shall be reported immediately to the Manager, who shall order an investigation by the Police Department. The change shall be approved or denied by the Council. Applications for change of financial ownership shall be accompanied by a nonrefundable investigation fee which is set by resolution.

[Section 7.290 amended by ord. #97-42 passed November 11, 1997]

[Section 7.290 amended by Ord. #2013-01 passed January 8, 2013]

7.292 Suspension and Revocation of Social Gaming License.

1. In addition to suspension under Section 7.226, the Manager shall temporarily suspend any social game license if:
 - A. Any person financially interested in the business has been previously convicted of a felony;
 - B. Any person financially interested in the business has been convicted of five or more misdemeanors;
 - C. Any person financially interested in the business has been convicted of or forfeited bail for any crime involving gambling;
 - D. Any person financially interested in the business has been directly or indirectly involved in a forfeiture proceeding regarding a gambling device where such gambling device has been ordered destroyed or a bond has been forfeited in lieu of the gambling device being destroyed;
 - E. Any false or misleading information is supplied in the application or any information requested is omitted from the application;
 - F. Any person financially interested in the business has had a license in his or her name revoked or suspended three or more times by the Oregon Liquor Control Commission;
 - G. Any person financially interested in the business or any employee violates any provision of Section 7.280 to 7.300; or
 - H. Any person financially interested in the business commits any other conduct involving moral turpitude.
2. Section 7.224 shall govern revocation proceedings.

[Section 7.292 amended by Ord. #2013-01 passed January 8, 2013]

7.294 Regulations. No person shall operate a social game in violation of any of the following regulations and rules:

1. There shall be a \$30 maximum bet except in "Texas Hold 'Em" wherein a "no limit" bet is allowed, provided that the licensee limits the buy-in to a "Texas Hold 'Em" game to \$100.
2. Licensees holding or obtaining licenses under the provisions of Sections 7.280 to 7.300 shall agree to be bound by and observe the terms, conditions and provisions of those sections and of the regulations and rules established thereby.

3. Social games conducted or operated in the City under the provisions of Sections 7.280 to 7.300 shall be subject to the provisions of state law and the code and ordinances of the City.
4. All rooms or areas where a social game is permitted shall be open to police inspection during the hours of operation. Doors leading into the room must remain unlocked during the hours of operation. Open access to partitioned or curtained areas shall also be maintained. Social game licenses shall be available for inspection during the hours of operation.
5. No licensee shall participate in a social game nor procure players, back a social game, farm out a social game, assign or sublet a social game otherwise lawfully permitted on the premises in which the licensee has an interest or works.
6. Social games shall be arranged so they cannot be seen from the street or sidewalk.
7. No person under the age of 21 years shall be permitted to participate in a social game and, except for employees of the business where the social game is held, no person under the age of 21 years shall be permitted to view social games occurring on the premises.
8. No charge shall be collected from a player for the privilege of participating in a game and a player may not tip another player.
9. No participant in a social game shall be charged a price for any consumer goods that is higher or lower than the price charged nonparticipants.
10. No person shall extend credit to any participant in a social game.
11. In a social poker game there cannot be a designated dealer. The deal of the cards must rotate in sequence between the players.
12. In the game of 21 (Black Jack) there must be a sign posted that states:
 - A. "Social Game - Anyone can deal."
 - B. "\$100.00 required to start the deal."
 - C. "Any player with a black jack and a minimum bank of \$100.00 can assume the deal."
13. In the Game of 21 (Black Jack), no person may be denied the right to deal. If a person is denied the right to deal, it shall be grounds for immediate suspension of license.
14. Each player must obtain their own chips from the licensee.

[Section 7.294 amended by Ord. #92-16 passed July 28, 1992]

[Section 7.294 amended by Ord. #2005-21 passed October 11, 2005]

[Section 7.294 amended by Ord. #2016-09 passed June 28, 2016]

7.296 Advertising. Signs advertising gambling, the playing of cards, advertising specific forms of card playing, enticing participants or procuring players are prohibited. Advertising of social games outside of a licensee's premises is permitted through the printed news media only. Advertising of social games outside of a licensee's premises through any other media or by any other means is also prohibited. Written advertising of social games inside the licensee's premises may be provided to individuals who are over 21 years of age.

[Section 7.296 amended by Ord. #2005-21 passed October 11, 2005]

[Section 7.296 amended by Ord. #2016-09 passed June 28, 2016]

7.298 Social Gaming License Fee. For each business licensed, except as provided for in Section 7.300, an annual fee which is set by resolution shall be required.

[Section 7.298 amended by Ord. #97-42 passed November 11, 1997]

[Section 7.298 amended by Ord. #2013-01 passed January 8, 2013]

7.300 Annual Fees for Non-profit Organizations.

1. A non-profit society, club or fraternal organization, having adopted bylaws and having duly elected directors and members, may be granted a social game license at an annual fee which is set by resolution if:
 - A. The tables are for the exclusive use of members of the society, club or fraternal organization;
 - B. No charge is made for participation;
 - C. The conduct of a cardroom is not the primary reason for existence of the society, club or fraternal organization; and
 - D. The society, club or fraternal organization has been in continuous existence, actively conducting its affairs in the City, for a period of two years immediately preceding application for a license.
2. The annual fee is payable on or before January 1st, of each year. The annual fee shall be prorated for new applicants for the period of July 1st to December 31st to one-half the annual fee.

[Section 7.300 amended by Ord. #97-42 passed November 11, 1997]

Circuses and Tent Shows

7.340 Purpose. The license fees provided for in Section 7.344 are for the purpose of enabling the City to provide additional police protection and traffic control which the City, through past experience, has found to be necessary for the activities licensed.

7.342 License Required. No person shall operate any circus, menagerie, carnival or theatrical show shown in tents or other temporary structures without first obtaining a license from the Council.

7.344 License Fee.

1. The proprietor, manager or agent of each circus, menagerie or carnival show for which an admission fee is charged shall pay a license fee which is set by resolution for each day that the circus, menagerie or carnival wishes to conduct performances in the City. No circus, menagerie or carnival shall be allowed to conduct performances for more than eight days in any three month period. Provided, however, the City Manager may extend the eight day period to ten days upon application by the proprietor and upon receipt of a favorable recommendation from the Chief of Police.
2. The proprietor, manager or agent of each theatrical show using a tent or other temporary structure and for which an admission fee is charged shall pay a license fee which is set by resolution for each day the show is given. No license shall be issued for a period longer than eight days in any three month period.

[Section 7.344 amended by Ord. #88-10 passed April 26, 1988]

[Section 7.344 amended by Ord. #97-42 passed November 11, 1997]

7.346 Exemptions.

1. No license shall be required for entertainment, plays or amusement ventures given by local talent for public charity.
2. The Council may grant a permit to any non-profit organization operating or promoting a celebration for the general benefit of the community and the non-profit organization and sponsoring or operating a carnival, circus or theatrical show for a period of not more than seven days without payment of the license fee or fees provided for in Section 7.344.

7.348 Exhibition of Prices. The prices to be charged for good, wares, merchandise or material vended at any circus, menagerie, carnival or other facility used in connection with any circus, menagerie or carnival shall be plainly marked at each concession or booth. The prices of admission to the main show or entertainment, together with that for each ring or compartment for which a separate charge is made, shall be plainly posted over the entrance to each show, ring or concession where separate charges are made.

Special Events

7.350 Definitions. As used in Sections 7.352 to 7.394, the following shall mean:

Assembly. Except as provided in Section 7.354, the term assembly includes all gatherings of a group or groups of the public of more than 100 persons, indoors or outdoors, in a public park or on public property.

City Manager. The City Manager of the City of Redmond or designee.

Council Approved Street Closures. Streets which require the approval of Redmond City Council in order for closure to occur to support a special event or public assembly. These include applications which request any closure of any portion of either 5th or 6th streets. Council shall consider these requires using variables identified in City Policy CD 101.

Festival Street. Streets designed and identified by the Redmond City Council to support community events.

Parades. A large public procession that impacts the streets for no more than four hours.

Public property. Property owned or under the control of the City of Redmond or premises open to the public as defined in ORS 801.400.

Special Events. As used in this chapter, a "Special Event" is an assembly or gathering of persons for entertainment, recreation, the display or sale of goods or services, or other common purpose to be undertaken by a person other than the City that may involve use or closure of public right-of-way of City-owned property.

Traditional Events. Recognized, community oriented events whose applications do not require approval from Redmond City Council. These events are defined in City Policy CD 101.

[Section 7.350 amended by Ord. #2014-06 passed March 11, 2014]

7.352 Permit Required.

1. Any event with an expected attendance of 100 or more persons in a public park, on public right-of-way or on public property must obtain a Public Assembly Permit from the City of Redmond.
2. One permit shall be required for each assembly. No permit shall be transferable or assignable without the consent of the issuing body.
3. Liability for failure to comply with the provisions of Sections 7.352 to 7.394 shall attach to persons who are responsible for obtaining permits under those provisions.

[Section 7.352 amended by Ord. #2014-06 passed March 11, 2014]

7.354 Exemptions.

1. The following activities are exempted from the provisions of Sections 7.350 to 7.394:
 - A. The annual Deschutes County Fair.
 - B. Events at the Deschutes County Fairgrounds.
 - C. Any regularly organized and supervised school district activity or program of the City or athletic contests organized by the Redmond Parks and Recreation District which do not utilize public streets and rights-of-way.

2. Events that close down a public right-of-way for less than four hours are exempted from the provisions of Sections 7.360(5) and 7.366(1)(B).
3. Events in public parks within the city limits are exempted from the provisions of Sections 7.360(3), 7.360(5), and Section 7.366, unless they involve street crossings at which time they will be required to provide certified flaggers per Section 7.360(3) but not a Traffic Control Plan.

[Section 7.354 amended by Ord. #94-22 passed July 26, 1994]

[Section 7.354 amended by Ord. #2014-06 passed March 11, 2014]

7.356 Fees – Fee Waivers.

1. The fee for the permit to cover the cost of administering and issuing the permit prior to the event, and inspecting facilities prior to and during the event as needed, shall be as established in the City of Redmond Fee Schedule.
2. The City Manager may waive some or all of the permit fees on finding that the applicant or event provider is the City or other local government. The City Manager's decision to waive some or all of the permit fees may be appealed to the City Council whose decision on the appeal is final.
3. All events shall require a deposit as established by the City of Redmond Fee Schedule. If all provisions of the event are adhered to, then the deposit will be returned to the applicant within 14 (fourteen) calendar days from the last day of the event. If the City of Redmond incurs any costs associated with the event due to a lack of compliance with the permit provision, then the City shall retain full cost recovery of those expenses from the deposit and return any remainder to the applicant. This includes costs incurred by the Redmond Police Department or other departments should incident responses be required on the premises of the event.
4. The applicant shall be responsible to the City the sum total of the costs related to the management by the City of the special event that is in excess of the ordinary management costs of the City for the ordinary and usual use of public property, parks, public streets, rights-of-way and sidewalks. These costs do not include the nonrefundable application fee and shall be identified by the City Manager.
5. The following parades are exempt from Assembly Permit fees: 4th of July Parade, Deschutes County Fair Parade, Veterans Day Parade, and the Redmond School District noise parades.

[Section 7.356 amended by Ord. #97-42 passed November 11, 1997]

[Section 7.356 amended by Ord. #2014-06 passed March 11, 2014]

7.358 Application Procedure.

1. Applications must be received by City per the following schedule:
 - A. Applications which request Council Approved Street Closures (5th and 6th Street) must be received 120 (one hundred twenty) days in advance of the event.
 - B. Applications which request other public right-of-way closures must be received at least 90 (ninety) days in advance of the event.
 - C. Applications for events in the public parks that exceed 250 attendees must be received at least 90 (ninety) days in advance of the event.
 - D. Applications for all other events in the city limits must be received at least 45 (forty-five) days in advance of the event.
2. Applications shall be on forms furnished by the City and shall be signed by the person or persons organizing and sponsoring the assembly. Each application shall at a minimum state the location to be used for the assembly, the number of persons reasonably anticipated to attend, and that the applicant will abide by all rules and regulations of

Section 7.352 to 7.394 and other regulations and laws for the protection of the health, morals, peace and safety of the persons employed at the location, the patrons or participants, and the public.

3. If the City receives an application with less than the minimum requirement established in Sections 7.358(1) and 7.358(2) of this code, then the applicant waives all time periods for response and appeal rights referenced in this code.
4. Each application submitted shall be evaluated on its own merits, and there shall be no presumption that special events occurring annually or otherwise periodically will qualify for a subsequent special event license, except those events designated as Traditional Events by City Policy CD 101.
5. The application shall be completed in its entirety by the applicant prior to any review of it. Additional information may be required by the City. The City is not obligated to begin review of applications which have incomplete information.
6. Any facilities or structures to be constructed or erected in conjunction with the special event shall comply with all applicable federal, state or local laws, regulations, codes and ordinances.
7. The applicant may request as part of its application that it be granted an exclusive right to determine which vendors or concessionaires are permitted to operate within the defined venue of the special event. However the City is not required to approve requests and has the authority to suggest modifications.
8. Upon receipt of an application, the City Manager or designee shall route copies of the completed application to the following departments and agencies for review: Public Safety, Public Works, Community Development, Risk Management, Parks, and any other departments and agencies deemed necessary. Written approval and assurance must be obtained from each of the appropriate city officials or departments that demonstrate satisfactory arrangements have been made by the applicant to comply with all of the conditions specified in Sections 7.360 to 7.374. The officials or departments may approve the permit, subject to conditions necessary to assure compliance with the appropriate criteria enumerated in those sections. When any type of physical facility is required or subject to approval, preliminary approval may be granted based upon specific plans proposed and submitted by the applicant.
9. The city Manager or designee shall review the approvals and comments and issue or deny the permit accordingly.
10. In the case of a closure on either 5th or 6th streets (per section 7.350), the Redmond City Council shall consider the application for approval after review and comments by the City departments and partner agencies.
11. If the application is denied, the City Manager or designee shall notify the applicant of the denial within 45 days of receipt by the City of a completed application. The denial shall also notify the applicant of the appeal procedures found in this code.

[Section 7.358 amended by Ord. #2014-06 passed March 11, 2014]

7.360 Application Requirements.

1. **Scaled Site Plan.** The applicant must provide a scaled drawing of the event indicating location of activities, amenities, and other provisions required by the Public Assembly Permit application.
2. **Public Safety.** The applicant shall provide a Public Safety Plan.
 - A. Adequate traffic control and crowd protection policing shall be contracted for or otherwise provided by the applicant. The City Manager or designee may also require at least one traffic control person for each 200 persons expected or reasonably expected to be in attendance at any time during the event. The City may also require at least one crowd control person for each 500 persons

expected or reasonably expected to be in attendance at any time during the event.

- B. The applicant shall submit the names and necessary background information on forms provided by the City Manager or designee for all traffic control and crowd control personnel to be used during the assembly for investigation by the City as to fitness. All personnel must meet the following minimum standards in order to be approved as suitable by the City:
 - 1. Be 21 years of age or older.
 - 2. Be in good physical health.
 - 3. Never have been convicted of a felony or misdemeanor involving moral turpitude.
 - 4. Have received reasonable minimum training in law enforcement or have on-the-job experience in law enforcement.
 - C. The policing personnel must wear appropriate identification and must be on duty during the entire assembly unless a relief schedule has been planned and approved. A relief schedule will be approved by the City Manager or designee only when sufficient policing strength on duty has been maintained to meet the minimum strength standards described above.
 - D. It shall be the duty of the policing personnel to report any violations of law to the City and to take whatever action is necessary to enforce the terms of the permit.
- 3. **Traffic Control Plan.** The applicant shall provide a Manual on Uniform Traffic Control Devices (MUTCD) Traffic Control Plan by a Certified Traffic Control Supervisor. The Traffic Control Plan must state that a Certified Traffic Control Supervisor will oversee the set-up and break-down of traffic diversion for the event, and that certified flaggers will be used for any street crossings that do not involve a street closure.
 - 4. **Sanitary Facilities Plan.** The applicant shall provide a Sanitary Facilities Plan indicating how many sanitation facilities will be provided and where they will be located. If the applicant is utilizing existing public sanitation facilities to comply with the Sanitary Facilities requirement, then the applicant will be responsible for cleaning and maintaining the facilities during the course of the event. The number of Sanitation Facilities required for the event will be at the discretion of the City Manager or designee. Parades do not require a Sanitary Facilities Plan and are not required to provide additional sanitation facilities.
 - 5. **Parking Facilities Plan.** The applicant shall provide a parking plan with the application. The parking plan needs to identify parking facilities for the event vendors, event customers, and event participants. Public parking facilities are reserved for the regular course of daily business associated with the area in which the event is taking place, unless the City Manager approves use of those facilities for the event. The parking plan should be provided as a scale drawing. Adequate access shall be provided for the parking area to facilitate the movement of vehicles at any time to or from the parking area. If buses are used to transport the public to the event, it shall be shown that public parking or parking as described above is available at a site from which buses are scheduled to pick up persons to transport them to the event. Events that close a public right-of-way for less than four hours do not need to provide a parking plan with the application. Events located in a public park in the city limits that anticipate less than 250 people are not required to provide a parking plan.
 - 6. **Trash Facilities Plan.** The applicant shall provide a plan for all trash removal during and at the end of the event. The applicant shall clean the public space, within the approved site plan, within 24 hours of the conclusion of the event. If the applicant fails to clean up the refuse, the clean-up shall be arranged by the City and the costs charged to the applicant.

7. **Marketing and Promotion Plan.** The applicant shall provide a plan indicating the marketing that will be done to promote the event. All signs, posters and other promotional items must comply with city code.

[Section 7.360 amended by Ord. #2014-06 passed March 11, 2014]

7.362 Fire Protection Standards. If required, applicant shall show that the Fire Chief has approved the type, size, number and location of fire protection devices and equipment available at, in or near any location, including outdoor sites, buildings, tents, stadiums or enclosures, where more than ten persons may be expected to congregate at any time during the course of the assembly.

7.364 Medical Services. If required, each assembly of more than 1,000 persons shall have at least one first-aid station approved by the Fire Chief and staffed by a person trained for emergency medical care. If the assembly exceeds 2,500 persons, at least one ambulance or rescue vehicle shall be in attendance at all times.

7.366 Public Notice Requirements.

1. All events that involve the closure of a public right-of-way must provide:
 - A. Notice of the event to those agencies representing the neighborhoods in which the event is taking place, i.e. the Redmond Chamber of Commerce, Redmond Downtown Association, Neighborhood Associations, etc.
 - B. Notice to impacted frontages of the planned event (business and residences directly impacted and those within a 300' radius), including a copy (electronic or otherwise) of the Site Plan, the Traffic Control Plan, the Parking Plan and any other materials the City Manager or designee deems necessary. Proof of delivery of the notice needs to be provided to the City at least 30 (thirty) days in advance of the event. Traditional Events, events that are closing the public right-of-way for less than four hours are exempt from this noticing requirement.
 - C. Notice to the media of the planned street closures two days in advance of the event.
2. Events in the public parks that anticipate less than 250 people are exempt from this noticing requirement.

[Section 7.366 amended by Ord. #2014-06 passed March 11, 2014]

7.368 Street Closures. All events that involve closing any portion of either 5th or 6th Streets require approval of the Redmond City Council. Traditional Events are exempt from this requirement. The decision of the City Council shall be considered final.

1. Applications for events that require street closures involving any portion of 5th or 6th need to be received at least 120 days in advance of the event; requests to close all other streets need to be received ninety (90) days in advance of the event.
2. Events closing a state street need to attach ODOT's approval and Certificate of Liability to the application.

[Section 7.368 amended by Ord. #2014-06 passed March 11, 2014]

7.370 Inspection of Required Facilities. All facilities shall be in existence in sufficient time, but not less than two hours before the event for which an application has been submitted, and shall be subject to inspection by the appropriate officials. If the actual facility or construction fails to meet the standards approved in the proposed plans,

preliminary approval shall be withdrawn and all permits granted subject to such approval shall be withdrawn.

7.374 Insurance. The permit applicants shall be required to furnish evidence of general liability insurance with minimum limits acceptable to the City of Redmond, naming the City of Redmond, its officers, directors, agents, employees and volunteers as an additional insured by endorsement. The additional insured endorsement shall provide primary, non-contributory coverage and provide coverage for any and all claims for bodily injury and property damage arising from or caused by the assembly for which the permit is granted.

[Section 7.374 amended by Ord. #94-26 passed August 11, 1994]

[Section 7.374 amended by Ord. #2010-01 passed February 23, 2010]

[Section 7.374 amended by Ord. #2012-03 passed May 8, 2012]

7.378 Permit Approval.

1. The City Manager shall grant and issue the assembly permit if, after consideration, the Manager finds:
 - A. All city officials and departments have issued their approval pursuant to Sections 7.358 to 7.374;
 - B. The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
 - C. The facilities desired have not been reserved for other use at the day and hour required in the application;
 - D. The conduct of the activity will not substantially interrupt the safe and orderly movement of traffic;
 - E. The conduct of the activity will not require the diversion of so great a number of police officers of the City to properly police the activity and the contiguous areas as to prevent normal police protection to the City;
 - F. The conduct of the activity is not reasonably likely to cause injury to persons or property so as to incite violence, crime or disorderly conduct; and
 - G. The proposed activity or use of a park or park facility will not unreasonably interfere with or detract from the general public enjoyment of the park.
2. In order to assure compliance with the criteria of this section, the City Manager may impose reasonable conditions on the granting of a permit.

[Section 7.378 amended by Ord. #2014-06 passed March 11, 2014]

7.380 Permit Denial. The City Manager shall deny the assembly permit if the City Manager finds that the criteria of Section 7.378 have not been or cannot be complied with. If the permit is denied, the applicant shall be notified of the denial and the reason for denial.

[Section 7.380 amended by Ord. #2014-06 passed March 11, 2014]

7.382 Appeal. If the permit is denied, the applicant may appeal the denial to the City Council in accordance with the provisions of Section 7.228.

7.384 Permit Information. A permit issued pursuant to Sections 7.350 to 7.378 shall contain the following information and must be retained by the applicant on site during the event:

1. Site Plan.
2. Date of the activity.
3. Location of the activity, including, if applicable, restrictions to certain areas of a park.
4. Hour when the activity will start and terminate.

5. Special conditions imposed on the activity.
6. A copy of the approved Parking Plan if applicable.
7. A copy of the approved Sanitary Facilities Plan if applicable.
8. A copy of the approved Trash Plan if applicable.
9. A copy of the approved Traffic Control Plan if applicable.
10. A copy of the approved Public Notice Plan if applicable.

[Section 7.384 amended by Ord. #2014-06 passed March 11, 2014]

7.386 Inspection. The City Manager or designee or authorized representatives shall have the right to go on the premises or facilities for which the permit has been granted for the purpose of inspection and enforcement of this code and state law.

[Section 7.386 amended by Ord. #2014-06 passed March 11, 2014]

7.388 Crowd Limitation. If at any time during the assembly the size of the crowd exceeds by 10 percent or more the number of persons reasonably anticipated to be in attendance, the Chief of Police may require the permittee or sponsor to limit further admissions until sanitation, parking, fire, health, medical, traffic and crowd control requirements have been brought into conformity with the standards under which the permit was issued.

7.390 Duty to Preserve Order Placed on Operator. It is the purpose of Sections 7.350 to 7.394 to put the burden of preserving order upon the operator of the assembly. If an assembly is not operated in accordance with rules and regulations prescribed by those sections, the permit shall be subject to revocation.

7.392 Revocation of Permit.

1. If an assembly is not being operated according to the rules and regulations of Sections 7.352 to 7.390, the City Manager or designee shall have the right to revoke the permit and the applicant or other responsible individual shall be subject to applicable penalties under this code, city ordinances and state law. Failure to comply with the terms and conditions of Sections 7.350 to 7.390 shall constitute a public nuisance and shall be subject to all criminal and civil remedies.
2. The revocation decision of the City Manager or designee shall be subject to the appeal procedures of Section 7.228.

[Section 7.392 amended by Ord. #2014-06 passed March 11, 2014]

7.394 Waiver. The City Manager or City Council may waive any of the requirements set forth in Sections 7.350 to 7.394 if it is found that the proposed event is of general benefit to the entire community and meets the criteria set forth in Section 7.378, excepting Section 7.374.

[Section 7.384 amended by Ord. #2014-06 passed March 11, 2014]

Bingo Operated by a Charitable, Fraternal or Religious Organization

7.450 Definitions.

[Section 7.450 deleted by Ord. #98-03 passed January 13, 1998]

7.452 License Required.

7.454 Applications.

7.456 License Fee.

[Section 7.456 amended by Ord. #97-42 passed November 11, 1997]

[Sections 7.452 through 7.456 deleted by Ord. #98-16 passed March 24, 1998]

7.458 Keeping Business Records.

7.460 Inspection of Business Records.

[Sections 7.458 through 7.460 deleted by Ord. #98-16 passed March 24, 1998]

MERCHANTS AND BUSINESSES

Street Vendors

7.500 Definition. "Street vendor" means any person, on property outside the public right-of-way and with the permission of the affected landowner in commercial or industrial zones, carrying, conveying or transporting food, beverages, flowers or balloons and offering and exposing them for sale from a mobile type device such as a pushcart or like conveyance. Carts must be totally self-contained, must remain mobile and have wheels attached at all times, and must not occupy more than twenty square feet. No outside seating is allowed.

[Section 7.500 amended by Ord. #2013-01 passed January 8, 2013]

7.502 Insurance. Street vendor will provide to the City a certificate of insurance providing general liability including product liability covering bodily injury and property damage. Such insurance shall provide coverage acceptable to the City of Redmond. The City of Redmond, its officers, directors, agents, employees and volunteers shall be named as an additional insured by endorsement. The additional insured endorsement shall provide primary and non-contributory coverage.

[Section 7.502 amended by Ord. #89-03 passed January 24, 1989]

[Section 7.502 amended by Ord. #94-26 passed August 11, 1994]

[Section 7.502 amended by Ord. #2010-01 passed February 23, 2010]

[Section 7.502 amended by Ord. #2012-03 passed May 8, 2012]

7.504 Inspection. Prior to issuance of a street vendor's license, the building official and the fire marshal shall inspect each mobile device to be used. The building official shall certify that the device is structurally and mechanically sound, and that the design will not create a nuisance or hazard to the public. The fire marshal shall certify that any cooking or heating apparatus is in conformance with the provisions of the city fire code.

7.506 State and County License Required. No person shall be issued a street vendor's license unless the person submits, with the application, documentation that he or she has obtained all health and sanitary licenses from the state and county.

7.508 Regulations.

1. Street vendors conducting business shall pick up any paper, cardboard, wood, or plastic containers, wrappers, or any litter in any form that is deposited by any person within 25 feet of the mobile device at any time it is in a stationary position and the street vendor is conducting business.

2. No street vendor shall make any loud or unreasonable noise of any kind by vocalizing or otherwise for the purpose of advertising or attracting attention to the vendor's wares.

7.510 Separate License for Each Cart.

1. A separate vendor's license and fee shall be required and secured by the vendor for each mobile device used by the vendor to carry on business.
2. The annual license fee for each cart shall be set by resolution.
3. New licenses shall be valid from the date of issuance through December 31st of the same year and shall be renewable annually for one year beginning on January 1st.

[Section 7.510 amended by Ord. #97-42 passed November 11, 1997]

[Section 7.510 amended by Ord. #2000-23 passed November 28, 2000]

7.512 Sanitary Standards. All utensils and equipment used by a licensed street vendor shall be maintained in a clean and sanitary condition and shall conform to all standards prescribed by state and county law and regulations promulgated pursuant thereto.

7.514 Investigation of Complaints. On receiving six signed written complaints from six separate persons against a street vendor, the City Manager or designee will call for a review of the licenses issued. The City Manager may revoke or suspend one or more licenses under the provisions of Sections 7.224 to 7.226.

[Section 7.514 amended by Ord. #2013-01 passed January 8, 2013]

7.516 Application. As part of the application, the Street Vendor will provide:

1. A site plan of the tax lot for the proposed location, including existing conditions (location of permanent structures, driveways, drive aisles and fire lanes, on-site parking lot and parking space configuration) and proposed site for the street cart, as well as a design of the proposed street cart, location of any temporary electrical hookups, furniture or trash receptacles.
2. Documentation demonstrating compliance with minimum parking requirements. If the street vendor locates in a required parking space for another existing use, that space will be removed from the parking count and may need to be replaced per the Redmond Development Code, off-street parking.
3. Documentation showing the consent of the property owner.

[Section 7.516 added by Ord. #2013-01 passed January 8, 2013]

Ice Cream Truck Vendors

7.520 License Required. No person shall operate an ice cream truck in the City of Redmond without first obtaining a license from the City Manager or designee. A separate license is required for each ice cream truck. Licenses shall be valid for no more than one year.

[Section 7.520 added by Ord. #2011-08 passed July 12, 2011]

7.521 Definition.

1. **Ice Cream Truck** means a motor vehicle utilized as the point of retail sales of commercially prepared pre-wrapped or prepackaged ice cream, frozen yogurt, frozen custard, flavored frozen water or similar frozen products.
2. **Vendor** is the operator of the Ice Cream Truck and must be the applicant on the license application.

[Section 7.521 added by Ord. #2011-08 passed July 12, 2011]

7.522 Applications for License; Fingerprints and Photograph. Application for a license shall be made pursuant to Section 7.212 and shall include:

1. The full legal name, date of birth, and residence address of the applicant.
2. A valid identification issued by the government that includes a photograph of the applicant.
3. The year, make, model, license plate number and color of the motor vehicle the applicant intends on using as an ice cream truck.
4. A copy of a valid registration certificate issued by the Oregon Department of Motor Vehicles for the ice cream truck identified in Section 7.522(3).
5. If employed by a business or other person, the name and address of such business or person.
6. Any conviction of the applicant or vendor for any of the following:
 - A. Any misdemeanor or felony within the previous five (5) years
 - B. Any felony at any time if the offense required registration as a sex offender under the laws of Oregon or of any other state, commonwealth, or possession of the United States.
7. The applicant's complete fingerprints taken by the Redmond Police Department.
8. Proof of valid insurance for the ice cream truck identified in Section 7.522(3).
9. Other information the Chief of Police may find necessary to effectuate the general purpose of this Act and to make a fair determination of whether the terms of this Act have been complied with.

[Section 7.522 added by Ord. #2011-08 passed July 12, 2011]

7.523 Term of License. The license shall be valid for one year from the date of its issuance.

[Section 7.523 added by Ord. #2011-08 passed July 12, 2011]

7.524 Fees. The Redmond City Council shall establish fees for activities under this code. These fees will be part of the City Fee Schedule and will be reviewed by the City Council. Fees may be waived if the Ice Cream Truck can show proof that the business is organized as a not for profit (i.e. 501C(3)) or is operating a fundraiser with all proceeds benefiting a school related or other civic organization.

[Section 7.524 added by Ord. #2011-08 passed July 12, 2011]

7.525 Display of License. The Ice Cream Truck Vendor license needs to be displayed in full public view on the ice cream truck. A law enforcement officer may detain an individual operating an ice cream truck for the limited purpose of determining the status of the vendor's license.

[Section 7.525 added by Ord. #2011-08 passed July 12, 2011]

7.526 Criteria for Denial of License or Revocation.

1. Ice Cream Truck Vendors must comply with all City of Redmond ordinances and codes. In addition:
2. The license shall not be granted or may be revoked if any of the following exist:
 - A. Any false or misleading information is supplied in the application or any information requested is omitted from the application.

- B. The applicant has been convicted of a crime involving unlawful trade practices as defined by ORS 646.608, narcotics or dangerous drugs, fraud or moral turpitude within the last five years.
 - C. The applicant has been convicted of reckless driving or driving a vehicle under the influence of alcohol or a controlled substance or convicted of being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving the vehicle within a five-year period of the time of the permit application.
 - D. The applicant is registered as a sex offender in the State of Oregon or in any other state, commonwealth or locale in the United States.
 - E. The applicant has been convicted of two or more felonies.
 - F. The applicant has been the subject of an unreasonable number of consumer complaints in the last five years.
 - G. The applicant has been the subject of an unlawful trade practices suit or investigation under ORS Chapter 646 which resulted in civil penalties assessed against him or her.
 - H. The applicant's proposed actual business operation presents a danger to the public health, safety, morals or general welfare which cannot be alleviated through the imposition of a condition or operation.
 - I. The applicant is unable to provide proof of compliance with all relevant federal and state bonding and licensing requirements.
 - J. The applicant has failed to comply with any other applicable provision of this code relating to the proposed conduct of business.
 - K. The Chief of Police recommends a denial or revocation based upon the background check associated with the license application review.
3. An Ice Cream Truck Vendor License may be revoked for non-compliance with any of the foregoing code, or at the discretion of the City Manager.
 4. An Ice Cream Truck Vendor License may be denied if the applicant has had a previous City of Redmond Ice Cream Truck Vendor License revoked.
 5. In the event that a permit is revoked, the City of Redmond will not refund any portion of the Ice Cream Truck Vendor fee.

[Section 7.526 added by Ord. #2011-08 passed July 12, 2011]

7.527 Stop Order and Notice of Revocation.

1. Notice will have been properly served on an Ice Cream Truck Vendor when one of the following has occurred:
 - A. Notice has been sent via Regular Mail to the address listed on the Ice Cream Truck Vendor's Application.
 - B. Notice has been served on the permittee at any location of operation.
 - C. Notice has been served on any person conducting business under the permit.

[Section 7.527 added by Ord. #2011-08 passed July 12, 2011]

7.528 Appeal.

1. An Ice Cream Truck Vendor may appeal a decision to deny or revoke that vendor's license. The appeal shall be made in writing to the City Manager and shall state the basis for the appeal. The appeal must be received by the City Manager within 10 days of the action by the City. The Ice Cream Truck Vendor may appeal the decision of the City Manager to the Redmond City Council. The appeal must be in writing, setting forth the basis for the appeal, and must be made within 10 days of the decision by the City Manager.

[Section 7.528 added by Ord. #2011-08 passed July 12, 2011]

7.529 Ice Cream Truck Vendor Operations.

1. **Permitted Sales Locations:** Sales from ice cream trucks shall occur only on public ways within a speed limit of 25 miles per hour or less located within residential zones under the Redmond Comprehensive Plan and Zone Map or on private ways with the consent of the owner or owners of the private way.
2. **Prohibited Locations:**
 - A. No ice cream truck shall make any sales within 500 feet of a restaurant or retail store selling prepackaged food items.
 - B. No ice cream truck shall make any sales within 500 feet of any public school.
3. **Hours of Operation:** Ice Cream trucks may stop for the purpose of making sales only between the hours of 11:00 AM and 8:00 PM.
4. **Limits on Products Sold:** Only commercially prepared pre-wrapped or pre-packaged food items may be sold from an ice cream truck. Non-frozen items such as commercially prepared pre-packaged soft drinks, candy, chewing gum and snack food may be sold from an ice cream truck provided the principal product sold is ice cream and/or similar frozen dessert products.
5. **Safety/Traffic Control:**
 - A. The Ice Cream Truck must be completely stopped and parked before selling product. The vendor shall only sell products from the side of the truck away from moving traffic and as near as possible to the curb or edge of the street.
 - B. A sign shall be placed on the sides and back of the ice cream truck that is clearly visible to traffic labeled, "Caution: Children Crossing". The letters shall be at least six inches high and visible at 200 feet on a level, straight highway.
 - C. The Ice Cream Truck shall have at least one flashing yellow beacon on the roof of the vehicle which is visible from all sides of the vehicle. The beacon shall be activated whenever merchandise is being sold.
 - D. No ice cream truck shall stop for the purpose of making sales for more than 15 minutes in a single location.
 - E. Ice Cream trucks shall pull as far as practicable to the side of the right-of-way when stopping for the purpose of making sales and shall operate four-way flashers when so stopped. In no event shall an ice cream truck stopped for the purpose of making sales prevent the passage of other motor vehicles on the right-of-way.
 - F. No ice cream truck shall stop at any time for the purpose of making sales in any area where parking is prohibited by the City of Redmond or in any area posted as a no parking zone by the Redmond Police Department.
 - G. No ice cream truck shall move in reverse to sell or display merchandise.
6. **Noise Restrictions:**
 - A. No playing of music earlier than 11:00 AM or later than 8:00 PM, or at sunset "whichever occurs first".
 - B. No playing of music in a way that the sounds can be heard more than 200 feet away.
 - C. No playing of music along the same block face traveling in either direction on a street more than once every two consecutive hours.
 - D. No playing of music while the vehicle is stopped.
7. **Rubbish Receptacle Required:** Each ice cream truck shall provide a rubbish receptacle for use of its customers. Prior to leaving each stop, the operator of the ice cream truck shall remove any litter left at the stop by the customers.
8. **Food Storage:**

- A. Interior floor, sides and top of the compartments where the ice cream is stored shall be free of cracks, seams, or linings where vermin may harbor, and shall be constructed of a smooth, washable, impervious material capable of withstanding frequent cleaning with approved sanitizing agents.
 - B. Be constructed and operated so that no liquid wastes can drain onto any street, sidewalk, or premises.
9. **Inspections:** Ice Cream Truck Vendors shall be subject to inspection and approval by the enforcement agency at least once a year at the time of the license application and randomly throughout operations as merited.

[Section 7.529 added by Ord. #2011-08 passed July 12, 2011]

7.530 Violation. A violation of Sections 7.520-7.529 shall be a Class B Civil Infraction. Each day a violation occurs or exists constitutes a separate violation.

[Section 7.530 added by Ord. #2011-08 passed July 12, 2011]

Door to Door Solicitation

7.550 Door to Door Solicitation.

1. The practice of persons going in and upon private residential property by solicitors, peddlers, merchants, transient vendors of merchandise or services for the purpose of selling such merchandise or services shall be subject to the following regulations:
 - A. If a residence has a posted sign advising that solicitation is not welcome or is unwanted, solicitation at such residence shall be prohibited.
 - B. Solicitation shall only occur between the hours of 10:00 a.m. and 8:00 p.m. There shall be no solicitation allowed on Sundays.
 - C. Any individual, business, political, charitable, religious, patriotic, or philanthropic group desiring to sell merchandise or services on a door-to-door basis within the City limits of Redmond shall first obtain a permit from the City as described in Section 7.552.
2. These provisions shall not apply to any individual, business, political, charitable, religious, patriotic or philanthropic group desiring to contact persons on a door-to-door basis for purposes which do not include the selling of merchandise or services.

[Section 7.550 amended by Ord. #87-11 passed July 28, 1987]

[Section 7.550 deleted by Ord. #93-27 passed August 10, 1993]

[Section 7.550 added by Ord. #93-27 passed August 10, 1993]

7.552 Permit. The permit application required for door-to-door solicitation shall be perceived on a form provided by the City of Redmond Police Department. The following information shall be given on the form:

1. Name and purpose of the cause for which the permit is sought and names and addresses, dates of birth and driver's license numbers or a valid identification issued by the government of the solicitors.
2. Name and addresses of the officers and directors of the organizations.
3. Whether any commission, fees, wages or emoluments are to be expended in connection with such solicitation and the amount thereof.
4. The period during which solicitation is to be carried on.
5. The permit shall be renewed annually on a calendar year basis.

[Section 7.552 deleted by Ord. #93-27 passed August 10, 1993]

[Section 7.552 added by Ord. #93-27 passed August 10, 1993]

[Section 7.552 amended by Ord. #2013-01 passed January 8, 2013]

7.553 Criteria for Denial of License or Revocation. The license shall not be granted or may be revoked if any of the following exist:

1. Any false or misleading information is supplied in the application or any information requested is omitted from the application.
2. The applicant has been convicted of a crime involving unlawful trade practices as defined by ORS646.608, narcotics or dangerous drugs, fraud or moral turpitude within the last five years.
3. The applicant is registered as a sex offender in the State of Oregon or in any other state, commonwealth or locale in the United States.
4. The applicant has been convicted of two or more felonies.
5. The applicant has been the subject of an unreasonable number of consumer complaints in the last five years.
6. The applicant has been the subject of an unlawful trade practices suit or investigation under ORS Chapter 646 which resulted in civil penalties assessed against him or her.
7. The applicant's proposed actual business operation presents a danger to the public health, safety, morals or general welfare which cannot be alleviated through the imposition of a condition or operation.
8. The applicant has failed to comply with any other applicable provision of this code relating to the proposed conduct of business.
9. The Chief of Police recommends a denial or revocation based upon the background check associated with the license application review.

[Section 7.553 added by Ord. #2013-01 passed January 8, 2013]

7.554 Appeal. A Door-to-Door solicitor applicant may appeal a decision to deny or revoke its permit. The appeal shall be made in writing of the City Manager and shall state the basis for the appeal. The appeal must be received by the City Manager within 10 days of the action by the City. The applicant may appeal the decision of the City Manager to the Redmond City Council. The appeal must be in writing, setting forth the basis for the appeal, and must be made within 10 days of the decision by the City Manager.

[Section 7.554 added by Ord. #2013-01 passed January 8, 2013]

7.555 Authority of Police Officers. The police officers of the City are authorized to suppress and abate any nuisance described in Section 7.550.

[Section 7.554 deleted by Ord. #93-27 passed August 10, 1993]

[Section 7.554 added by Ord. #93-27 passed August 10, 1993]

[Section 7.554 renumbered to Section 7.555 by Ord. #2013-01 passed January 8, 2013]

7.556 Violation. A violation of Section 7.550 shall be a Class B Civil Infraction.

[Section 7.555 added by Ord. #93-27 passed August 10, 1993]

[Section 7.555 renumbered to Section 7.556 by Ord. #2013-01 passed January 8, 2013]

Itinerant Merchants

7.566 Definition. An itinerant merchant is a person who either carries goods, wares or merchandise from area to area, selling or offering the same for retail sale, or offers goods, wares or merchandise from a location not larger than 5,000 square feet, which

can be removed from the business site at the close of business each day without making the business permanent and continuous in the City.

1. The definition of Itinerant Merchant does not include:
 - A. A merchant with a current City of Redmond Business License who may sell some items from a trailer, truck, cart or temporary apparatus as an integral part of his business.
 - B. A merchant operating as part of a City of Redmond, City of Redmond Chamber of Commerce or Deschutes County Fairgrounds event.
 - C. Businesses, street vendors or temporary businesses licensed under City of Redmond code.
 - D. Those conducting garage or yard sales at their own homes on an irregular and infrequent basis.

[Section 7.566 amended by Ord. #89-01 passed January 10, 1989]

[Section 7.566 amended by Ord. #91-25 passed July 23, 1991]

[Section 7.566 amended by Ord. #94-21 passed July 26, 1994]

[Section 7.566 amended by Ord. #2005-02 passed January 11, 2005]

7.567 Fees. The Redmond City Council shall establish fees for activities under this code. These fees will be part of the City Fee Schedule and will be reviewed by the City Council. Fees may be waived if the itinerant merchant can show proof that the business is organized as a not for profit (i.e. 501 C(3)) or is operating a fundraiser with all proceeds benefiting a school related or other civic organization.

[Section 7.567 added by Ord. #2005-02 passed January 11, 2005]

7.568 Permitted Activities.

[Section 7.568 amended by Ord. #91-25 passed July 23, 1991]

[Section 7.568 deleted by Ord. #2005-02 passed January 11, 2005]

7.569 Acceptable Locations for Itinerant Merchant activity.

1. Itinerant Merchant activity is permitted only in Commercial zones: C1, C2, C3, C4.
2. Itinerant Merchant activity is not permitted on Public Property or in the public right-of-way.

[Section 7.569 added by Ord. #2005-02 passed January 11, 2005]

7.570 Criteria for Conduct of Business.

[Section 7.570 amended by Ord. #91-25 passed July 23, 1991]

[Section 7.570 deleted by Ord. #2005-02 passed January 11, 2005]

7.571 Obtaining an Itinerant Merchant Permit.

1. All itinerant merchants need to obtain a permit from the City of Redmond City Hall and pay appropriate fees.
2. All itinerant merchants need to obtain consent from the party responsible for the property where the Itinerant Merchant intends to do business.
3. Forms and directions for obtaining an Itinerant Merchant Permit will be available during normal business hours at the Redmond City Hall.
4. Itinerant Merchants are not required to obtain a separate City of Redmond Business License.

5. The City Manager can add any item to the requirements in order to protect the public health, safety or welfare. The City Manager may also waive a requirement where such a waiver is required to comply with Federal or State Law.
6. The City of Redmond Itinerant Merchant Permit is valid for 7 consecutive calendar days. Applications for the Itinerant Merchant Permit must be received at the Redmond City Hall no later than 2 business days prior to the intended start of Itinerant Merchant Activities.

[Section 7.571 added by Ord. #2005-02 passed January 11, 2005]

7.572 Criteria for Denial of permit or Revocation.

1. Itinerant Merchant activities must comply with all City of Redmond ordinances and codes. In addition:
2. The permit shall not be granted or may be revoked if any of the following exist:
 - A. Any false or misleading information is supplied in the application or any information requested is omitted from the application.
 - B. The applicant has been convicted of a crime involving unlawful trade practices as defined by ORS 646.608, fraud or moral turpitude within the last five years.
 - C. The applicant has been the subject of an unreasonable number of consumer complaints in the last five years.
 - D. The applicant has been the subject of an unlawful trade practices suit or investigation under ORS Chapter 646 which resulted in civil penalties assessed against him or her.
 - E. The applicant's proposed actual business operation presents a danger to the public health, safety, morals or general welfare which cannot be alleviated through the imposition of a condition of operation.
 - F. The applicant is unable to provide proof of compliance with all relevant federal and state bonding and licensing requirements.
 - G. The applicant has failed to comply with any other applicable provision of this code relating to the proposed conduct of business.
3. An Itinerant Merchant Permit may be revoked for non-compliance with any of the foregoing code, or at the discretion of the City Manager.
4. A permit may be denied if the applicant has had a previous City of Redmond Itinerant Merchant Permit revoked.
5. In the event that a permit is revoked, the City of Redmond will not refund any portion of the Itinerant Merchant Permit fee.

[Section 7.572 amended by Ord. #2005-02 passed January 11, 2005]

7.574 Conditions of Permit. Conditions of operation that are necessary to protect the public health, safety, morals and general welfare may be imposed on a permit. A permit also shall be subject to the following conditions:

1. All signage and display of merchandise shall meet the City's clear vision area requirements.
2. All outdoor storage and display shall not interfere with a property's ingress and egress.
3. All items and display paraphernalia must be removed from the site at the close of business each day.
4. No camping or residential use is permitted
5. The permit shall be valid for the period indicated.
6. The permit is not transferable or assignable.
7. Conduct of the permittee's business operations shall conform to statements

made in the application and with any special conditions of operation imposed on the permit.

8. The permittee shall display the permit during all hours of business operation.
9. The permittee shall abide by all applicable city, state and federal laws, rules and regulations.

[Section 7.574 amended by Ord. #2005-02 passed January 11, 2005]

7.576 Grounds for Revocation.

[Section 7.576 deleted by Ord. #91-25 passed July 23, 1991]

7.578 Stop Order and Notice of Revocation.

1. Notice will have been properly served on an Itinerant Merchant when one of the following has occurred:
 - A. Notice has been sent via Regular Mail to the address listed on the Itinerant Merchant's Application.
 - B. Notice has been served on the permittee at any location of operation.
 - C. Notice has been served on any person conducting business under the permit.

[Section 7.578 deleted by Ord. #91-25 passed July 23, 1991]

[Section 7.578 added by Ord. #2005-02 passed January 11, 2005]

7.580 Hearing and Revocation.

[Section 7.580 deleted by Ord. #91-25 passed July 23, 1991]

7.581 Appeal.

1. An Itinerant Merchant may appeal a decision to deny or revoke that merchant's permit. The appeal shall be made in writing to the City Manager and shall state the basis for the appeal. The appeal must be received by the City Manager within 10 days of the action by the City. The Itinerant Merchant may appeal the decision of the City Manager to the Redmond City Council. The appeal must be in writing, setting forth the basis for the appeal, and must be made within 10 days of the decision by the City Manager.

[Section 7.581 added by Ord. #2005-02 passed January 11, 2005]

Temporary Businesses

7.582 Definition. A temporary business is a business which offers goods, wares or merchandise for sale from a temporary place of business without making the business permanent and continuous in the City.

1. Further, the definition of a Temporary Business includes businesses that meet one or more of the following criteria:
 - A. Operate in a temporary location which is larger than 5000 square feet.
 - B. Operate in a single location for more than 30 days.
 - C. Operate in a single location for no more than 180 days.
 - D. Operate from a structure that cannot reasonably be removed at the close of business each day.
2. A Temporary Business does not include:
 - A. A merchant operating as part of a City of Redmond, City of Redmond Chamber of Commerce or Deschutes County Fairgrounds event.

- B. Businesses, street vendors or Itinerant Merchants licensed under City of Redmond code.
- C. Those conducting garage or yard sales at their own homes on an irregular and infrequent basis.

[Section 7.582 added by Ord. #2005-03 passed January 11, 2005]

[Section 7.582 amended by Ord. #2013-01 passed January 8, 2013]

7.583 Obtaining a Temporary Business Permit.

1. All Temporary Businesses need to obtain a Temporary Business Permit from the City of Redmond City Hall and pay appropriate fees.
2. Forms and directions for obtaining a Temporary Business Permit will be available during normal business hours at the Redmond City Hall.
3. Temporary Businesses are not required to obtain a separate City of Redmond Business License.
4. As part of the application, all Temporary Businesses must submit a drawing, photograph or detailed description of the proposed place of business, signage and paraphernalia for review, and the following:
 - A. A site plan of the tax lot for the proposed location, including existing conditions (location of permanent structures, driveways, drive aisles and fire lanes, on-site parking lot and parking space configuration) and proposed site for the street cart, as well as a design of the proposed street cart, location of any temporary electrical hookups, furniture or trash receptacles.
 - B. Documentation demonstrating compliance with minimum parking requirements. If the street vendor locates in a required parking space for another existing use, that space will be removed from the parking count and may need to be replaced per the Redmond Development Code, off-street parking.
 - C. Documentation showing the consent of the property owner.
5. Applications for the Temporary Business Permit must be received at City Hall no later than 14 days prior to the intended start of business operations, and are valid for no more than 180 days.
6. Applicants can only receive one Temporary Business Permit per Temporary Business per calendar year.
7. All applications must comply with applicable state and federal laws for building codes, fire codes and accessibility.
8. Applications will be reviewed by the City Community Development Department. The Community Development Planning Department will make an approval or rejection recommendation to the City Manager.
9. The City Manager can add any item to the requirements in order to protect the public health, safety or welfare. The City Manager may also waive a requirement where such a waiver is required to comply with federal or state law.

[Section 7.583 added by Ord. #2005-03 passed January 11, 2005]

[Section 7.583 amended by Ord. #2013-01 passed January 8, 2013]

7.584 Temporary Business Permit Fees. The Redmond City Council shall establish fees for activities under this code. These fees will be part of the City Fee Schedule and will be reviewed by the City Council. Fees may be waived if the Temporary Business can show proof that the business is organized as a not for profit (i.e. 501 C(3)) or is operating a fundraiser with all proceeds benefiting a school related or other civic organization.

[Section 7.584 added by Ord. #2005-03 passed January 11, 2005]

[Section 7.584 amended by Ord. #2013-01 passed January 8, 2013]

7.585 Acceptable Locations for Temporary Business Activity.

1. Temporary Business activity is permitted only in Commercial zones: C1, C2, C3, C4.
2. Temporary Business activity is not permitted on Public Property, unless the owner leased the Public Property to the temporary business, or in the public right-of-way.

[Section 7.585 added by Ord. #2005-03 passed January 11, 2005]

[Section 7.585 amended by Ord. #2013-01 passed January 8, 2013]

[Section 7.585 amended by Ord. #2016-16 passed October 11, 2016]

7.586 Criteria for Denial of permit or Revocation.

1. Temporary Business activities must comply with all City of Redmond ordinances and codes. In addition:
2. The permit shall not be granted or may be revoked if any of the following exist:
 - A. Any false or misleading information is supplied in the application or any information requested is omitted from the application.
 - B. The applicant has been convicted of a crime involving unlawful trade practices as defined by ORS 646.608, fraud or moral turpitude within the last five years.
 - C. The applicant has been the subject of an unreasonable number of consumer complaints in the last five years.
 - D. The applicant has been the subject of an unlawful trade practices suit or investigation under ORS Chapter 646 which resulted in civil penalties assessed against him or her.
 - E. The applicant's proposed actual business operation presents a danger to the public health, safety, morals or general welfare which cannot be alleviated through the imposition of a condition of operation.
 - F. The applicant is unable to provide proof of compliance with all relevant federal and state bonding and licensing requirements.
 - G. The applicant has failed to comply with any other applicable provision of this code relating to the proposed conduct of business.
3. A Temporary Business Permit may be revoked for non-compliance with any of the foregoing code, or at the discretion of the City Manager.
4. A permit may be denied if the applicant has had a previous City of Redmond Temporary Business Permit revoked.
5. In the event that a permit is revoked, the City of Redmond will not refund any portion of the Temporary Business Permit fee.

[Section 7.586 added by Ord. #2005-03 passed January 11, 2005]

7.587 Conditions of Permit. Conditions of operation that are necessary to protect the public health, safety, morals and general welfare may be imposed on a permit. A permit also shall be subject to the following conditions:

1. All signage and display of merchandise shall meet the City's clear vision area requirements.
2. All outdoor storage and display shall not interfere with a property's ingress and egress, and off-street parking requirements.
3. No camping or residential use is permitted.
4. The permit shall be valid for the period indicated, not to exceed 180 days.
5. The permit is not transferable or assignable.
6. Conduct of the permittee's business operations shall conform to statements made in the application and with any special conditions of operation imposed on the permit.

7. The permittee shall display the permit during all hours of business operation.
8. The permittee shall abide by all applicable city, state and federal laws, rules and regulations.

[Section 7.587 added by Ord. #2005-03 passed January 11, 2005]

[Section 7.587 amended by Ord. #2013-01 passed January 8, 2013]

7.588 Stop Order and Notice of Revocation.

1. Notice will have been properly served on a Temporary Business when one of the following has occurred:
 - A. Notice has been sent via Regular Mail to the address listed on the Temporary Business' Application.
 - B. Notice has been served on the permittee at any location of operation.
 - C. Notice has been served on any person conducting business under the permit.

[Section 7.588 added by Ord. #2005-03 passed January 11, 2005]

7.589 Appeal.

1. A owner or operator of a Temporary Business may appeal a decision to deny or revoke its permit. The appeal shall be made in writing to the City Manager and shall state the basis for the appeal. The appeal must be received by the City Manager within 10 days of the action by the City. The owner or operator of a Temporary Business may appeal the decision of the City Manager to the Redmond City Council. The appeal must be in writing, setting forth the basis for the appeal, and must be made within 10 days of the decision by the City Manager.

[Section 7.589 added by Ord. #2005-03 passed January 11, 2005]

Drug Paraphernalia

7.590 License Required.

7.592 Application and Fee

7.594 Minors

7.596 Records

[Sections 7.590 through 7.596 deleted by Ord. #98-03 passed January 13, 1998]

Merchant Police

7.600 Title. Sections 7.600 to 7.622 shall be referred to and may be cited as the Merchant Police Act.

7.602 Definitions. For the purposes of this Act, the following mean:

Armored car service. A person engaged in the business of transporting cash or other valuables by means of armored cars. The terms shall not include an armored car service while engaged in interstate commerce.

Private Detective. A private detective within the meaning of this chapter is a person other than an insurance adjuster who, for any consideration whatsoever engaged in business or accepts employment to furnish, or agrees to make, or makes, any investigation for the purpose of obtaining information with reference to: Crime or wrongs done or threatened against the United States of America; the identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness,

efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person; the location, disposition, or recovery of lost or stolen property; the cause or responsibility for fires, libels, losses, accidents, or damage or injury to persons or to property; or securing evidence to be used before any court, board, officer or investigating committee.

[Section 7.602 amended by Ord. #92-07 passed April 14, 1992]

[Section 7.602 amended by Ord. #97-05 passed February 11, 1997]

7.604 License Required. No person shall operate as a armored car service or private detective without first obtaining a license from the Manager.

[Section 7.604 amended by Ord. #92-07 passed April 14, 1992]

[Section 7.604 amended by Ord. #97-05 passed February 11, 1997]

7.606 Applications for License; Fingerprints and Photograph. Application for a license shall be made pursuant to Section 7.212 and shall include:

1. The full name, age, residence and present and previous occupations of the applicant.
2. A specific description of the location of the principal place of business of the applicant.
3. The number of years of experience the applicant has had in the field for which the application is made.
4. The length of time the applicant has been a resident of the state immediately preceding the filing of the application.
5. References from five citizens of the county.
6. A full set of fingerprints and a recent photograph.
7. Other information the Chief of Police may find necessary to effectuate the general purpose of this Act and to make a fair determination of whether the terms of this Act have been complied with.

7.607 Surety. No private detective, armored car service or merchant patrol license shall be issued until the applicant files with the City Recorder a surety bond executed by the applicant with a surety company authorized to transact business in this state in the sum of five thousand dollars, and further conditioned on the faithful and honest conduct of the business of a private detective, detective agency, merchant patrol or armored car service.

[Section 7.607 added by Ord. #92-07 passed April 14, 1992]

[Section 7.607 amended by Ord. #96-32 passed September 24, 1996]

7.608 Insurance Required.

1. The applicant for a merchant police license shall submit proof of insurance for general and automobile liability, including bodily injury, property damage and personal injury with limits acceptable to the City of Redmond. The City of Redmond, its officers, directors, agents, employees and volunteers shall be named as an additional insured by endorsement. The endorsement must provide primary and non-contributory coverage.
2. The City shall suspend any licensee that no longer meets this insurance requirement.

[Section 7.608 amended by Ord. #89-03 passed January 24, 1989]

[Section 7.608 amended by Ord. #94-26 passed August 11, 1994]

[Section 7.608 amended by Ord. #2010-01 passed February 23, 2010]

[Section 7.608 amended by Ord. #2012-03 passed May 8, 2012]

7.610 Criteria for Issuance of License. In addition to conforming to the requirements of Section 7.218, a license shall not be issued if:

1. The applicant has been convicted of a felony or a misdemeanor involving moral turpitude; or
2. The applicant is not a natural born or fully naturalized citizen of the United States.

7.612 Criteria Applicable to Employees. The employees of a person having or applying for a license shall be subject to the criteria in Section 7.218 and to all regulations of this code and the following minimum criteria:

1. Private detectives shall be 21 years of age or older.
2. Armed guards or armored or service employees shall be 21 years of age or older, be in good physical health, have received reasonable minimum training in law enforcement or have on-the-job experience in law enforcement, as specified and approved by the Chief of Police.

[Section 7.612 amended by Ord. #92-07 passed April 14, 1992]

[Section 7.612 amended by Ord. #97-05 passed February 11, 1997]

7.614 License Fee. A license shall be issued to a qualified applicant on payment of a license fee which shall be set by resolution.

[Section 7.614 amended by Ord. #97-42 passed November 11, 1997]

7.616 Promulgation of Regulations.

[Section 7.616 deleted by Ord. #97-05 passed February 11, 1997]

7.618 Information and False Reports. No armored car service holding a license granted under the provisions of this Act shall divulge any information obtained in the employer's service to anyone other than his or her employer or as required by law. No armored car service holding a license granted under the provisions of this Act shall make a false report or account to his or her employer.

[Section 7.618 amended by Ord. #97-05 passed February 11, 1997]

7.620 Notice of Employee's Status Change. Within three days of the termination of employment of an employee of a licensee, notice of the termination shall be given by the licensee in writing to the Manager. Failure to comply with this section shall result in revocation of a license issued under this Act.

7.622 Uniforms. A licensee regulated by this Act who is not a member of the police or fire department shall not wear a uniform, cap, badge or buttons in use by members of the city, county, or state police or fire departments. A person providing a service regulated by this Act shall provide no distinctive uniform, cap, badge or buttons to be worn by the person or his or her employee until the form, design and color have been submitted to and approved by the Manager.

Vehicles For Hire

7.650 Purpose. The purpose of this chapter is to provide for and promote the safety and welfare of the general public by regulating vehicles for hire within the City of Redmond, as authorized by ORS 221.485 and ORS 221.495. Nothing contained in this chapter is

intended or shall be construed to create any liability on the part of the City or its employees for any injury or damage resulting from any failure to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City or its employees.

[Section 7.650 amended by Ord. #93-01 passed January 26, 1993]

[Section 7.650 repealed by Ord. #2017-02 passed February 21, 2017]

[Section 7.650 added by Ord. #2017-02 passed February 21, 2017 – New Title]

7.652 Definitions. For the purposes of Sections 7.650 to 7.668, the following mean:

1. **City.** Means the City of Redmond, Oregon.
2. **License.** Means the license issued by the City to a Vehicle For Hire Company authorizing the company to engage in vehicle for hire services within the City.
3. **Driver.** Means any individual natural person who operates a vehicle for hire within the City.
4. **Person.** Means and includes any individual natural person, partnership, corporation, unincorporated association, or other entity.
5. **Vehicle For Hire.** Means any vehicle used for the ground transportation of passengers for compensation (including pick-up or drop-off) within the City, including but not limited to taxis, limos, town cars, and Transportation Network Company (“TNC”) vehicles, as well as animal-drawn vehicles and vehicles powered by humans, including but not limited to vehicles such as pedi-cabs. The following motor vehicles are excluded from the definition of vehicle for hire and are exempt from this chapter:
 - A. School buses operating exclusively under a contract to a private or public school/school district;
 - B. Vehicles used by nonprofit transportation providers solely for elderly or handicapped persons;
 - C. Vehicles used to provide courtesy transportation at no charge to and from parking lots, transient lodging operators, rental offices, retirement homes, and the like;
 - D. Vehicles used to provide ambulance service.
 - E. Motor busses with passenger capacity of over 30 passengers and passenger vehicles subject to regulation by the Public Utility Commission of Oregon.
6. **Vehicle For Hire Company or Company.** Means any person or entity operating one or more vehicles for hire, other than as a driver, regardless of the legal form of the entity and regardless of whether the vehicles so operated are owned by the company, or leased, or owned by individual members or contractors of the company. Vehicle For Hire Companies operate Vehicles for Hire.
7. **Taxi Company.** Means any person or entity operating one or more vehicles for hire, other than as a driver, regardless of the legal form of the entity and regardless of whether the taxis so operated are owned by the company, or leased, or owned by individual members or contractors of the company. Taxi Companies do not include TNCs.
8. **Transportation Network Company or TNC.** Means a company or other entity that uses an Internet-enabled technology application service, website, or system to connect passengers to TNC affiliated drivers who provide prearranged rides in TNC vehicles for hire.

[Section 7.652 amended by Ord. #93-01 passed January 26, 1993]

[Section 7.652 amended by Ord. #93-12 passed March 30, 1993]

[Section 7.652 amended by Ord. #2017-02 passed February 21, 2017]

7.654 License, Application, and Fees.

1. The City may issue a License to a Vehicle For Hire company if the company meets and certifies that it is in compliance with all requirements of this Chapter, including but not limited to driver and insurance requirements, and operating standards. Outstanding or unresolved violations or deficiencies shall be a basis for denying a license.
2. The License issued under this chapter is valid for one year. Any renewal must be approved by the City prior to the expiration date in order for the Vehicle For Hire Company to continue providing vehicle for hire services within the City.
3. The application fee shall be based on the number of drivers operating for the Vehicle Fore Hire Company at the time of the application. Fee amounts are set based on the City Fee Schedule.
4. The application fee shall be paid to the City at the time of submitting the application.
5. All Vehicle For Hire Companies must comply with the City's business registration requirements.

[Section 7.654 amended by Ord. #93-01 passed January 26, 1993]

[Section 7.654 repealed by Ord. #2017-02 passed February 21, 2017]

[Section 7.654 added by Ord. #2017-02 passed February 21, 2017 – New Title]

7.656 Driver Requirements.

1. All drivers shall be at least 21 years of age and shall possess a valid driver's license, proof of motor vehicle registration, and proof of current automobile liability insurance that meets the requirements of this chapter and state law.
2. Every Vehicle For Hire Company shall maintain accurate, current records for all drivers employed by, contracting with, or affiliated with the company, including all drivers authorized to access a company's digital network to operate in the City. The records shall include the driver's name, date of birth, address, social security number, criminal background check results, driver's license information, motor vehicle registration, and automobile insurance. These records shall be made available in accordance with chapter 7.35.070.
3. Prior to permitting a person to operate as a driver, and annually thereafter, the Vehicle Fore Hire Company shall conduct, or have a qualified third party conduct, a criminal background check. The criminal background check shall include a search of no less than seven years of database history, unless prohibited by law, in which case the duration of the search shall be the maximum number of years permitted by law. The criminal background check shall include local, state, and national criminal history databases and the U.S. Department of Justice National Sex Offender Public Website (NSOPW). Any person who is a sex offender on the NSOPW or who has been convicted of a sexual offense, or act of terror, or within the past seven years, has been convicted of crimes involving driving under the influence of alcohol or controlled substances, violent felony, used a vehicle to commit a felony, non-violent felonies, fraud, resisting/evading arrest, or reckless driving shall not be permitted to act as a driver. The Company or its agent shall maintain records of all criminal background checks for a period of at least two years. For purposes of this chapter, the term "conviction" includes convictions, bail forfeitures, and other final adverse findings. A Company must revoke a driver's authority to operate as a driver for their company and inform the City if it finds at any time that the standards set forth in this chapter are no longer being met by the driver. The Company shall only reinstate a driver upon a finding by the Company that all standards are again being met by the driver.

[Section 7.656 amended by Ord. #93-01 passed January 26, 1993]

[Section 7.656 amended by Ord. #2013-01 passed January 8, 2013]

[Section 7.656 repealed by Ord. #2017-02 passed February 21, 2017]

[Section 7.656 added by Ord. #2017-02 passed February 21, 2017 – New Title]

[Section 7.656 amended by Ord. #2018-04 passed April 10, 2018]

7.658 Insurance Requirements.

1. In order to provide protection to the public, the vehicle for-hire company shall provide levels of insurance in accordance with all requirements of this chapter. Proof of current, valid insurance shall be provided upon City request or as part of an application for all affiliated drivers and vehicles for hire operating for such company.
2. **Additional Insured and Notification of Policy Changes.** For all required insurance, Vehicle for-hire companies shall provide certificates of insurance naming the City, its officers, agents, and employees as additional insured parties and give at least 30 calendar days' notice to the City before a policy is canceled, expires, or has any reduction in coverage. Insurance coverage requirements include commercial general liability, primary commercial vehicle insurances and worker's compensation insurance (as required by state law).
3. **Insurance Requirements.** Insurance requirements of this chapter shall be satisfied by insurance issued by a licensed insurer or an eligible surplus lines insurer in the State of Oregon.
4. **Insurance Limits Subject to Statutory Changes.** The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term, other statutory changes, or other changes deemed necessary by the City.
5. **Subject to Approval.** The adequacy of insurance coverage is subject to the review and approval of the City.
6. **Continuous and Uninterrupted Coverage.** Insurance coverage must be continuous and uninterrupted for the duration of the License and any operations in the City. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is a violation of this Chapter.
7. **Commercial General Liability.** Vehicle For Hire Companies shall secure and maintain, at their expense, commercial general liability insurance with the following coverage:
 - A. **Motorized Ground Transportation Vehicles.** Limits of not less than \$1 million per occurrence and \$2 million aggregate for claims arising out of, but not limited to, bodily injury and property damage in the course of operating in the City. Motorized ground transportation vehicles include, but are not limited to, taxis, TNC vehicles, limos, and towncars.
 - B. **Vehicles Powered by Animals.** Limits of not less than \$1 million per occurrence and \$2 million aggregate for claims arising out of, but not limited to, bodily injury and property damage in the course of operating in the City.
 - C. **Vehicles Powered by Humans.** Limits of not less than \$500,000 per occurrence and \$1 million aggregate for claims arising out of, but not limited to, bodily injury and property damage in the course of operating in the City.
8. **Automobile Liability Insurance.** Vehicle For Hire Companies shall secure and maintain, at their expense, commercial automobile liability insurance with the following coverage:
 - A. **Motorized Ground Transportation Vehicles Excluding TNCs.** A combined single limit of not less than \$1 million per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred in the course of operating in the City.

- B. TNC Service Periods. In order to provide protection to the public, the TNC shall provide levels of insurance in accordance pursuant to all requirements of this Chapter. TNC service is defined by three distinct periods:
 - 1. Period 1: The TNC Driver has logged into the digital network and is available to receive transportation requests but has not yet accepted a request to provide transportation.
 - 2. Period 2: A passenger match has been accepted through the digital network and the TNC Driver is in route to pick up the passenger(s), but has not yet picked-up the passenger(s).
 - 3. Period 3: The passenger(s) is in the vehicle and ends when the last passenger exits the TNC Driver's vehicle.
- C. TNC Insurance. All TNC drivers or the TNC on the driver's behalf shall maintain the following automobile liability coverages:
 - 1. Primary insurance coverage during Period 1 with minimum liability limits of \$50,000 per person for death and bodily injury, \$100,000 per incident for death and bodily injury, and \$25,000 for property damage, in addition to any other state compulsory coverage.
 - 2. Primary insurance coverage during Periods 2 and 3 with minimum liability limits of \$1 million in combined single limit coverage for death, bodily injury and property damage per incident; and under/uninsured motorist coverage for death, bodily injury and property damage per incident, as required by law.
 - 3. The required automobile liability insurance shall specifically recognize the driver's provision of TNC and vehicle for hire services and shall comply with the laws of the State of Oregon and/or other applicable governing bodies.
- 9. Worker's Compensation Insurance. The company permit holder must secure and maintain a Workers Compensation policy where required by state law.
- 10. Independent Contractors/Owner-Operators. Independent drivers shall be responsible for maintaining all personal automobile liability insurance required by State law.
- 11. Insurance Alternatives or Modifications. Insurance alternatives, such as self-insurance, or modifications in coverage may occur only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage shall be approved by the City before such alternative insurance may become effective.

[Section 7.658 amended by Ord. #93-01 passed January 26, 1993]

[Section 7.658 repealed by Ord. #2017-02 passed February 21, 2017]

[Section 7.658 added by Ord. #2017-02 passed February 21, 2017 – New Title]

7.660 Operational Requirements.

- 1. TNCs shall maintain records of all trips made by all drivers for at least one year from the date of the trip. The data may be aggregated and/or anonymized, and shall include the locations by ZIP code of trip origination and destination, vehicle miles traveled, trip origination and completion times, trip duration, and passenger wait times from a driver's acceptance of a trip request. The City may require a TNC to enter a data sharing agreement in order to receive a license.
- 2. All vehicles for hire operating for Taxi Companies shall be clearly marked as such and shall include the Taxi Company name, phone number, and a vehicle identification number in plain sight. Vehicles operated solely for TNC services shall have a consistent and distinctive emblem or signage visible in the front window of the vehicle at all times while the driver is active on the TNC dispatch system. The TNC's software application

or website shall display for the passenger the make, model, and license plate number of the TNC vehicle.

3. TNC affiliated drivers may only accept rides prearranged through a TNC's digital network.
4. Vehicle For Hire Companies and courtesy transportation vehicles are prohibited from operating at the Redmond Municipal Airport without an operating agreement approved by the Airport Director.
5. Vehicle For Hire Companies shall implement and maintain at all times a zero tolerance policy on the use of drugs or alcohol applicable to all drivers employed by or affiliated with the company while providing vehicle for hire services. Companies shall provide notice of the zero tolerance policy on their website and/or have it clearly displayed in each vehicle. The notice must include contact information to report a complaint about a driver for possible violation of policy. A company shall immediately suspend a driver upon receipt of a passenger complaint alleging a violation of the zero tolerance policy and shall conduct an investigation into the incident. The suspension shall last for the duration of the investigation of the complaint.
6. Vehicle For Hire Companies must provide reasonable accommodations to passengers with disabilities, including passengers accompanied by a service animal, passengers with hearing and visual impairments, and passengers with mobility devices, with the goal of accessible rides being met with wait times that are equivalent to those of other rides.

[Section 7.660 amended by Ord. #89-03 passed January 24, 1989]

[Section 7.660 amended by Ord. #93-01 passed January 26, 1993]

[Section 7.660 amended by Ord. #94-26 passed August 11, 1994]

[Section 7.660 amended by Ord. #2010-01 passed February 23, 2010]

[Section 7.660 amended by Ord. #2012-03 passed May 8, 2012]

[Section 7.660 repealed by Ord. #2017-02 passed February 21, 2017]

[Section 7.660 added by Ord. #2017-02 passed February 21, 2017 – New Title]

7.662 Registered Agent Required. Vehicle For Hire Companies shall maintain a registered agent for service of process in the State of Oregon. The name, telephone number, and physical address of the registered agent shall be provided as part of the license application. The company shall promptly notify the City in writing of any changes regarding its registered agent.

[Section 7.662 amended by Ord. #93-01 passed January 26, 1993]

[Section 7.662 repealed by Ord. #2017-02 passed February 21, 2017]

[Section 7.662 added by Ord. #2017-02 passed February 21, 2017 – New Title]

7.664 Audit. For the sole purpose of reviewing compliance with this Chapter, the City may audit Vehicle For Hire Company records no more than three times per calendar year. The City shall have the right to audit a sample of records for up to thirty (30) drivers chosen at random from an anonymized list of the drivers affiliated with the TNC that have operated in the City in the thirty (30) days preceding the audit. The audit shall occur at a location designated by the City. Notwithstanding the foregoing, the City may require a Company to produce records related to an investigation of a specific allegation of violation of this Code or other applicable law. Production of records for an investigation does not count toward the auditing limit. Any records inspected or required under this Chapter are designated confidential, are not subject to disclosure to a third party by the City, or any other party authorized to view such records under this Chapter, without prior written consent of the Company, and are exempt from disclosure under Chapter 192 of the Oregon Revised Statutes.

[Section 7.664 amended by Ord. #93-01 passed January 26, 1993]
[Section 7.664 amended by Ord. #2013-01 passed January 8, 2013]
[Section 7.664 repealed by Ord. #2017-02 passed February 21, 2017]
[Section 7.664 added by Ord. #2017-02 passed February 21, 2017 – New Title]

7.666 Revocation, Suspension and Penalties.

1. In addition to any other enforcement options provided by the Code, the City Manager or designee may suspend, revoke or refuse to issue a License if the Vehicle For Hire Company has violated any of the provisions of this Chapter. A violation includes any failure to meet or maintain any of the requirements or qualifications for Vehicle For Hire Companies as set forth in this Chapter, including the procedures and requirements for obtaining and maintaining a License, as well as the making of any materially false statement or representation. The decision to suspend, revoke or refuse to issue a License may be appealed to the City Council, which will conduct a hearing where the company and the City may present evidence and argument. The company shall have the burden of proving it has complied with all requirements of this Chapter necessary to obtain or maintain the License. The appeal must be filed within 10 days of the City Manager's decision. The decision of the City Council is final.
2. A violation of this chapter is a Class A civil infraction.

[Section 7.666 amended by Ord. #93-01 passed January 26, 1993]
[Section 7.666 repealed by Ord. #2017-02 passed February 21, 2017]
[Section 7.666 added by Ord. #2017-02 passed February 21, 2017 – New Title]

7.668 Enforcement. The City has the administrative authority to implement and enforce this chapter, including adoption of rules, regulations, or policies. This provision shall not be construed to abrogate or limit the jurisdiction or authority of the Redmond Police Department or any law enforcement agency.

[Section 7.668 amended by Ord. #92-01 passed January 14, 1992]
[Section 7.668 amended by Ord. #93-01 passed January 26, 1993]
[Section 7.668 amended by Ord. #2013-01 passed January 8, 2013]
[Section 7.668 repealed by Ord. #2017-02 passed February 21, 2017]
[Section 7.668 added by Ord. #2017-02 passed February 21, 2017 – New Title]

7.670 Identification Card.

[Section 7.670 amended by Ord. #93-01 passed January 26, 1993]
[Section 7.670 amended by Ord. #2013-01 passed January 8, 2013]
[Section 7.670 repealed by Ord. #2017-02 passed February 21, 2017]

7.672 Denial or Revocation of Passenger Vehicle License or Driver Permit Application.

[Section 7.672 amended by Ord. #93-01 passed January 26, 1993]
[Section 7.672 amended by Ord. #2013-01 passed January 8, 2013]
[Section 7.672 repealed by Ord. #2017-02 passed February 21, 2017]

7.674 Temporary Suspension.

[Section 7.674 amended by Ord. #93-01 passed January 26, 1993]
[Section 7.674 repealed by Ord. #2017-02 passed February 21, 2017]

7.676 Vehicle Equipment Requirements.

[Section 7.676 added by Ord. #2013-01 passed January 8, 2013]

[Section 7.670 repealed by Ord. #2017-02 passed February 21, 2017]

7.678 Transporting Nonpaying Passengers.

[Section 7.678 added by Ord. #2013-01 passed January 8, 2013]

[Section 7.670 repealed by Ord. #2017-02 passed February 21, 2017]

Ambulance Services

7.700 The City of Redmond adopts and agrees to adhere to both State of Oregon and Deschutes County Ambulance Service Provider requirements as set forth in OAR 333-260 and County Ordinance 97-040 and as may be amended from time to time.

[Section 7.700 amended by Ord. #98-24 passed May 26, 1998]

7.702 License Required.

7.704 Application for Licenses.

7.706 Investigation.

7.708 Standards for Operators.

[Sections 7.702 through 7.708 deleted by Ord. #98-24 passed May 26, 1998]

7.710 Fees.

[Section 7.710 amended by Ord. #97-42 passed November 11, 1997]

[Section 7.710 deleted by Ord. #98-24 passed May 26, 1998]

7.712 Endorsement.

7.714 Liability Insurance.

[Section 7.714 amended by Ord. #94-26 passed August 11, 1994]

[Sections 7.712 through 7.714 deleted by Ord. #98-24 passed May 26, 1998]

7.716 Vehicle Insurance.

7.718 Application for Drivers' and Emergency Technicians' Licenses.

[Section 7.718 amended by Ord. #97-42 passed November 11, 1997]

[Sections 7.716 through 7.718 deleted by Ord. #98-24 passed May 26, 1998]

7.720 Standards for Drivers and Emergency Medical Technicians.

7.722 Operating Standards.

7.724 Rates and Charges to be Posted.

7.726 Fumigation and Disinfection.

7.728 Responsibility of Operator.

7.730 Replacement or Addition of Vehicles.

7.732 Exceptions.

7.734 Regulations.

[Sections 7.720 through 7.734 deleted by Ord. #98-24 passed May 26, 1998]

FireMed

7.740 FireMed Ambulance Membership.

1. There is hereby established a FireMed Ambulance Membership for the Redmond Fire Department (FireMed). FireMed is a voluntary subscription service which entitles a subscriber and the members of his or her immediate family to ambulance service as provided in accordance with regulations to be adopted by the City of Redmond Fire Department. In consideration for said ambulance service, subscriber shall pay annual fee as established and as amended from time to time by resolution. The subscriber shall further assign to the City of Redmond any benefits for ambulance services in insurance policies of the member's or the member's immediate family.
2. FireMed membership covers all persons who reside in the same single occupancy noncommercial residence, or household members living in substitute care (nursing home or foster care home) within the Redmond ambulance service area. Others not included in this definition are required to obtain their own separate membership. The first person listed on the form is called the "Member". Anyone who joins a household after an agreement goes into effect can be included under the membership from the date the "Member" notifies FireMed of the addition in writing.

[Section 7.740 added by Ord. #94-29 passed November 8, 1994]

7.745 FireMed Revenues.

1. All monies collected in the form of membership fees, by the Redmond FireMed program shall be designated to the direct benefit of the FireMed membership to enhance training programs, improved equipment, technology acquisitions, FireMed administration costs, expanded public information and education, or any improvement in the quality and service level available to the membership.
2. Specific budget accounts will be established to account for all FireMed related fees. These accounts are for expenditures and improvement of the services directly related to emergency medical service benefits covenant by agreement with the FireMed membership.

[Sections 7.745 added by Ord. #94-29 passed November 8, 1994]

Pawnbrokers

7.800 Definitions. For the purposes of Sections 7.800 to 7.806, "pawnbroker" shall be defined as provided by ORS 726.010.

7.802 License Required; Fee. No person shall engage in business as a pawnbroker without obtaining a pawnbroker license from the Manager. The annual fee for a pawnbroker license shall be established by resolution by the Redmond City Council.

[Section 7.802 amended by Ord. #96-08 passed May 28, 1996]

[Section 7.802 amended by Ord. #96-22 passed June 25, 1996]

7.804 State License Required. No person shall be issued a pawnbroker license unless satisfactory proof of a valid state pawnbroker license, issued pursuant to ORS Chapter 726, accompanies the application. Failure to maintain a valid state license shall be grounds for revocation of the city license pursuant to Section 7.224.

7.806 Records of Articles Received.

1. A pawnbroker shall keep record, legibly handwritten in ink or typewritten, which shall contain:
 - A. A description of all goods, articles or things pawned or pledged.
 - B. The amount of money pledged, advanced or paid.
 - C. The day of pawning, pledging or receiving goods, articles or things.
 - D. The name and residence, with the street and number, if any, of the person pawning or pledging the goods, articles or things.
2. An entry made in the record book shall not be obliterated, erased or defaced. The record, as well as the articles pledged or pawned shall be open at all times to inspection by the city police, the state police, the sheriff's office, and the various other law enforcement officers of the county.
3. In addition to the record book and any other records required, a pawnbroker shall, at the time of taking or receiving any article pawned, describe the article on a form provided by the police department as the Chief of Police may direct. The description of an article shall be as required by the form. The pawnbroker shall fill in the blank spaces on the form with all data requested by the form.
4. A pawnbroker shall mail or deliver the forms to the Chief of Police every day.
5. The city police officers may go upon and inspect the premises at all reasonable times during business hours. The police officers may inspect any item contained in the records required under Subsection 1 of this Section. The police may require that items in the possession of the pawnbroker and contained in the records required under Section 1 be presented for inspection. If the police find property they have probable cause to believe is stolen, they may take possession of that property. The police shall provide a receipt for the property to the pawnshop owner or manager.
 - A. Any property removed from a pawn shop under Section 5 of this Section, and which is no longer needed by the police, shall be returned to the person claiming to be its rightful owner. Prior to returning the property to the claimant, the police shall provide written notice to the pawn shop owner or manager of its intent to return the property to a named individual, who claims to be the rightful owner.
 - B. If the pawn shop owner or manager objects, a written objection shall be submitted, within 10 days of receiving the notice provided for in subsection (5)(A), to the Justice Court clerk. A hearing will be scheduled before the Justice Court Judge to determine the rightful owner of the property.
 - C. If no hearing request is received by the Justice Court Clerk, or in the event a hearing is requested and the court finds that the property does belong to the claimed owner, the magistrate shall enter an order authorizing the police to turn the property over to the named owner. The Court shall make its determination based on a preponderance of the evidence.
6. In the event there is a request for property from another police agency, and said property is taken in possession by the Redmond Police Department, the police shall provide a receipt for the property to the pawn shop owner or manager. The police shall also provide to the owner or manager a written notice provided in subsection (5)(A) of this section. Said notice shall be provided to the owner or manager prior to transfer of the property from the Redmond Police Department to the requesting police agency.

[Section 7.806 amended by Ord. #96-08 passed May 28, 1996]

[Section 7.806 amended by Ord. #96-22 passed June 25, 1996]

[Section 7.806 amended by Ord. #98-03 passed January 13, 1998]

[Section 7.806 amended by Ord. #2003-03 passed January 14, 2003]

Antique, Secondhand and Junk Dealers

- 7.808 Definition.**
- 7.810 Exemption.**
- 7.814 Purchase Records.**
- 7.816 Regulation of Premises.**
- 7.818 Purchases from Minors.**
- 7.820 Retention of Articles.**

[Sections 7.808 through 7.820 deleted by Ord. #96-38 passed October 8, 1996]

Burglary Alarm Systems

- 7.900 Definitions.**
- 7.902 Business License Required.**
- 7.904 Permit Required.**
- 7.906 Application for Permit.**

[Sections 7.900 through 7.906 repealed by Ord. #2003-07 passed February 11, 2003]

7.908 Fees.

[Section 7.908 amended by Ord. #97-42 passed November 11, 1997]
[Section 7.908 repealed by Ord. #2003-07 passed February 11, 2003]

7.910 Issuance of Permit.

[Section 7.910 repealed by Ord. #2003-07 passed February 11, 2003]

7.912 Transferability of Permit.

[Section 7.912 amended by Ord. #97-42 passed November 11, 1997]
[Section 7.912 repealed by Ord. #2003-07 passed February 11, 2003]

7.914 Suspension and Revocation of Permit.

[Section 7.914 repealed by Ord. #2003-07 passed February 11, 2003]

7.916 Reapplication after Revocation.

[Section 7.916 amended by Ord. #97-42 passed November 11, 1997]
[Section 7.916 repealed by Ord. #2003-07 passed February 11, 2003]

7.918 Regulations, Requirements and Duties.

7.920 Confidentiality.

[Sections 7.918 through 7.920 repealed by Ord. #2003-07 passed February 11, 2003]

Liquor License Recommendation

7.950 Recommendation Required. The Oregon Liquor Control Commission desires of every Applicant for a license to sell spirits, wines, beers, and other alcoholic liquors a Recommendation from the jurisdiction in which the applicant's establishment is located.

[Section 7.950 added by Ord. #95-30 passed August 22, 1995]

[Section 7.950 amended by Ord. #2000-20 passed September 12, 2000]

7.955 Processing Fee. At the time of any license application, change in ownership or change in location, or change in privilege application, or renewal or temporary application, the applicant shall pay to the City of Redmond for processing such license application the following applicable fees as set by resolution:

1. Initial original application:
2. Change in Ownership, change in location, or change in privilege application:
3. Renewal or temporary application:

[Section 7.955 added by Ord. #95-30 passed August 22, 1995]

7.960 City Action.

1. The City shall provide a written recommendation for each applicant. The City Manager or designee of the City shall sign the recommendation upon approval by the Chief of Police unless any citizen, Council member, City staff member, or Chief of Police expresses a concern about the application; and in such case, the application shall come before the Council and the recommendation shall be signed only on approval of a majority of the Council. The City may recommend denial of the license based upon reliable, factual information related to any of the following criteria:
 - A. Disturbances, lewd or unlawful activities or noise in or on the immediate vicinity or the premises that are related to the sale or service of alcoholic beverages.
 - B. Applicant has a history or arrest record of alcohol abuse or other controlled substance use.
 - C. The licensed premises has a history of serious or persistent problems with unlawful activities, noise or disturbances resulting in the need to provide extraordinary police or other city services.
 - D. Applicant proposes to locate near a licensed child care facility or elementary or secondary school, a church, a hospital, nursing care facility or convalescent care facility, a park or child oriented recreational facility, an alcohol or other drug treatment or rehabilitation facility.
 - E. Applicant fails to provide complete information on city application.
 - F. Applicant provides false or misleading information.

[Section 7.960 added by Ord. #95-30 passed August 22, 1995]

[Section 7.960 amended by Ord. #2000-20 passed September 12, 2000]

PENALTY PROVISION

7.990 Penalty. A violation of Sections 7.280 to 7.920 is a Class A civil infraction and/or a Class A administrative infraction unless otherwise expressly stated in this Chapter.

[Section 7.990 amended by Ord. #2014-05 passed April 8, 2014]

Redmond Code

CHAPTER 8 DEVELOPMENT REGULATION

The contents of Chapter 8 Development Regulations can be found at the following link:

<http://www.ci.redmond.or.us/government/departments/community-development/city-development-code>

CHAPTER 9 BUILDING AND FIRE CODES

BUILDING CODE

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Redmond Code

CHAPTER 9: BUILDING AND FIRE CODES

BUILDING CODE

General Provisions

9.005 Title. Sections 9.005 to 9.050 is referred to as the "City of Redmond Building Code Ordinance" and may be referred to as "this chapter" or the "building code."

[Section 9.005 added by Ord. #2007-07 passed March 27, 2007]

9.010 Application of the Building Code. ORS Chapter 455.150 and OAR 918-020-0010 through OAR 918-020-0490 are adopted by reference. A violation of a provision in those State laws is an offense against the City.

[Section 9.010 added by Ord. #2007-07 passed March 27, 2007]

9.015 Definitions. In addition to the definitions contained in the aforementioned ORS and OAR, the following terms mean:

Building Inspection Program. A program that is delegated to, and administered by a municipality in accordance with OAR 918, Division 20, and assumes all or part of the specialty codes identified in ORS 455.148(1).

Building Official. The administrator of the City's Building Inspection Program appointed by the City Manager. The building official attends to all aspects of code enforcement, including the issuance of all building permits.

Building Official Designee. A person, or persons, designated by the Building Official to perform specific tasks associated with the enforcement of Chapter 9 of the city Code (Building and Fire Codes). Designees include, but are not limited to, Assistant Building Official, Building Inspectors, Code Enforcement Officers and Plans Examiners.

Specialty Codes. "Specialty code" means the state adopted set of construction standards listed in Section 9.020 that includes provisions for structural, mechanical, plumbing, electrical, manufactured dwellings installations, manufactured dwelling parks, and parks and camps requirements.

State Building Code. The combined Specialty Codes as listed in Section 9.020 and ORS 455.010.

[Section 9.015 added by Ord. #2007-07 passed March 27, 2007]

[Section 9.015 amended by Ord. #2018-10 passed October 23, 2018]

9.020 State Codes Adopted.

1. Except as otherwise provided for in this chapter, the following codes, standards and rules are adopted and will be in force and effect as part of the Redmond Code. The provisions of these codes, in addition to their individual scoping provisions found therein, also apply to demolition of structures, equipment and systems regulated by such codes.
2. Under authority of ORS 455.150, the City of Redmond administers those specialty codes and building requirements adopted by the State of Oregon and which the City is granted authority to administer, including:
 - A. State of Oregon Structural Specialty Code, as adopted by ORS 455.010 through 455.895, OAR 918-460-010 through OAR 918-460-015 in effect as of March 1, 2009 ("Structural Specialty Code");

- B. State of Oregon Mechanical Specialty Code, as adopted by ORS 455.020, OAR 918-440-010 through OAR 918-440-040 in effect as of March 1, 2009 (“Mechanical Specialty Code”);
 - C. State of Oregon Plumbing Specialty Code, as adopted by ORS 447.020(2), OAR 918-750-010 in effect as of March 1, 2009 (“Plumbing Specialty Code”);
 - D. State of Oregon Electrical Specialty Code, as adopted by ORS 479.525, OAR 918-305-0100 and delegated to the City by ORS 455.153 in effect as of March 1, 2009 (“Electrical Specialty Code”);
 - E. State of Oregon Residential Specialty Code, as adopted by ORS 455.610, OAR 918-480-000 through OAR 918-480-010 in effect as of March 1, 2009 (“Residential Specialty Code”);
 - F. State of Oregon Regulations for mobile or manufactured dwelling parks, temporary parks, manufactured dwelling installation support and tie down requirements, and park or camp requirements as adopted by OAR 918-500-000 through OAR 918-500-050, OAR 918-520-001 through OAR 918-520-002, OAR 918-650-000 through OAR 918-650-085 in effect as of March 1, 2009.
 - G. The most current edition of the International Property Maintenance Code as published by the International Code Council in effect as of March 1, 2009, is adopted as part hereof, except as modified by this jurisdiction.
3. Appendix J of the Oregon Structural Specialty Code regarding Excavation and Grading, including the recognized standards listed in Chapter 35 of that code.
 4. At least one copy of each specialty shall be kept by the Building Official and shall be available for review upon request.

[Section 9.020 added by Ord. #2007-07 passed March 27, 2007]

[Section 9.020 amended by Ord. #2009-02 passed March 24, 2009]

9.025 Administration.

1. The City provides a program of building code administration, including plan review, permit issuance and inspection for the adopted specialty codes listed in Section 9.020. The program is administered by the Building Official, or designee, under the supervision of the Community Development Director. The Building Official, or designee, is authorized to adopt rules of procedure for such administration that include, the authority to stop work and disallow occupancy or use of any building or service equipment in violation of this ordinance; the authority to refund all or part of building permit application fees as to applications that are withdrawn and permits that have lapsed; and the authority to dispose of permit applications and supporting documents, and to declare permits to have expired, at a point in time after applications are received and after permits have issued
2. The program provides services in accordance with its operating plan as required by OAR 918-020-0090 and the remainder of this chapter.
3. Administration and enforcement of Appendix J, Excavation and Grading, as adopted by Section 9.020, will be by the Building Official and the City Engineer. Where the term “Building Official” is used in Appendix J, it means either the Building Official or the City Engineer.
4. Fee for permits and other related services pursuant to the building inspection program will be established by resolution of the City Council.

[Section 9.025 added by Ord. #2007-07 passed March 27, 2007]

[Section 9.025 amended by Ord. #2018-10 passed October 23, 2018]

9.030 Permits Required. Any owner, person, or authorized agent who intends to construct, alter, enlarge, repair, move, demolish, or change the occupancy of any building, structure, appurtenance, or service equipment or cause any such work to be done must first make application to the building official and obtain the required permit

[Section 9.030 added by Ord. #2007-07 passed March 27, 2007]

9.035 Failure to Obtain or Request Final Inspection or Issuance of Certificate of Occupancy.

1. Prior to occupancy of newly constructed commercial or residential buildings or altered commercial buildings a final inspection and certificate of occupancy must be obtained from the building official.
2. Other permitted work such as mechanical installations or structures that do not involve occupancy by persons, must receive a final inspection from the building official within 90 days after the work has been completed. Plumbing and electrical work shall have final inspections that meet the timelines as provided in OAR 918-785-0210 and OAR 918-271-0010, respectively.
3. Whenever any building, structure or equipment therein regulated by the Building Code is occupied or in use without a final inspection or certificate of occupancy, the Building Official, or designee, may order the occupancy or use discontinued, and the structure (or portion thereof) vacated. All persons using the structure (or portion thereof) shall discontinue the use within the time prescribed by the Building Official, or designee, in his notice and make the structure, or portion thereof, comply with the requirements of the Building Code. The Building Official, or designee, may cause the water service to be discontinued pending the completion of the final inspection and obtaining a Certificate of Occupancy. The Building Official, or designee, shall notify the occupants of the discontinuation of water service in the notice to complete final inspection and obtain certificate of occupancy

[Section 9.035 added by Ord. #2007-07 passed March 27, 2007]

[Section 9.035 amended by Ord. #2009-02 passed March 24, 2009]

[Section 9.035 amended by Ord. #2018-10 passed October 23, 2018]

9.040 Address Numbers. Street numbers in accordance with Section 3.720 must be permanently affixed to newly constructed or altered buildings prior to occupancy of such building.

[Section 9.040 added by Ord. #2007-07 passed March 27, 2007]

9.045 Local Appeals Process.

1. An appeal of a decision of the Building Official related to code provisions is reviewed by the City of Redmond Board of Appeals, which is the City Council. The Board has no authority to waive the requirements of a specialty code.
2. A person affected by a ruling of the Building Official may appeal the ruling in written form to the Board of Appeals within 30 days of the ruling stating their reason why they disagree with the ruling. In accordance with ORS 455.690, an aggrieved person or persons may appeal the decision of the local Board of Appeals to the appropriate state advisory board within 30 days of the decision.
3. An appeal of a decision of the Building Official unrelated to code provisions is reviewed by the Community Development Director.

[Section 9.045 added by Ord. #2007-07 passed March 27, 2007]

9.050 Alternative Appeals Process.

1. In lieu of the local appeals process, an aggrieved person can appeal to the appropriate specialty code chief with the State of Oregon Building Codes Division in accordance with ORS 455.475. The aggrieved person may not use both the local and alternative appeals process on the same issue. An aggrieved person chooses to further appeal the decision of the specialty code chief to the appropriate state advisory board they may do so in accordance with OAR 918-001-0130.
2. If the appeal relates to an inspection pursuant to the Electrical specialty Code, the appeal process set forth in OAR 918-251-0040 is applicable.

[Section 9.050 added by Ord. #2007-07 passed March 27, 2007]

9.055 Fees

1. Fees for inspections, plan reviews and other fees associated with the adopted codes in Section 9.020 shall be set by council resolution.
2. Refunds
 - A. The Building Official may authorize the refunding of any fee, or a portion of a fee, paid hereunder which was erroneously paid or collected.
 - B. The Building Official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this title.
 - C. The Building Official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review effort has been expended.
 - D. The Building Official may not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment, unless written application is otherwise waived by the Building Official.

[Section 9.055 added by Ord. #2009-02 passed March 24, 2009]

9.060 Right of Entry. When necessary to inspect to enforce the provisions of the Building Code, or the Building Official has reasonable cause to believe a building or premise is in violation of the Building Code or is otherwise unsafe, dangerous or hazardous, the Building Official may enter said building or premises at reasonable times to inspect or to perform the duties imposed by the Building Code. If such building or premise is occupied, the Building Official shall first present his or her credentials to the occupant and request entry. If such building or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law.

[Section 9.060 added by Ord. #2009-02 passed March 24, 2009]

9.065 Violation and Penalties.

1. No person shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, occupy or maintain a building or structure in the City, or cause the same to be done contrary to or in violation of this chapter.
2. No person shall install, alter, replace, improve, convert, equip or maintain any mechanical equipment or system in the City, or cause the same to be done contrary to or in violation to this chapter.
3. No person shall install, alter, replace, improve, convert, equip or maintain any plumbing or drainage piping work or any fixture or water heating or treating equipment in the City, or cause the same to be done contrary to or in violation of this chapter.
4. No person shall install, alter, replace, improve, convert, equip or maintain any electrical equipment or system in the City, or cause the same to be done contrary to or in violation of this chapter.
5. A violation of any provision of these standards shall be a Class A Civil Infraction and/or a Class A Administrative Infraction. Violations will be enforced through the Redmond Civil Infraction Procedure.
6. Each day that a violation of a provision of this chapter exists constitutes a separate violation.
7. Notwithstanding the other remedies in this chapter, if the Building Official determines that any building under construction, mechanical work, electrical work, or plumbing work on any building or any structure poses an immediate threat to the public health, safety or welfare, they may order the work halted and the building or structure vacated pending further action by the City and its legal counsel.
8. The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available under City ordinance or state statute.

[Section 9.065 added by Ord. #2009-02 passed March 24, 2009]

[Section 9.065 amended by Ord. #2018-10 passed October 23, 2018]

FIRE CODE

General Provisions

9.100 Title. Sections 9.100 to 9.120 is referred to as the "City of Redmond Fire Code Ordinance" and may be referred to as "this chapter" or the "fire code."

[Section 9.100 added by Ord. #2007-07 passed March 27, 2007]

9.105 ORS Chapter 476.060 and OAR Chapter 837, Division 40 are adopted by reference. A violation of a provision in those State laws is an offense against the City.

[Section 9.105 added by Ord. #2007-07 passed March 27, 2007]

9.110 Definitions. In addition to the definitions contained in the aforementioned ORS and OAR, the following terms mean:

Fire Chief. Is the State Fire Marshal, Deputy State Fire Marshal or the chief officer of the fire department serving the jurisdiction, or a duly authorized representative.

Fire Code Official. The fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

[Section 9.110 added by Ord. #2007-07 passed March 27, 2007]

9.115 State Codes Adopted

1. Except as otherwise provided for in this chapter, the following codes, standards and rules are adopted and will be in force and effect as part of the Redmond Code.
2. Under authority of ORS 476.060 and OAR Chapter 837, Division 40, the City of Redmond administers those specialty codes and maintenance requirements adopted by the State Fire Marshal and which the City is granted authority to administer, including:
 - A. Oregon Fire Code
 - B. The fire and life safety provisions of the Oregon Structural Specialty Code and the Oregon Mechanical Specialty Code are hereby adopted as a standard for the purpose of evaluation of existing buildings.

[Section 9.115 added by Ord. #2007-07 passed March 27, 2007]

[Section 9.115 amended by Ord. #2009-02 passed March 24, 2009]

9.120 Fees. Fee for permits and other related services pursuant to the fire code maintenance program shall be established by resolution of the City Council.

[Section 9.120 added by Ord. #2007-07 passed March 27, 2007]

9.125 Right of Entry. When necessary to inspect to enforce the provisions of the Fire Code, or the Fire Code Official has reasonable cause to believe a building or premise is in violation of the Fire Code or is otherwise unsafe, dangerous or hazardous, the Fire Code Official may enter said building or premises at reasonable times to inspect or to perform the duties imposed by the Fire Code. If such building or premise is occupied, the Fire Code Official shall first present his or her credentials to the occupant and request entry. If such building or premises is unoccupied, the Fire Code Official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Fire Chief shall have recourse to the remedies provided by law.

[Section 9.125 added by Ord. #2009-02 passed March 24, 2009]

9.130 Violation and Penalties.

1. No person shall violate any of the provisions of this chapter, the Oregon Fire Code as adopted in this chapter or shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder. 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.
2. A violation of any provision of these standards shall be a Class A Civil Infraction and/or a Class A administrative infraction. Violations will be enforced through the procedures established in section 2.750 to 2.799.
3. Each day that a violation of a provision of this chapter exists constitutes a separate violation.
4. Notwithstanding the other remedies in this chapter, if the Fire Code Official determines that any condition in any building or any structure poses an immediate threat to the public health, safety or welfare, they may order the building or structure vacated pending further action by the City and its legal counsel.
5. The penalties and remedies provided in this section are not exclusive and are in addition to other penalties and remedies available under City ordinance or state statute.

[Section 9.130 added by Ord. #2009-02 passed March 24, 2009]
[Section 9.130 amended by Ord. #2014-05 passed April 8, 2014]

Redmond Code

CHAPTER 10 AIRPORT REGULATIONS

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CHAPTER 10: AIRPORT REGULATIONS

MINIMUM STANDARDS

10.001 Minimum Standards. The following are the Minimum Standards for Commercial Aeronautical Service Providers at the Redmond Municipal Airport.

[Section 10.001 added by Ord. #2014-11 passed May 13, 2014]

10.005 General Statement of Policy. These Minimum Standards for Commercial Aeronautical Service Providers are hereby adopted by the Redmond, Oregon City Council (City) for the Redmond Municipal Airport – Roberts Field (Airport) this 13th day of May, 2014, superseding any and all previous documents of this kind previously adopted by the Council or its predecessor. Notwithstanding the provisions herein, each Operator shall conduct its business and activities on and from its leased premises in a safe and professional manner consistent with all FAA standards and applicable laws and regulations.

It is the intent and policy of the City to operate and develop the Airport as the Central Oregon Region's primary commercial aviation facility, serving all facets of aviation, including general aviation, passenger air carriers, and air cargo operations. The Airport is a publicly owned and operated Airport, and is subject to certain federal obligations to operate in a financially self-sufficient manner and to make available to any persons, firms, or corporations the opportunity to engage in Commercial Aeronautical Activities at the Airport that satisfy a demonstrable need and that meet the Minimum Standards as established, adopted, and revised from time to time by the City. It shall be the policy of the City that any person, firm, or corporation wishing to provide Aeronautical Services to the public or conduct special Commercial Aeronautical Activities as defined herein at the Airport shall be given equal opportunity to compete without unjust discrimination for use of available Airport facilities pursuant to FAA Airport Improvement Program (AIP) Grant Assurance 22 *Economic Nondiscrimination*. The City has established these Minimum Standards for the Airport with the intent of providing fair and reasonable rules to govern the conduct of Commercial Aeronautical Activity on the Airport.

These Minimum Standards were developed in accordance with FAA Advisory Circular 150-5190-7, *Minimum Standards for Commercial Aeronautical Activities*, dated August 28, 2006. The City may make revisions and amendments to these Minimum Standards when business conditions at the Airport necessitate it, or when necessary to comply with FAA, Transportation Security Administration (TSA), or other governmental regulations.

Commercial Aeronautical Activities not addressed in the Minimum Standards are to be addressed by the City on a case-by-case basis in the Operator's written Lease, Permit, or Agreement.

Except as permitted by federal law or FAA policy, nothing herein shall be construed to grant or otherwise authorize the granting of an exclusive right to provide any aeronautical service to the public or to conduct any Aeronautical Activity on the Airport. For purposes of these Minimum Standards, an exclusive right is a power, privilege, or other right excluding or debarring another from enjoying or exercising a like power, privilege, or right.

It is the intent of the City to enforce these Minimum Standards in a consistent, uniform, and fair manner to accomplish the City's goals and promote successful commercial business operations at the Airport. The Airport Director is responsible for and is hereby empowered and authorized to enforce these Minimum Standards.

[Section 10.005 added by Ord. #2014-11 passed May 13, 2014]

10.010 Business Activities. Subject to applicable orders, certificates, or permits of the FAA or its successor, no person shall use the Airport, or any portion thereof, or any of its improvements or facilities for a revenue-producing Commercial Aeronautical Activity to serve the public, who has not first complied with these Minimum Standards and the rules and regulations of the Airport and entered into a written Agreement or obtained a written permit from the City.

[Section 10.010 added by Ord. #2014-11 passed May 13, 2014]

10.015 Definitions. For purposes of these Minimum Standards, the following definitions shall apply:

Aeronautical Services/Activities. Means any activity or service conducted at the Airport that involves, makes possible or is required for the operation of aircraft, or that contributes to or is required for the safety of such operations. The following services/activities commonly conducted on airports are Aeronautical Activities within this definition: charter operations, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising, air ambulance services, surveying, air-carrier operations, aircraft sales and services, sale of aviation petroleum products, repair and maintenance of aircraft, sale of aircraft parts, and any other activities that, because of their direct relationship to the operation of an aircraft, can appropriately be regarded as an "Aeronautical Activity."

Agreement. Means the written agreement between the City and an Operator specifying the terms and conditions under which the Operator may conduct commercial aviation activities. Such Agreement will recite the terms and conditions under which the activity will be conducted at the Airport, including but not limited to: rents, fees, and charges to be paid; and the rights and obligations of the respective parties.

Aircraft or aircraft. Means a device which is used or intended to be used for flight in air. Examples of aircraft include, but are not limited to: airplane, sailplane, glider, rotorcraft (helicopter, gyrocopter, or auto gyro), unmanned aerial vehicle, balloon, and blimp.

Aircraft Fuel. Means all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating an internal combustion, jet, or turbine engine in an aircraft.

Aircraft Fueling Vehicle. Means any vehicle used for the transportation, delivery, and dispensing of Aircraft Fuel.

Aircraft Movement Area. Means the runways, taxiways, and other areas of the airport utilized for taxiing, hover taxiing, air taxiing, and takeoff or landing of aircraft, exclusive of loading ramps, maintenance ramps, and parking areas.

Airplane Design Group. An FAA designated grouping of Aircraft based upon wingspan. The groups are as follows:

- Group I: Up to but not including 49 feet
- Group II: 49 feet up to but not including 79 feet
- Group III: 79 feet up to but not including 118 feet
- Group IV: 118 feet up to but not including 171 feet
- Group V: 171 feet up to but not including 214 feet
- Group VI: 214 feet up to but not including 262 feet

Airport. Means Redmond Municipal Airport -- Roberts Field and all of the area, buildings, facilities, and improvements within the exterior boundaries of such airport as it now exists, or as it may hereafter be extended or enlarged.

Airport Director. Means the individual employed and authorized by the City to be the chief administrative officer of the Airport, or the person authorized by the Airport Director to act for or on behalf of the Airport Director, with respect to any particular matter.

Airport Leasing Policy. Means the "A Policy to Govern Agreements Involving the Use or Disposition of Airport Property for Aeronautical Activities" as established and amended from time to time by the City, to govern the safe, orderly, and efficient use of Airport property.

Airport Layout Plan. Means the FAA approved and Airport adopted drawing, as may be amended from time to time, which reflects an agreement between the FAA and Airport depicting the physical layout of the Airport and identifying the location and configuration of current and proposed runways, taxiways, buildings, roadways, utilities, nav aids, etc. and proposed allocation of Airport land and/or improvements to specific uses and/or development.

Airport Security Plan. Means the Transportation Security Administration (TSA) approved document, including any amendments or revisions thereto, that governs the provision of security at the Airport.

City. Means the City of Redmond, Oregon, owner and operator of the Airport, acting by or through the Redmond City Council or any duly authorized employee, agent or instrumentality of the City of Redmond, Oregon.

City Council. Means the legislative body that governs the City of Redmond, Oregon.

Commercial Aeronautical Activity. Means an Aeronautical Activity for commercial purposes. A Commercial Aeronautical Activity also includes any third party or contract employee engaged in the performance of an Aeronautical Activity for compensation or hire at the Airport who is not an employee of a Fixed Base Operator or a Specialized Aviation Service Operator. For purposes of this definition, "commercial purposes" is the conduct of any aspect of a business, concession, operation, or agency providing goods or services to any person for compensation or hire, including exchange of services, whether or not such objectives are accomplished. An activity is considered a commercial activity regardless of whether the business is nonprofit, charitable, or tax-exempt.

FAA. Means Federal Aviation Administration.

Fixed-Base Operator (FBO). Means any individual, firm or corporation duly licensed and authorized by written Agreement with the City to operate, under strict compliance with such Agreement and pursuant to these Minimum Standards, to offer Aeronautical Services to the public at the Airport as set forth in Section 10.030 herein.

Fuel Storage Area. Means any portion of the Airport designed temporarily or permanently by the City as an area in which aviation or motor vehicle fuel or any other type of fuel or fuel additive may be stored.

Fueling or Fuel Handling. Means the transportation, sale, delivery, dispensing, storage, or draining of fuel or fuel waste products to or from fuel storage tanks, aircraft, vehicles, or equipment.

General Aviation. Means all phases of aviation other than military aviation and scheduled or nonscheduled commercial air carrier operations.

Hazardous Material. Means any substance, waste, or material which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic, or otherwise hazardous, and is or becomes regulated as a hazardous substance by any governmental authority, agency, department, commission, board, agency or instrumentality of the United States, the State of Oregon, or any political subdivision thereof.

Identification Badge. Means the security and identification badge issued by the City to Airport employees to control Airport access in compliance with the Airport Security Plan. All Identification Badges are the property of the City.

Lease. Means the written, contractual Agreement between the City and an entity which is enforceable by law, wherein said Agreement grants a concession or otherwise authorizes the conduct of certain activities.

Minimum Standards. Means these Minimum Standards for Commercial Aeronautical Service Providers adopted by the City, as amended from time to time.

Operator. Means either a Fixed Base Operator or a Specialized Aviation Service Operator, as applicable, or the City, when performing a Commercial Aeronautical Activity, unless the context clearly indicates another meaning.

Permit. Means an administrative approval issued by the City to a person or company to conduct a Commercial Aeronautical Activity from facilities and locations where such services are authorized.

Personnel. Means persons who are employees of an Operator or who are contractually obligated to render services to the public on behalf of an Operator.

Rules and Regulations. Means the policies, procedures, and regulations which are established and amended from time to time by the City, to govern the safe, orderly, and efficient use of the Airport.

Security Identification Display Area (SIDA). Means the area identified in the Airport Security Plan requiring each person to continuously display airport identification badge unless the person is under Airport-approved escort.

Self-Service Fueling. Means the provision by an FBO of a stationary storage tank of Aircraft Fuel and associated dispensing equipment for use by aircraft operators via a card reader or similar device. This includes the operations of anyone utilizing this type of equipment to provide fuel for sale or reuse.

Shall. The word shall is always mandatory and not merely directory.

Specialized Aviation Service Operator (SASO). Means a Commercial Aeronautical Activity or any entity that provides any one or more of the services listed in Section 8 of these Minimum Standards.

State. Means the State of Oregon.

TSA. Means the Transportation Security Administration or its successor agency.

Two-way Radio. Means a two-way communication system operated by a non-governmental entity that provides Airport advisory information.

[Section 10.015 added by Ord. #2014-11 passed May 13, 2014]

10.020 General Requirements.

1. Operators shall meet or exceed the requirements of this section as well as the applicable standards applicable to the Operator's activities at the Airport.
2. Each prospective Operator shall demonstrate, to the satisfaction of the City, that it is capable of consistently providing the proposed Commercial Aeronautical Activity in a safe, secure, efficient, prompt, courteous, and professional manner for a fair and reasonable price. This includes, but is not necessarily limited to, demonstrating that the prospective Operator's aviation/business background and experience is appropriate for the proposed Commercial Aeronautical Activities, and that the prospective Operator has the resources (including, but not limited to, the financial capacity) to realize its business objectives.
3. Each prospective Operator shall provide evidence, satisfactory to the City, of its financial responsibility. The prospective Operator shall also demonstrate financial capability to initiate operations, to construct proposed improvements, and to provide working capital to carry on the contemplated business.
4. No Operator shall engage in any type of Commercial Aeronautical Activity or service at the Airport without first obtaining a written Lease, Permit, or Agreement from the City authorizing such Commercial Aeronautical Activity in accordance with specifications established by the City. Leases, Permits, or Agreements shall be for a term to be mutually agreed upon between the parties with due consideration for the financial investment and the need to amortize improvements to the leasehold.
5. Operators shall comply with the Rules and Regulations, applicable federal, State, and local laws, and all regulations, orders, certificates or permits required by FAA, TSA, the Environmental Protection Agency, local fire regulations, and any other federal, State, or local agencies and successors having jurisdiction over the Airport and the activities at the Airport, as may change from time to time.
6. Each Operator shall conduct its business in a lawful and sanitary manner including, but not limited to, the timely handling and disposal of all solid waste, regulated waste, and other materials. In accordance with the Airport Rules and Regulations, the piling and

storage of crates, boxes, barrels, containers, refuse, and surplus property is not permitted upon Airport property.

7. Each Operator shall, at its sole expense, provide and maintain all equipment and facilities of the Operator, and shall provide the required services and level of performance in a clean and safe condition at all times.
8. Each Operator shall furnish good, prompt, courteous, and efficient services adequate to meet all reasonable demands on a fair, practicable, and nondiscriminatory basis to all users of the Airport who wish to avail themselves of the Operator's services. It shall maintain and operate its business in a first-class manner, and shall at all times keep its premises in a safe, clean, and orderly condition, consistent with the business activity contemplated hereunder and to reasonable satisfaction of the City.
9. Each Operator shall provide a standard of service that is at least as high as that which is typical and customary of providers at similarly situated commercial service airports. Such standard of service shall include, without limitation, providing equal and responsive service to all users and customers of the Airport.
10. Each Operator shall follow all security regulations and requirements established by the federal, State, and local governments and shall abide by all the applicable provisions of the Airport Security Plan, as amended from time to time. In addition, the City reserves the right to require that principal officers of an Operator, regardless of level of involvement in the actual operation of the business, and any employee, customer, contractor, or sub-lessee of the Operator submit to a Security Threat Assessment (STA) and/or criminal history records check (CHRC), including fingerprinting, at the expense of the Operator, dependent upon which area on the airfield or facility direct, unescorted access is required. The City may suspend the authority of an Operator to conduct business at the Airport if the results of the STA and/or CHRC indicate that the individual poses a threat to the Airport, local community, State, or nation.
11. Each Operator shall lease from the City, or provide under terms agreeable to the City, for its exclusive use, sufficient land and/or facilities for the services to be offered as set forth in these Minimum Standards or, otherwise, as required by the City for the type of services to be offered. Upon the written approval of the Airport Director, the minimum leasehold/acreage required for each aeronautical service/activity described herein may be combined where reasonable and practical for Operators desiring to engage in more than one aeronautical service/activity.
12. Each Operator shall lease or construct a building or buildings that will provide sufficient, adequate, and properly lighted and heated space for work areas, office spaces, storage, and a public waiting area that includes access to indoor restroom facilities and a public telephone to accommodate the services being provided. Upon written approval of the Airport Director, the minimum square footage required for each aeronautical service/activity described herein may be combined where reasonable and practical for Operators desiring to engage in more than one aeronautical service/activity.
 - A. No building, structure, tie-downs, ramps, paving, taxi areas, or other improvements or additions to the Airport shall be altered, removed, placed, or constructed on the Airport without the written prior approval of the City.
 - B. Construction of any new Airport facilities shall be subject to the standards of development as prescribed for the Airport by the City.
 - C. In the event of any construction, the City may, at its discretion, require an appropriate bond to guarantee the completion of construction and/or demolition.
 - D. The City must approve all plans and specifications prior to construction, and a notice of proposed construction required by 14 CFR Part 77 is to be prepared by the Operator and submitted to the Airport Director for FAA coordination and approval.

- E. All constructed improvements shall be subject to the terms and conditions of the Airport Leasing Policy upon termination or expiration of the lease.
- 13. Each Operator shall provide a sufficient number of properly certificated, rated and/or trained personnel to carry out their assigned duties for each service provided. Multiple responsibilities may be assigned to personnel to meet the requirement set forth herein.
- 14. Where more than one activity is being provided by an Operator, multiple uses can be made of aircraft; except aerial applicator (agricultural) aircraft and those aircraft designated as exclusive use by FAA regulations.
- 15. Each Operator shall make its services available to the public in accordance with the operating schedule described herein for each activity being provided.
- 16. Each prospective Operator shall demonstrate to the City's satisfaction evidence of its ability to acquire and maintain insurance coverages required herein for each particular type of Commercial Aeronautical Activity.
 - A. The insurance company, or companies, writing the required policy, or policies, shall be licensed to do business in the State of Oregon.
 - B. Where more than one Aeronautical Service is proposed, the minimum limits will vary, depending upon the nature of individual services, but will not necessarily be cumulative in all instances. For example, if 3 activities are chosen, it would not be necessary for the Operator to carry insurance policies providing the combined total of the minimum limits for each type of operation; however, if one of the selected activities required passenger liability coverage or hangarkeeper's liability not required in either of the other two categories, the Operator would be required to provide insurance on the applicable exposures. As a further example, the minimum limit of property damage on a combination of activities would be the highest minimum limit stated in the grouping chosen. Because of these variables, the applicable minimum insurance coverage on combinations of services will be discussed with the prospective Operator following the submission of the application.
 - C. All insurance that the Operator is required to carry and keep in force shall include the officers, agents, and employees of the City named as an additional insured as well as a waiver of subrogation in favor of the City.
 - D. Each Operator shall furnish evidence of compliance with this requirement to the City with proper certification that such insurance is in force and will furnish additional certification as evidence of changes in insurance not less than ten days prior to any such changes, if the change results in a reduction of coverage, and not more than five days after such change if the change results in an increase in coverage.
 - E. The applicable insurance coverages shall be in force during the period of any construction of the Operator's facilities and/or prior to Operator's entry upon the Airport for the conduct of business.
 - F. Each Operator shall furnish evidence of compliance with the applicable law with respect to workmen's compensation and unemployment insurance.
- 17. Each Operator shall protect, defend, and hold the City and its employees, agents, and contractors harmless from and against all liabilities, losses, suits, claims, judgments, fines, or demands, including all reasonable costs for investigation and defense thereof (including but not limited to attorney fees, court costs, and expert fees), of any nature whatsoever arising out of or incident to Operator's use of Airport facilities, including use or occupancy of its premises or relating to its premises, including the injury or death of any person or damage to any property, any environmental matter (including but not limited to expert, investigation, and/or remediation costs and expenses of any site remediation), any other acts or omissions of Operator's officers, agents, employees, contractors, subcontractors, licensees, or invitees, regardless of where the injury, death,

damage, or other liability may occur, unless such injury, death, damage, or other liability is caused by the sole negligence of the City, its agents, employees, tenants, or contractors.

18. As a matter of policy, the City will not allow any new "through-the fence" operations.

[Section 10.020 added by Ord. #2014-11 passed May 13, 2014]

10.025 Application.

1. An application shall be made to the City for permission to carry on any Commercial Aeronautical Activity at the Airport. Three complete originally signed applications, as set forth herein, shall be delivered to the office of the Airport Director. The application shall be in writing and in sufficient detail to discern the complete qualifications of the applicant to perform the proposed Commercial Aeronautical Activity and shall include, as a minimum, the following:
 - A. A description of the proposed business activity including:
 1. The name, address, electronic mail address, and telephone number of the applicant.
 2. A detailed description of the proposed Commercial Aeronautical Activity including the proposed date of commencement of the services and proposed hours of operation.
 3. The amount, size, and location of the land and/or facilities to be leased.
 4. Descriptions and cost estimates of any proposed capital improvements for the proposed site.
 5. The number and type of aircraft to be based, if applicable.
 6. The number of persons to be employed.
 7. The professional qualifications of personnel who will manage and/or operate the proposed business.
 8. The types and amounts of insurance coverage to be maintained for the proposed operation.
 - B. A current financial statement prepared by the Chief Financial Officer of the applicant and certified by an independent certified public accountant. The City shall consider financial statements in evaluating the applicant's financial ability to provide responsible, safe, and adequate service to the public.
 - C. A written listing of the assets owned, leased, or being purchased that will be used in the business on the Airport. Copies of any relevant leases or purchase contracts must be attached.
 - D. If applicable, a statement indicating past experience in providing the specified services proposed to be offered at the Airport including references from up to 3 individuals familiar with the applicant's ability to perform such services.
 - E. Copies of all licenses and permits required by federal, State and/or local law for the conduct of the proposed business, including licenses and permits required for any personnel who will manage or operate the business or who will perform any services in connection with the proposed business.
 - F. A written acknowledgement that the applicant will execute such forms, releases, or discharges as may be required by the FAA and all aviation or aeronautic commissions, administrators, or departments of all States in which the applicant has engaged in aviation business, to release information in their files relating to the applicant or its current or proposed operation.
 - G. The application shall be signed and submitted by the owner of the business, if a sole proprietorship; every partner if a partnership; every member if a liability company (LLC); and the President or CEO if a corporation.

2. The applicant shall agree to provide any additional information and material necessary or requested by the City to establish to the satisfaction of the City that the applicant can qualify and will comply with these Minimum Standards.
3. Additional information may be needed for leasing Airport property as required by the then- current edition of the Airport Leasing Policy; a copy of which can be provided to the applicant by the City upon request.

[Section 10.025 added by Ord. #2014-11 passed May 13, 2014]

10.030 Action on Application.

1. After an application has been completed and material submitted in accordance with Section 5 and has been reviewed and deemed complete by the Airport Director, the matter will be considered at the following regularly scheduled meeting of the City Council.
2. The City Council may deny any application if, in its sole opinion, it finds any one or more of the following:
 - A. The applicant does not meet the qualifications, standards, and requirements established by these Minimum Standards.
 - B. The applicant's proposed operation or construction will create a safety hazard on the Airport.
 - C. The granting of the application will require the City to spend funds, supply labor or materials in connection with the proposed operation, or the operation is expected to result in a financial loss to the City.
 - D. Inappropriate, inadequate, or insufficient space exists in buildings at the Airport to accommodate the entire activity of the applicant at the time of application, or, no available Airport land suitable for construction of buildings and facilities exists to accommodate the entire activity of the applicant at the time of application.
 - E. The development or construction on the Airport necessary to accommodate the proposed business does not comply with the FAA-approved Airport Layout Plan for the Airport.
 - F. The development or use of the area requested by the applicant will result in congestion of aircraft or buildings or will result in unduly interfering with the operations of any then-existing Commercial Aeronautical Activity on the Airport.
 - G. The applicant does not meet the requirements of the Airport Leasing Policy.
 - H. The applicant has either intentionally or unintentionally misrepresented or omitted any pertinent information in the application or in supporting documents.
 - I. The applicant has a record of violating the Rules and Regulations of the Airport or of any other airport, FAA regulations, or any other federal, State, or local statutes, laws, rules, or regulations.
 - J. The applicant has defaulted in the performance of any lease or any other agreement with the City or other airport(s).
 - K. The applicant does not, in the opinion of the City, exhibit adequate financial responsibility to undertake the project based upon financial information provided.
 - L. The applicant cannot provide acceptable surety in the amount required by the City for that contract.
 - M. The proposed Commercial Aeronautical Activity or development is not in the best interest of the Airport or the public.

[Section 10.030 added by Ord. #2014-11 passed May 13, 2014]

10.035 Requirements and Minimum Standards for Fixed Base Operators (FBOs). The following shall apply to all applicants wishing to become an FBO at the Airport:

1. **Description.** An FBO is (i) an Operator that has entered into a written Lease, Permit, or Agreement authorizing and enabling it to engage in the sale of aeronautical products, services, and facilities required in accordance with this Section, or (ii) the City when it provides the services of an FBO. Only FBOs shall be permitted to provide commercial Aircraft Fueling services and operate retail Aircraft Fueling facilities at the Airport. An FBO shall provide all the services required in this section.

Each FBO shall conduct its business and activities on and from its leased premises in a safe and professional manner consistent with all FAA standards and applicable laws and regulations and the following Minimum Standards.

2. **Requirements.** Each FBO shall meet or exceed the following minimum requirements:
 - A. **Airplane Design Group Serviceability.** The Airplane Design Group aircraft to be supported by an FBO is up to and including Group III.
 - B. **Manager, Staffing, and Employee Qualifications.** Select and appoint a full-time manager for its operation at the Airport. Such manager shall be highly qualified and experienced, and be vested with full power and authority to act in the name of the FBO with respect to the method, manner, and conduct of the services to be performed hereunder. Such manager shall be available at the Airport during regular business hours, and during the manager's absence, a duly authorized and qualified subordinate shall be in charge of the FBO and on the FBO Premises at the Airport.

Provide, at its sole expense, a sufficient number of employees to effectively and efficiently provide the services herein authorized. During the required hours of operation, employ and have on duty sufficient staff to meet the Minimum Standards for each Commercial Aeronautical Activity provided. However, multiple responsibilities may be assigned to employees where feasible. Provide to the Airport a current written statement of the names, general technical qualifications, addresses, telephone numbers, and other necessary contact information for all personnel responsible for the operation and management of the FBO. In addition, provide the City a point-of-contact with phone numbers for emergency situations.

Ensure all aircraft Fuel Handling personnel are trained in the safe and proper handling, dispensing, and storage of Aircraft Fuel. Acceptable training shall be National Air Transportation Association (NATA) "Safety 1st" or an equivalent training program acceptable to the City.

Control the conduct, demeanor, and appearance of its employees and representatives. Such employees shall be trained and possess technical qualifications, and hold certificates of qualifications, as may be required for such employee to carry out assigned duties. Maintain close supervision over employees to ensure a high standard of service to customers of the FBO. Conduct customer service surveys on an ongoing basis to gauge customer satisfaction with the services offered by the FBO and provide bi-annual summaries of such surveys to the Airport Director.

- C. **Hours of Operation.** Be open for business and provide Aircraft Fueling and aircraft line services for a duration sufficient to serve the demands of customers operating at the airport, including commercial airline operations. Generally this

will require coverage between 14 to 18 hours a day, 7 days a week, except as when necessitated by business or emergency conditions. Operating hours will be subject to approval by the Airport Director. Exceptions to these minimum operating hours may be granted by the Airport Director for certain holidays, or when special circumstances, conditions, or events warrant a reduction in operating hours. Provide within a reasonable period of time (no greater than 45 minutes) staffing on a call-back basis to address after-hour requests for service from customers.

- D. **Premises.** FBO premises shall comprise a minimum of 3.5 acres of contiguous Airport land for the co-location of aircraft parking and servicing, a public use terminal building, automobile parking, hangar(s), and related structures and improvements thereon as more fully described below:
1. Public use terminal building of at least 4,000 square feet to include properly lighted, heated, and air conditioned building space to support the following services and activities:
 - a. A convenient, comfortably furnished, public waiting area with adjoining public restroom facilities;
 - b. A customer service counter area equipped with two-way radio equipment to facilitate airborne customer requests as well as credit card transaction equipment capable of accepting one or more national bank and major oil company credit cards for fueling, line, and related services;
 - c. A discreet flight planning work area properly equipped with appropriate wall charts, an FAA issued Airport Information Manual, a "Notice to Airmen" board, flight service station, and weather service communication links;
 - d. Pilot's lounge;
 - e. offices;
 - f. A public conference room;
 - g. A discrete snack food and beverage concession area offering adequate seating and tables and equipment to dispense a selection of hot and cold beverages and pre-packaged snacks; and
 - h. Complimentary wireless public internet access (Wi-Fi).
 2. A 10,000 square foot clear span hangar of adequate dimensions to accommodate storage of Airplane Design Group II aircraft;
 3. An aircraft apron comprised of at least 75,000 square feet of paved area for parking, tie-down, and maneuvering of aircraft constructed to engineering standards for the current Airplane Design Group aircraft at the Airport as defined in the existing Airport Layout Plan;
 4. A Fuel Storage Area encompassing an area suitable to store a total of 30,000 gallons of fuel (3 tanks) in a location approved by the Airport Director, on which aviation or motor vehicle fuel or any other type of fuel or fuel additive may be stored; and,
 5. Customer and employee parking as required by the City.
- E. **Insurance.** Procure, maintain, and pay premiums, during the term of the Agreement, for the following insurance:
1. Commercial General Liability including, but not limited to:
 - a. Premises/Operations
 - b. Products/Completed Operations
 - c. Pollution
 - d. Contractual

- e. Hangarkeepers' Liability
- F. **Required FBO Services.** Provide, at a minimum, the following services at the Airport:
 - 1. **Aircraft Storage.** Provide a 10,000 square foot clear span hangar of adequate dimensions to accommodate storage of Airplane Design Group II aircraft.
 - 2. **Line Service.** Provide necessary equipment, supplies, and trained personnel for apron assistance as set forth below. Equipment shall be sufficient to facilitate the handling of aircraft up to and including Airplane Design Group III aircraft. During normal business hours, provide line services as follows:
 - a. Aircraft marshaling, ramp parking, and tie-down assistance, including ramp personnel and vehicles as appropriate;
 - b. Tie-down ropes, chains, and anchors;
 - c. Aircraft towing services capable of moving up to the type of aircraft set forth above;
 - d. Aircraft deicing services capable of servicing the type of aircraft set forth above;
 - e. Nitrogen service for aircraft tires;
 - f. Catering services;
 - g. Mobile ground power assistance capable of servicing the type of aircraft set forth above;
 - h. Aircraft lavatory and cabin cleaning services;
 - i. Aviation grade in-flight oxygen refills;
 - j. Passenger and crew customer service assistance and support to include crew car, rental car, and ground transportation service referrals.
- G. **Fuel and Lubricants.** Provide the sale and into-plane delivery of common and recognized brands of Aircraft Fuel, lubricants and other aviation petroleum products. Provide, store, and dispense Jet A and 100LL aviation gasoline in sufficient quantities to meet the needs of the general aviation and air carrier operations at the Airport. Provide, store, and dispense motor fuels necessary to operate Ground Service Equipment required for commercial airline operations. Pay a fuel flowage fee as the same may be regularly established from time to time by the City for all aircraft fuels sold at the Airport.
- H. **Aircraft Fuel Storage Facility.** At its own expense, build, install, maintain, and manage, a Fuel Storage Facility encompassing an area suitable to store a minimum total of 30,000 gallons of fuel in a location as approved by the Airport Director, with safety features, and filtration systems to ensure Aircraft Fuel quality. Ensure that all Aircraft Fuel is delivered clean, bright, pure, and free of microscopic organisms, water, or other contaminants. Ensuring the quality of the Aircraft Fuel is the sole responsibility of the FBO.

The Fuel Storage Facility shall include one (1) Avgas Fuel Storage tank with a minimum of 10,000 gallon capacity and two (2) Jet-A Fuel Storage tanks with a minimum of 10,000 gallon capacity each or one (1) Jet A Fuel Storage tank with a minimum 20,000 gallon capacity. Filter-equipped Aircraft Fuel dispensers with separate dispensing pumps and meter systems for each grade of Aircraft Fuel shall be provided. Aircraft Fuel inventories shall be monitored in accordance with all applicable federal, state, and local rules, regulations and standards.

Aircraft Fuel Storage Facility design, construction, operation, secondary containment, and spill control plan shall conform to the Airport Rules and Regulations as well as all applicable federal, State, and local laws, codes, and regulations including but not limited to the National Fire Protection Association, Air Transport Association (ATA) Specification 103 – *Jet Fuel Quality at Airports*, Environmental Protection Agency, and state regulations pertaining to aviation fuel spill prevention and containment measures.

The Operator shall develop and maintain an Aircraft Fuel Spill Prevention, Countermeasures, and Control (SPCC) Plan, a copy of which shall be provided to the City for approval no later than forty-five (45) days prior to commencing operations and anytime the document is updated.

The Operator must submit preliminary engineering drawings, to include the location and layout of the Aircraft Fuel Storage Facility, to the Airport for conceptual approval. Following receipt of written conceptual approval of the preliminary engineering drawings and plans by the Airport, the Operator shall submit stamped engineering drawings and plans to the city's Community Development Department (CDD) for review and approval for construction.

Upon completion of construction of the Aircraft Fuel Storage Facility, the Operator shall have the facility inspected by CDD prior to bringing the facility online and submit to the Airport two (2) copies of final as-built drawings

- I. **Aircraft Fueling Vehicles.** Provide, as a minimum, two (2) Aircraft Fueling Vehicles for jet fuel, each with a capacity of at least 2,000 gallons; and one (1) Aircraft Fueling Vehicle of at least 750 gallon capacity of 100LL aviation gasoline. All Aircraft Fueling Vehicles dispensing jet fuel shall have over the wing and single point servicing capability, shall be in good working condition, and fully compliant with NFPA Section 407 and ATA Specification 103.
- J. **Self-Service Fueling Station (Optional).** If an operator chooses to provide a Self-Service Fueling Station the design, construction, operation, secondary containment and spill control plan of the Self-Service Fueling Station shall comply with all applicable requirements for aircraft fuel storage facilities listed in Section 10.035, Section H of this code.
- K. **Assistance to Disabled Aircraft.** As authorized by the Airport Director, provide on its own or by contract with a qualified 3rd party, as approved by the Airport Director, sufficient equipment and trained personnel to remove disabled aircraft from the Aircraft Movement Area in a safe and timely manner. Have available suitable tractors, tow bars, jacks, dollies, and other equipment as needed to remove Airplane Design Groups I - II aircraft and contract services available for aircraft designated Group III or greater. The aircraft owner will be responsible for compensating the FBO for any assistance provided to address and remove the disabled aircraft
- L. **Other Services.** An FBO shall make available either directly, or by contract with a third-party SASO, upon prior written approval from Airport Director. The following Commercial Aeronautical Activities: Aircraft Airframe and Engine Maintenance and Repair, Aircraft Charter and Commercial Operator services, and Hangar Storage. The requirements for these services are set forth below in Section 8. An FBO providing additional services, either directly or through an approved sub-lessee or contractor arrangement, shall comply with the Minimum Standards for the listed Specialized Aviation Service Operator.

[Section 10.035 added by Ord. #2014-11 passed May 13, 2014]

[Section 10.035 amended by Ord. #2014-21 passed December 16, 2014]

10.040 Minimum Standards for Specialized Aviation Service Operators (SASOs).

Specialized Aviation Service Operators (SASOs) shall consist of one or more of the following services and activities and must comply with the Minimum Standards described in this Section.

1. **Aircraft Airframe and Engine Maintenance and Repair.**
 - A. **Scope of Service.** An aircraft and airframe engine maintenance and repair Operator is a person or persons, firm, or corporation providing one or a combination of airframe and power plant overhaul and repair services. This category of Aeronautical Services also includes the sale of aircraft parts and accessories. This service is an FBO requirement.
 - B. **Minimum Standards**
 1. Operator's premises shall include a minimum of 3,600 square feet of space to accommodate hangar, shop and parts storage space, office, restrooms, customer lounge, and telephone facilities for customer use. In addition to the operating space requirements, Operators shall provide 4 on-site auto parking spaces. In addition:
 - a. For purposes of meeting the requirements for 7.H., FBOs are to provide an adequately-sized paved aircraft apron and storage area designed to accommodate a minimum of 2 Group II aircraft;
 - b. For purposes of meeting the requirements of this section, SASOs are to provide an adequately-sized paved aircraft apron or storage area designed to accommodate a minimum of 2 Group I aircraft.
 2. Provide sufficient equipment and supplies and have access to the parts necessary to perform the repairs and to recertify each aircraft being repaired.
 3. Comply with all FAA regulations as they apply to the type of work being performed, parts utilized, and certifications required as an approved repair station.
 4. Have the premises open and services available 8 hours daily, 5 days a week. Provide within a reasonable period of time (no greater than 45 minutes) staffing on a call-back basis to address after-hour requests for service from customers.
 5. Employ and have on duty during the appropriate business hours, not less than 1 person who possesses the appropriate FAA certificate(s) for the work being performed as set forth in this category of services.
 6. Carry the following types of insurance in accordance with their Agreement:
 - a. Commercial General Liability including, but not limited to:
 - i. Premises/Operations;
 - ii. Products/Completed Operations;
 - iii. Pollution;
 - iv. Contractual; and
 - v. Hangarkeepers' Liability.
2. **Aircraft Charter and Commercial Operator**
 - A. **Scope of Service.** An air charter Operator engages in the business of providing air transportation (persons or property) to the general public for

hire, on a prearranged basis as defined under 14 CFR Parts 119 and 135. This service is an FBO requirement.

B. Minimum Standards.

1. Operator's leasehold premises shall contain a minimum of 750 square feet for office space, a passenger lounge with a public telephone, hangar space (and/or a minimum of two tie-down spaces), of sufficient size to accommodate the required number of aircraft. In addition, 6 auto parking spaces are to be provided. Parking of vehicles over an extended period shall be the subject of specific separate written agreements between the Operator and the City. If handling air cargo, Operator's premises must also include an additional 200 square feet of cargo storage space.
2. Have and maintain during the term of the tenancy at the Airport, proper licenses and shall operate in conformance with all appropriate FAA regulations.
3. Hold a proper Commercial Operator certificate and own or have available to it under written lease no fewer than 1 single-engine (4-place) aircraft equipped for and capable of use under instrument condition that meet the requirements of 14 CFR Parts 119 and 135.
4. Have the premises open and services available to the public 8 hours daily, 6 days per week, but shall provide "on-call" services 24 hours daily, 7 days a week.
5. Employ and have on duty during the required operating hours, trained personnel in such numbers as are required to meet the Minimum Standards set forth in this category but never less than 1 FAA-certificated commercial pilot and otherwise appropriately rated to permit the flight activity offered by the Operator.
6. Have available sufficient qualified operating crews or satisfactory number of personnel for checking in passengers, handling of luggage, ticketing, and/or furnishing or arranging for suitable ground transportation.
7. Provide reasonable assurance of a continued availability of qualified operating crews and approved aircraft within a reasonable or specified maximum notice period.
8. Carry the following types of insurance in accordance with their Agreement:
 - a. Aircraft Liability (Hull & Protection and Indemnity) or its equivalent;
 - b. Passenger Liability on all owned and leased aircraft;
 - c. Commercial General Liability including, but not limited to:
 - i. Premises/Operations; and
 - ii. Contractual.

3. Aircraft Storage.

A. Scope of Service. An aircraft storage operation is a business operated by a person, firm or corporation engaged in the construction and rental of conventional and/or T-type hangars and tiedown areas to the general flying public. This service is an FBO requirement.

B. Specific Standards of Operation.

1. Construct buildings in accordance with design and construction standards required and established by the City for the facility or activity involved.

2. Conventional multi-aircraft hangars shall be a minimum of 10,000 square feet for FBOs and 3,600 square feet for SASOs; T-type hangars shall have a minimum of 8 units per building.
 3. Provide a sufficient number and type of fire extinguishers as required by federal, State, and local laws and regulations and towing equipment capable of maneuvering aircraft to and from the hangar.
 4. Carry the following types of insurance in accordance with their Agreement:
 - a. Commercial General Liability including, but not limited to:
 - i. Premises/Operations;
 - ii. Contractual; and
 - iii. Hangarkeepers' Liability.
4. **Flight Training.**
- A. **Scope of Service.** A flight training Operator is a person or persons, firm, or corporation engaged in instructing pilots in dual and solo operation of aircraft and providing such related ground school instruction as is necessary for taking a written examination and flight check ride for the category or categories of pilots' licenses and ratings involved.
 - B. **Minimum Standards.**
 1. Operator's premises shall include a minimum of 400 square feet for office space and a flight planning area with equipment, phones and access to restrooms, 2 aircraft tie-down spaces, and 6 auto parking spaces. If providing ground school services on the Airport, additional space must be leased for a classroom that can accommodate at least four students, plus adequate equipment as deemed necessary for such training.
 2. Have available for use in flight training, either owned or under written lease at least 2 aircraft properly certificated to handle the proposed scope of operation. At least 1 of which must be a 4-place aircraft, and at least 1 of which must be equipped and capable of use in instrument flight instruction.
 3. Have the premises open and services available to the public 8 hours daily, 5 days each week, weather permitting.
 4. Employ on a full-time basis at least 1 flight instructor who has been properly certificated by the FAA to provide the type of training offered. In addition to the fulltime instructor, Operator shall have at least 1 part-time flight instructor, available by appointment, who has been properly certified by the FAA to provide the type of training.
 5. Carry the following types of insurance in accordance with their Agreement:
 - a. Aircraft Liability (Hull & Protection and Indemnity) or its equivalent;
 - b. Student/Renter Liability coverage for all users of aircraft;
 - c. Commercial General Liability including, but not limited to:
 - i. Premises/Operations;
 - ii. Contractual; and
 - iii. Hangarskeepers.
5. **Independent Flight Instructor.**

- A. **Scope of Services.** Independent flight instructors will be permitted to provide aircraft flight instructions at times of his or her choosing without meeting the requirements of Sup-paragraph D.
 - B. **Minimum Standards.**
 - 1. Operator obtains a City of Redmond Business License in accordance with Section 7 of the City of Redmond Code.
 - 2. Operator demonstrates to Airport Director that he/she has secured adequate nonpublic office space to conduct the proposed activity.
 - 3. Operator obtains from the Airport Director an Independent Flight Instructor's Airport Business Permit which requires:
 - a. Proof of proper and current licenses certified by the Federal Aviation Administration, with appropriate ratings to cover the type of training offered.
 - b. Proof of a City of Redmond Business License if required.
 - c. Written assurance that adequate public liability and property damage insurance is provided in such amounts as required by the State of Oregon to protect the operation and City from legal liabilities resulting from this activity.
 - d. Written assurance that all federal, state, and local statutes, rules and regulations will be complied with at all times.
 - e. Written assurance that not more than Forty (40) hours of flight instruction will be provided in any one (1) month.
6. **Aircraft Rental.**
- A. **Scope of Service.** An aircraft rental Operator is a person or persons, firm, or corporation engaged in the rental of aircraft to the public.
 - B. **Minimum Standards.**
 - 1. Operator's premises must include a minimum of 160 square feet for an office to consummate the rental Agreement, access to restrooms and telephone facilities for customer use, a minimum of 2 tie-down spaces, and 4 auto parking spaces.
 - 2. Have available for rental, either owned or under written lease to Operator, 2 certified and currently airworthy aircraft, 1 of which must be equipped for, and capable of, flight under instrument flight rules.
 - 3. Have the premises open and services available a minimum of 8 hours daily, 6 days a week.
 - 4. Employ and on duty during the required operating hours, trained personnel in such number as are required to meet the Minimum Standards in an efficient manner to dispatch the rented aircraft.
 - 5. Carry the following types of insurance in accordance with their Agreement:
 - a. Aircraft Liability (Hull & Protection and Indemnity) or its equivalent;
 - b. Student/Renter Liability coverage for all users of aircraft;
 - c. Commercial General Liability including, but not limited to:
 - i. Premises/Operations; and
 - ii. Contractual.
7. **Aircraft Sales (New and/or Used).**
- A. **Scope of Service.** An aircraft sales Operator is a person engaged in the sale of new and/or used aircraft through franchises, or licensed dealerships or distributorships (either on a retail or wholesale basis) of an aircraft manufacturer and provides such repair, services and parts as

necessary to meet any guarantee or warranty on new and/or used aircraft sold by him.

B. Minimum Standards.

1. Operator's premises must include a minimum of 160 square feet of space to provide for: office space, conference rooms, public restrooms, 6 auto parking spaces are to also be provided.
2. Provide necessary and satisfactory arrangements for the repair and servicing of aircraft, for the duration of any sales guarantee or warranty period. Servicing facilities may be provided through written agreement with another Operator at the Airport.
3. Provide an adequate inventory of spare parts for the type of new aircraft for which sales privileges are granted.
4. Have available at least one fully-assembled and certificated-airworthy demonstrator aircraft for each category or class of aircraft sold.
5. Have the premises open and services available 8 hours daily, 5 days a week.
6. Employ and have on duty during the required operating hours, trained personnel in such numbers as are required to meet these requirements in an efficient manner, but never less than 1 person having a current pilot certificate with appropriate ratings for the operation being conducted.
7. Carry the following types of insurance in accordance with their Agreement:
 - a. Aircraft Liability (Hull & Protection and Indemnity) or its equivalent;
 - b. Passenger Liability on all owned and leased aircraft;
 - c. Commercial General Liability including, but not limited to:
 - i. Premises/Operations;
 - ii. Products/Completed Operations; and
 - iii. Contractual.

8. Specialized Aircraft Repair Services (Radios, Propellers, Instruments, Accessories, etc.).

A. Scope of Service. A specialized aircraft repair services Operator is a FAA-certified person or persons, firm, or corporation engaged in a business repairing aircraft radios, propellers, instruments, and/or accessories for general aviation aircraft. This category includes the sale of new and/or used aircraft radios, propellers, instruments, and accessories.

B. Minimum Standards.

1. Operator's premises shall include sufficient space to provide for: the outside storage of 2 aircraft, 6 automobile parking spaces, and a building for aircraft storage, parts and equipment storage, office space, public restrooms, and telephones in order to support and satisfy the requirements of the proposed operation.
2. Obtain and maintain, as a minimum, the repair station certificates required by the FAA that are applicable to the operation or operations contemplated. The Operator may furnish one or, if desired, any combination of the services listed above.
3. Have the premises open and services available to the public 8 hours daily, 5 days each week.

4. Employ and have on duty during the required operating hours, trained personnel in such numbers as are required to meet the Minimum Standards set forth in this category but never less than 1 person who meets the requirements of the appropriate FAA repairman certification and 1 other person who need not be rated by the FAA.
 5. Carry the following types of insurance in accordance with their Agreement:
 - a. Commercial General Liability including, but not limited to:
 - i. Premises/Operations;
 - ii. Products/Completed Operations;
 - iii. Contractual, and
 - iv. Hangarkeepers' Liability.
9. **Air Ambulance.**
- A. **Scope of Service.** A specialized commercial aircraft Operator providing a fixed and /or rotary wing aircraft as well as trained pilots and medical professionals capable of offering medical care and air transportation to sick or injured persons.
 - B. **Minimum Standards.**
 1. Operator's premises must include a minimum of 2,000 square feet for office space, living quarters, hanger space and /or a minimum of two tie-down spaces and 6 auto parking spaces.
 2. Provide a physician, registered nurse or emergency medical technician on an "on-call" basis, as may be required for individual cases.
 3. Provide one (1) pilot with appropriate FAA certificates on duty full time during normal business hours which shall be eight (8) hours per day, six (6) days a week. Back-up pilots must be on call during other hours.
 4. Maintain current licenses and permits required by federal, state or local governments for the provision of the proposed medical services. Copies of all required certificates, permits, licenses, and FAA inspections shall be submitted to the Airport Director.
 5. Provide at least one Aircraft, specifically designed and equipped to transport medical patients for emergency flights, as well as normal treatment transportation. Such Aircraft shall be owned by or available pursuant to a written agreement. Provide backup Aircraft for use when Commercial Operator's Aircraft is out of service for any reason.
 6. Carry the following types of insurance in accordance with their Agreement:
 - a. Commercial General Liability including, but not limited to:
 - i. Premises/Operations;
 - ii. Products/Completed Operations;
 - iii. Contractual; and
 - iv. Hangarkeepers' Liability.
10. **Specialized Commercial Flying Services.**
- A. **Scope of Service.** A specialized commercial flying services Operator is a person or persons, firm or corporation engaged in air transportation for hire for the purpose of providing the use of aircraft for any other operations specifically excluded from 14 CFR Part 135.
 - B. **Minimum Standards.**

1. Operator's premises must include adequate space and/or land area to meet the requirements of the operation at the Airport subject to the approval of the City.
2. In the case of crop-dusting or other aerial chemical application services, the Operator shall make suitable arrangements and have space available for safe loading, unloading, storage, and containment of Hazardous Materials in compliance with all applicable federal, State, and local laws, regulations, and permits, and shall be properly licensed by the State to perform such activities.
3. Provide and have based on the leasehold, either owned or under written lease to the Operator, not less than 1 aircraft which will be airworthy, meeting all the requirements of the FAA and applicable regulations of the State with respect to the type of operations to be performed.
4. Comply with all applicable City, State, and federal laws and regulations. Maintain adequate written records to show compliance with said regulations and make the records available to the City or their representatives for inspection in a reasonable and timely manner.
5. Employ trained personnel in such numbers as may be required to meet these Minimum Standards in an efficient manner. All flight crews shall meet all applicable FAA regulations pertaining to the type of flights conducted.
6. Carry the following types of insurance in accordance with their Agreement and scope of activity:
 - a. Aircraft Liability (Hull & Protection and Indemnity) or its equivalent;
 - b. Passenger Liability on all owned or leased aircraft;
 - c. Commercial General Liability including, but not limited to:
 - i. Premises/Operations;
 - ii. Pollution (as applicable); and
 - iii. Contractual.

[Section 10.040 added by Ord. #2014-11 passed May 13, 2014]

10.045 Waiver of Minimum Standards Provision. The City may, at its sole discretion, waive all or any portion of these Minimum Standards set forth herein for the benefit of any government or governmental agency performing non-profit public services to the aircraft industry or performing fire prevention or fire-fighting operations. The City also may waive any of these Minimum Standards for non-governmental applicants when it deems such waiver to be in the best interest of the Airport and the public, and will not result in unjust discrimination against similarly situated aeronautical users and/or service providers at the Airport.

Consistency with FAA Airport Improvement Program (AIP) grant assurances and the FAA Airport Revenue Use Policy is to be considered by the City when reviewing a possible waiver of all or any portion of these Minimum Standards.

[Section 10.045 added by Ord. #2014-11 passed May 13, 2014]

10.050 Written Agreement. Prior to the commencement of construction or operation, the Operator shall enter into a written Lease, Agreement, or Permit with the City, as the case may be, which shall set forth the terms and conditions under which the Operator shall conduct its business at the Airport. The Lease, Agreement, or Permit shall include all provisions required by law and obligations placed upon the City by all federal and State agencies and any other contracting provisions deemed necessary by the City.

[Section 10.050 added by Ord. #2014-11 passed May 13, 2014]

10.055 FAA Required Lease Provisions. Each lease shall contain the following provisions regarding subordination, emergency leasing to the United States, and non-discrimination. The language for these provisions is as follows:

1. **Lease Subordinate to Agreement between City and the United States.** This lease shall be subordinate to the provisions of any existing agreement between the City and the United States, relative to the operation or maintenance of the Airport, the execution of which has been required as a condition precedent to the expenditure of federal funds for the development of the Airport.
2. **Emergency Lease to United States.** During times of war or national emergency, the City shall have the right to lease the landing area or any part thereof to the United States Government for military or naval use, and if any such lease is executed, the provisions of this instrument insofar as they are inconsistent with the provisions of the lease to the Government shall be suspended.

All facilities of the Airport developed with federal financial assistance and all facilities usable for landing and takeoff of aircraft will be available to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, a charge may be made for a reasonable share, proportional to such use, of the cost for operating and maintaining the facilities used.

3. **Non-Discrimination.** The Operator shall furnish all services authorized or licensed on a fair, equal, and not unjustly discriminatory basis to all users and shall charge fair, reasonable, and not unjustly discriminatory prices for each unit or service, provided that it may make reasonable and non-discriminatory discounts, rebates, or other similar types of price reductions to volume purchasers, if permitted by law.

The Operator for itself, its personal representatives, successors in interest, and assignees hereby agrees that:

- A. No person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. In the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination.
- C. That the premises are to be used in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulation may be amended.

- D. That in the event of breach of any of the above non-discrimination covenants, the City shall have the right to terminate the lease and re-enter and repossess said land and the facilities thereon and hold the same as if said lease had never been made or issued.

[Section 10.055 added by Ord. #2014-11 passed May 13, 2014]

10.060 Operators Doing Business on the Effective Date of These Minimum Standards.

Existing Operators are to comply with the Minimum Standards set forth herein.

[Section 10.060 added by Ord. #2014-11 passed May 13, 2014]

Appendix "A" Requirements

Operator Activity	Building Requirements (Sq. Ft.)	Parking Requirements (Spaces)	Aircraft Parking Requirements	Personnel	Hours of Operation
Aircraft Sales	160	6	2	1	8 hr day; 5 days/wk
Aircraft Airframe/Engine Maintenance & Repair	3,600	4	2	1	8 hr day; 5 days/wk. On call services 24 hr/day; 7 days/wk
Aircraft Rental	160	4	2	2	8 hr/day; 6 days/wk
Flight Training	400	6	2	2	8 hr/day; 5 days/wk
Fuels & Oil Dispensing	14,000	6	TBD	TBD	14-18 hr/day; 7 days/wk. On call services 24 hr/day; 7 days/wk.
Specialized Aircraft Repair	3,600	6	2	2	8 hr/day; 5 days/wk
Aircraft Charter & Commercial Operator	950	6	2	1	8 hr/day; 6 days/wk; On call services 24 hr/day; 7 days/wk
Air Ambulance	4,000	6	2	3	On call response 24 hrs/day

[Appendix "A" added by Ord. #2014-11 passed May 13, 2014]

Appendix "B" Insurance

FBO Activity	Passenger Liability (Each)	Aircraft Liability (Combined Single Limit)	Student / Renter Liability	Hanger Keeper's Liability (Combined Single Limit)	Fuel Truck Liability	Commercial General, Premises & Products & Completed Operations (Combined Single Limit)	Environmental Impairment Liability (Each Occurrence)
Aircraft Sales	\$100,000	\$1,000,000		\$1,000,000		\$1,000,000	
Aircraft Airframe / Maintenance & Repair	\$100,000	\$1,000,000		\$1,000,000		\$1,000,000	\$1,000,000
Aircraft Rental	\$100,000	\$1,000,000				\$1,000,000	
Flight Training	\$100,000	\$1,000,000	\$100,000 Combined Single Limit; Passenger Limited to \$100,000			\$1,000,000	
Fuels & Oil Dispensing	\$100,000	\$1,000,000		\$2,000,000	(a) Bodily Damage \$500,000 per person, \$1,000,000 per occurrence (b) Property Damage \$500,000 each occurrence	\$10,000,000	\$1,000,000
Specialized Aircraft Repair	\$100,000	\$1,000,000		\$1,000,000		\$1,000,000	\$1,000,000
Aircraft Charter & Commercial Operator	\$100,000	\$1,000,000		\$1,000,000		\$1,000,000	\$1,000,000

[Appendix "B" added by Ord. #2014-11 passed May 13, 2014]

[Appendix "B" amended by Ord. #2014-21 passed December 16, 2014]

Appendix "C" Independent Flight Instructor Business License

Permit # _____

Redmond Municipal Airport – Roberts Field Independent Flight Instructor Business License

Date: _____

Expiration Date: _____

Name: _____

Address: _____

City, State & Zip Code: _____

Telephone Number: _____

Proof of City of Redmond Business License: _____

Proof of proper and current licenses certified by the Federal Aviation Administration, with appropriate ratings to cover the training offered:

Permit Assurances:

As a permitted Independent Flight Instructor at the Redmond Municipal Airport – Roberts Field, I agree to indemnify and save harmless and assume the defense of the City of Redmond (City), its agents, employees, and officials, from and against any and all liabilities, damages, expenses, causes of action, suits, claims or judgments; and to pay all attorneys' fees, court costs, and other costs incurred in defending such claims, which may accrue against, be charged to, be recovered from or sought to be recovered from the City, its agents, employees or officials by reason of or on account of damages to the property of, injury to, or death of, any person arising from my independent flight instruction activity at the Redmond Municipal Airport – Roberts Field, including acts of omission on my part.

I further assure that I will maintain at all times adequate public liability and property damage insurance in sufficient amounts as hereinafter promulgated by the State of Oregon to protect my independent flight instruction operation and the City from legal liabilities resulting from this activity. During the course of conducting independent flight instruction activities as stipulated by this permit I will ensure that all federal, state, and local statutes, rules, and regulations shall be complied with at all times.

I further assure that I will not give more than forty (40) hours for flight instruction in any one calendar month.

It is agreed and understood that any violation of the standards of this permit may result in its revocation.

Name (Print): _____

Signature: _____

Date: _____

[Appendix "C" added by Ord. #2014-11 passed May 13, 2014]