



City Council

Mayor
Brian Dalton

Council President
Jim Fairchild

Councilor
Kelly Gabliks

Councilor
Micky Garus

Councilor
Bill Hahn

Councilor
Jackie Lawson

Councilor
Kevin Marshall

Councilor
Murray Stewart

Councilor
LaVonne Wilson

Councilor
Ken Woods, Jr.

City Staff

City Manager
Ron Foggin

City Attorney
Lane Shetterly

Community
Development/
Operations Director
Jason Locke

Finance Director
Cecilia Ward

Fire Chief
Fred Hertel

Police Chief
Tom Simpson

Director of Engineering
& Environmental
Services
Fred Braun

City Recorder
Emily Gagner

Recording Secretary
Jeremy Teal

Dallas City Council Agenda

Mayor Brian Dalton, Presiding

Monday, December 7, 2015

7:00 pm

Dallas City Hall

187 SE Court St.

Dallas, OR 97338

All persons addressing the Council will please use the table at the front of the Council. All testimony is electronically recorded. If you wish to speak on any agenda item, please sign in on the provided card.

AGENDA ITEM	RECOMMENDED ACTION
1. ROLL CALL	
2. PLEDGE OF ALLEGIANCE	
3. EMPLOYEE RECOGNITION/INTRODUCTION	
4. COMMENTS FROM AUDIENCE <i>This time is provided for citizens to comment on municipal issues and any agenda items other than public hearings. The Mayor may place time restrictions on comments. Please supply 14 copies of the material brought to the meeting for distribution.</i>	
5. PUBLIC HEARINGS <i>Public comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.</i>	
6. CONSENT AGENDA <i>The following items are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered separately.</i>	
a. Approve minutes of November 16, 2015 City Council meeting PG. 3	
b. Approve cancelling the December 21, 2015, Dallas City Council meeting PG. 7	
7. ITEMS REMOVED FROM CONSENT AGENDA	
8. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS	
a. General Comments from the Councilors and Mayor	
b. Report of the November 23, 2015, Administration Committee Meeting (Councilor Gabliks) PG. 8	
c. Report of the November 23, 2015, Building & Grounds Committee Meeting (Councilor Gabliks for Councilor Marshall) PG. 37	
9. REPORTS FROM CITY MANAGER AND STAFF	



Our Vision

Our vision is to foster an environment in which Dallas residents can take advantage of a vital, growing, and diversified community that provides a high quality of life.

Our Mission

The mission of the City of Dallas is to maintain a safe, livable environment by providing open government with effective, efficient, and accountable service delivery.

Our Motto

Commitment to the Community.
 People Serving People.

City Hall

Dallas City Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Manager's Office, 503-831-3502 or TDD 503-623-7355.

a. Continued discussion of proposed Dallas Development Code Amendments (LA 15-01)	PG. 39	Motion
b. Proposed change to wild animal ordinance	PG. 52	Motion
c. Council goal update		Information
d. Other		Information
10. FIRST READING OF ORDINANCE		
11. SECOND READING OF ORDINANCE		
12. RESOLUTIONS		
13. EXECUTIVE SESSION as authorized under ORS 192.660(2)(i), to review and evaluate the employment-related performance of the chief executive officer		
14. OTHER BUSINESS		
15. ADJOURNMENT		

Following the Council meeting, there will be a meeting of the Urban Renewal District Board of Directors

These minutes are supplemented by electronic recordings of the meeting, which may be reviewed upon request to the City Recorder. Audio files from City Council meetings from November 16, 2015, forward can be found online at <http://www.dallasor.gov/archive> under the corresponding agenda date. Staff reports, resolutions, ordinances, and other documents related to this meeting are also available at that site in the "Council Agendas" archive. There were technical difficulties with this recording and it begins at the Employee Introduction/Recognition.

DALLAS CITY COUNCIL	Monday, November 16, 2015
<p>The Dallas City Council met in regular session on Monday, November 16, 2015, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Brian Dalton presiding.</p>	
<p>Council:</p> <p>Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Bill Hahn, Councilor Micky Garus, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Ken Woods, Jr.</p>	
<p>Staff:</p> <p>City Manager Ron Foggin, City Attorney Lane Shetterly, Fire Chief Fred Hertel, Police Chief Tom Simpson, Engineering and Environmental Services Director Fred Braun, Community Development/Operations Director Jason Locke, HR Manager Emily Gagner, and Recording Secretary Jeremy Teal.</p>	
<p>Pledge of Allegiance:</p> <p>Mayor Dalton led the Pledge of Allegiance.</p>	

AGENDA	ACTION
1:01 CITIZEN RECOGNITION	<p>Mayor Dalton recognized Jess Cagle for his outstanding military service and commitment to the community.</p>
4:05 COMMENTS FROM THE AUDIENCE	<p>Mr. Shetterly gave a brief statement outlining the proceedings for the Comments from the Audience portion of the agenda. He noted that there had been calls for the Council to remove Councilor Garus in the press. Mr. Shetterly explained that the City Charter governed and was explicit on the grounds on which a Councilor could be removed from the Council; grounds which did not apply in this case.</p> <p>Citizens provided comments regarding Facebook posts made by Councilor Garus. (Complete testimony is available in audio)</p> <p>Mayor Dalton noted each speaker would be allowed 2 minutes and 38 seconds to speak.</p> <p>9:44 - #1 Jim Garus</p> <p>13:04 - #2 Debra Kelly</p> <p>16:50 - #3 Ken Mayer</p> <p>19:18 - #4 Larry Indra</p> <p>20:59 - #5 Abigal Hoffer</p> <p>24:22 - #6 Justin Noll & Elliot Yoder</p> <p>27:01 - #7 Jay Epperson</p>

	<p>28:07 - #8 Norm Thompson</p> <p>30:25 - #9 Kirk Hillebrand</p> <p>32:13 - #10 Dave Hunt</p> <p>34:55 - #11 Thomas O'Brien</p> <p>37:49 - #12 Lynette Henshaw</p> <p>40:34 - #13 Rebecca Penna</p> <p>41:02 - #14 Dana Hatch</p>
<p>43:41 REPORTS OR COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS</p>	<p>Councilors provided comments regarding Facebook posts made by Councilor Garus.</p> <p>43:54 Councilor Gabliks</p> <p>45:42 Councilor Lawson</p> <p>47:13 Councilor Garus</p> <p>48:58 Councilor Stewart</p> <p>51:11 Councilor Hahn</p> <p>52:07 Council President Fairchild</p> <p>54:44 Councilor Woods</p> <p>56:09 Councilor Wilson</p> <p>57:03 Councilor Garus</p>
<p>58:21 PUBLIC HEARINGS Public Hearing regarding proposed Dallas Development Code Amendments (LA 15-01)</p>	<p>Mayor Dalton opened the public hearing at 8:08 p.m.</p> <p>Mr. Locke noted the Planning Commission worked with the Development Code for six months covering modular homes, vacation rentals, residential driveway widths, sign code revisions, phased development guidelines, and accessory structure setbacks.</p> <p>Councilor Gabliks noted the definition of modular home needed a more broad approach and recommended changing the verbiage to “among other possibilities... includes but is not limited to...”</p> <p>Mr. Shetterly suggested finishing the hearing and revisiting the list of changes to revise the Ordinance.</p> <p>Mayor Dalton asked for public comment.</p> <p>Mayor Dalton closed the hearing at 8:28 p.m.</p> <p>Councilor Lawson commented that if the property was used less than twice a year or 30 days, the property owner shouldn't have to go through all the paperwork in a calendar year.</p> <p>Councilor Gabliks suggested postponing the motion and bring the Development Code back before Council at the December meeting with changes.</p>
<p>1:19:14 CONSENT AGENDA</p> <p>Item approved by the Consent Agenda: minutes of November 2, 2015 City Council meeting</p>	<p>It was moved by Councilor Marshall <i>to approve the Consent Agenda as submitted</i>. The motion was duly seconded and carried with a vote of 9-0.</p>

ITEMS REMOVED FROM CONSENT AGENDA	There were none.
1:19:55 REPORTS FROM CITY MANAGER AND STAFF	
OCTOBER FINANCIALS	Mr. Foggin noted the City was working diligently to move to a digital format for the financial reporting. He stated there were no surprises with all departments within their budgets.
ARBORETUM TRUST	Mr. Foggin noted the Arboretum was a wonderful place with lots of volunteers. He stated they needed someone to take over their finances and the City would step in to do that for them.
COUNCIL GOAL UPDATE	Ms. Gagner reported on the various City social media platforms and provided an update on the visitors to the City website. She noted the new website would be live by mid-December.
FIRST READING OF ORDINANCE	There were none.
<p>1:29:31 SECOND READING OF ORDINANCE Ordinance No. 1792 – An Ordinance amending Dallas City Code Section 5.276, relating to camping on public property.</p> <p>Ordinance No. 1793 - An Ordinance granting an non-exclusive gas utility franchise to Northwest Natural Gas Company, fixing terms, conditions, and compensation of such franchise, repealing Ordinance No. 1508; and declaring an emergency.</p>	<p>A roll call vote was taken and Mayor Dalton declared Ordinance No. 1792 to have PASSED BY A VOTE of 9-0 with Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Micky Garus, Councilor Bill Hahn, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.</p> <p>A roll call vote was taken and Mayor Dalton declared Ordinance No. 1793 to have PASSED BY A VOTE of 9-0 with Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Micky Garus, Councilor Bill Hahn, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.</p>
RESOLUTIONS	There were none.
OTHER	
EXECUTIVE SESSION	

ADJOURNMENT	There being no further business, the meeting adjourned at 8:45 p.m.
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Read and approved this _____ day of _____ 2015.

ATTEST:

Mayor

City Manager

DRAFT

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 6 b	Topic: Cancel December 21, 2015 City Council Meeting
Prepared By: Emily Gagner	Meeting Date: December 7, 2015	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

With approval of the consent agenda, Council would be authorizing the cancelation of the December 21, 2015, City Council meeting, with the understanding that if any urgent issues arise, the meeting will be held.

BACKGROUND:

We do not anticipate any agenda items for the December 21 Council meeting. For this reason, we are requesting the Council cancel the December 21, 2015, City Council meeting. As always, if something comes up, we can schedule an emergency meeting.

FISCAL IMPACT:

None

ATTACHMENTS:

None

Administrative Committee
Monday, November 23, 2015

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Members Present: Chair Kelly Gabliks, Jim Fairchild, Bill Hahn, and Jackie Lawson. Excused: Kevin Marshall.

Also Present: Mayor Brian Dalton, City Attorney Lane Shetterly, Finance Director Cecilia Ward, Community Development/Operations Director Jason Locke, Park Supervisor Ron Lines, HR Manager Emily Gagner, and Recording Secretary Jeremy Teal.

Chair Gabliks called the meeting to order at 4:06 p.m.

CITY MANAGER’S REPORTS

FINANCE

Ms. Ward reported the auditors had completed their field work and were working on the final document.

HUMAN RESOURCES

Ms. Gagner reported the City lost 1 paramedic and 3 lifeguards, but hired 4 paramedics, 1 part time library assistant, 1 parks employee, and 1 code services specialist. She noted the police officer and planner I positions would close on November 20. She stated she had revised the sick leave policy for all paid employees to comply with Senate Bill 454.

BUSINESS REGISTRATION DISCUSSION

There was discussion regarding the proposed business registration. Chair Gabliks asked each member to be prepared at the next meeting to answer questions, that included whether it would be a registration or license, what information would be included, who would be exempt, and if there would be any fees. She noted the consensus was toward registration.

OTHER

ADJOURNMENT

There was no other business and the meeting was adjourned at 4:45 p.m.



AGENDA

November 23, 2015

4:00 PM

Council Chambers
Dallas City Hall
187 SE Court St
Dallas, OR 97338

- A. Call to order
- B. Business Registration Discussion
- C. City Manager's Report
 - Finance
 - Human Resources
- D. Other
- E. Adjournment





Community Development/Operations Department

Memo

To: Admin Committee
From: Jason Locke, Community Development/Operations Director
Date: November 23, 2015
Re: Business Registration Discussion

At your last meeting, the Committee began discussing two fundamental questions:

- 1) **Why a business registration and/or license?** What do you want to regulate or achieve through a program? Is there an issue or issues that you feel necessitate a registration and/or license? Is there a clear benefit to the public, city, and businesses?
- 2) **What is the purpose?** Is it to raise revenue? Is it to regulate the conduct of business? Is it to ensure that businesses are complying with applicable city ordinances, state and federal laws? Is it to know who is doing business within the boundaries of the City? To obtain contact info? To gather and maintain economic data at the City level?

In order to move forward, it is important that there are clear, unambiguous answers to questions. The “WHY” of it will play a big role in the ultimate decision to move forward.

Based on this previous discussion, the Committee expressed the following:

- There are benefits from a registration program including business owner contact information, legitimacy of the business via a registration process, know who is doing business in the City, should it be voluntary or mandatory.

In order to more fully explore the available options, we are attaching 2 cities Ordinances and applications for the Committee to review and discuss.

The Madras Ordinance is a full-blown business license process that has detailed standards, review criteria, and appeal rights.

The Lebanon Ordinance is a business registration tool, contains no real criteria for issuance, and has few standards.

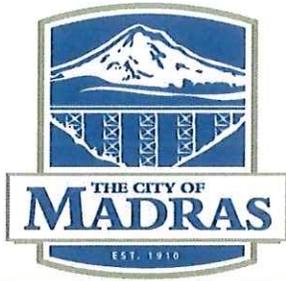
Both ordinances contain exemptions for certain activities (ie: Non-profits, wholesale delivery, etc).

These Ordinances represent two ends of the spectrum, and should be reviewed so that a discussion can occur as to which direction, if any, the Committee wishes to proceed in.

Again, the Committee should determine what the benefits and drawbacks of any program would be, within the context of the following options:

- 1) Don't do anything, no license or registration required.
- 2) Don't do anything, and publicize the fact that we don't require a license as evidence of being business friendly.
- 3) Business Registration (lite version)
- 4) Business License (full on program)

Staff would recommend that prior to moving forward on any option, we prepare a pros and cons analysis, and involve the business community in the process. This would be crucial, especially for Option 2 or 3.



BUSINESS LICENSE APPLICATION

125 SW E Street, Madras, Oregon 97741

P: (541) 475-2344 F: (541) 475-7061

CONTACT INFORMATION		
Business Name (including DBA):	Business Telephone Number:	Business Fax Number:
Business Owner(s):	Business Email Address:	
Business Location Address:		
Business Mailing Address and/or Principal Office Address (if different from business location address):		
Name, Title, Email Address and Mailing Address of Local Agent or Representative in Charge of Business within the City of Madras:		
Property Owner Name and Address (if different than business owner):		
ADDITIONAL INFORMATION		
Description of the Business (Please list type of good(s) sold and/or services provided): <i>(i.e. retail, manufacturing, restaurant, professional services)</i>		Desired Max Occupants: _____
Number of Employees (including yourself): Full-Time: _____ Part-Time: _____ Temporary: _____	Are any local, city, county, state, and/or federal licenses, certificates, registrations, and/or permits required for the business? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Is this a tax-exempt, non-profit business? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, tax exempt status approval Number: _____ <small>(Please attach to this application a copy of the "Letter of Determination" the business received from the Internal Revenue Service)</small>	If yes, list all such licenses, certificates, registrations, and/or permits:	
Date Business Operations will Commence in the City of Madras:	Contractor License No.: _____ Contract License Expiration Date: _____	
Home Based Business? Yes <input type="checkbox"/> No <input type="checkbox"/> <small>(please see Madras Community Development Department, may require additional permits)</small>		
BUSINESS LICENSE FEES		
<i>Select one of the following:</i>		
<u>Year-Round License*</u> :	<u>Seasonal License**:</u>	<u>Temporary License**:</u>
For Profit Business – Inside City Limits: <input type="checkbox"/> \$60.00	Mobile Street Vendor: <input type="checkbox"/> \$85.00	<input type="checkbox"/> \$50.00 per day
For Profit Business – Outside City Limits: <input type="checkbox"/> \$65.00	Seasonal Merchant: <input type="checkbox"/> \$125.00	
Non-Profit Business: <input type="checkbox"/> \$0.00	<u>License Transfer***:</u> <input type="checkbox"/> \$25.00	
<small>* The license fee for any Year-Round business license application received after December 31 will be reduced by 50%. A conditional use permit may be required with a Home Occupation application. ** A temporary use permit may be required with a seasonal or temporary license application. *** Name and/or location.</small>		
FOR OFFICE USE ONLY Date Received: _____	Amount of Fee Paid: _____	
Receipt No.: _____	Business License No.: _____	

Please see back for Application Declaration and Required Signatures

APPLICANT/PROPERTY OWNER DECLARATION

The undersigned Applicant (or authorized agent) hereby declares under penalty of perjury as follows: (a) all information contained in this application is true, accurate, and complete; (b) the business subject to this application is not prohibited by, and is in compliance with, all applicable federal, state, and/or local laws, regulations, and/or ordinances; (c) Applicant has read, understands, and agrees to abide by City of Madras Ordinance No. 849; and (d) if Applicant is an entity, the authorized agent has the requisite power and authority to sign and submit this application on behalf of Applicant.

If Applicant is a foreign person or entity or a non-resident of the State of Oregon and no permanent business location is proposed to be created in the City of Madras, Applicant must (a) appoint a local person, acceptable to the City Administrator, as an agent for accepting service of process, notice, and/or demand, and (b) submit with this application such local person's consent to acceptance of service of process, notice, and/or demand.

Applicant's Signature: _____ Date: _____

Authorized Agent's Signature or Signature of Local Person Service as Agent for Service of Process: (if applicable)

Name and Address of Authorized Agent: <small>By signing above, the above signed person agrees to serve as agent for the applicant/business subject to this application and will accept service of process, notice, and/or demand on behalf of the applicant/business subject to this application.</small>	Authorized Agent's Signature (if Applicant is an entity):
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Property Owner Name and Signature (consents to business use): _____

FOR OFFICE USE ONLY

This application has been submitted to the City of Madras. Please review the Applicant's data specific to your department and provide comment as appropriate. If necessary, contact the Applicant for further information and/or conduct an informal visual inspection of the business location. Please sign below, indicate approval or state why you disapprove, and provide any additional comments. If you require additional space for your comments, please attach your comments by separate page to this application.

Jefferson County Community Development Department*: Signature: _____ Date: _____ Approved Building Occupancy: _____	Approve: Yes <input type="checkbox"/> No <input type="checkbox"/> Comments: _____
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Jefferson County Fire Marshal*: Signature: _____ Date: _____	Approve: Yes <input type="checkbox"/> No <input type="checkbox"/> Comments: _____ Occupant sign posted? Yes <input type="checkbox"/> No <input type="checkbox"/>
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Jefferson County Health Department: Signature: _____ Date: _____	Approve: Yes <input type="checkbox"/> No <input type="checkbox"/> Comments: _____
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Madras Community Development Department: Signature: _____ Date: _____ Is location appropriately zoned? Yes <input type="checkbox"/> No <input type="checkbox"/> Has site plan been submitted and approved? Yes <input type="checkbox"/> No <input type="checkbox"/> Is a site plan required? Yes <input type="checkbox"/> No <input type="checkbox"/> Is a conditional use permit required? Yes <input type="checkbox"/> No <input type="checkbox"/> Approved Business Type: _____	Approve: Yes <input type="checkbox"/> No <input type="checkbox"/> Comments: _____
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Madras Finance Department: Signature: _____ Date: _____	Approve: Yes <input type="checkbox"/> No <input type="checkbox"/> Comments: _____
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Madras Public Works Department: Signature: _____ Date: _____	Approve: Yes <input type="checkbox"/> No <input type="checkbox"/> Comments: _____
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Madras Police Department: Signature: _____ Date: _____	Approve: Yes <input type="checkbox"/> No <input type="checkbox"/> Comments: _____
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Madras City Administrator Department: Signature: _____ Date: _____	Approve: Yes <input type="checkbox"/> No <input type="checkbox"/> Comments: _____
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*Jefferson County Community Development and Jefferson County Fire Marshal are only required to sign when business is inside of city limits and in a commercial zoned building.
 **Jefferson County Health Department is required for approval only if food or beverages will be involved in everyday business.
 This application is a public record. The City of Madras will exempt from disclosure only information of a sensitive and confidential nature to the extent permitted by the Oregon Public Records Law (ORS 192.410-192.505, as amended) and other applicable laws.
 City of Madras is an Equal Opportunity Provider

ORDINANCE NO. 849

AN ORDINANCE AMENDING, RESTATING, AND REPLACING ORDINANCE NO. 498, COMMONLY KNOWN AS THE "BUSINESS LICENSE ORDINANCE," WHICH ORDINANCE REQUIRES LICENSES FOR TRADES, SHOPS, OCCUPATIONS, PROFESSIONS, AND CERTAIN OTHER BUSINESSES FOR THE PURPOSE OF REVENUE AND REGULATION, AND DECLARING AN EMERGENCY.

WHEREAS, the Madras City Council enacted Ordinance No. 498, commonly known as the "Business License Ordinance," on September 24, 1991 to provide revenue to pay for the expense required to issue licenses, to provide revenue to pay for municipal services to businesses, and to regulate businesses (the "Original Ordinance");

WHEREAS, the City Council has determined that the Original Ordinance is outdated, difficult to administer, and must be amended, restated, and replaced; and

WHEREAS, by the adoption of this Ordinance No. 849, the Madras City Council hereby amends, restates, and replaces the Original Ordinance in its entirety.

NOW, THEREFORE, the City of Madras ordains as follows:

SECTION 1: PURPOSE

The primary purpose of this Ordinance is to (a) insure that each Business is conducted in compliance with applicable federal, state, and local laws, regulations, and ordinances and in a manner comporting with the public health, safety, and general welfare, (b) secure revenue to assist in defraying the City's cost of administering and enforcing its laws and ordinances and the City's provision of certain municipal services, and (c) obtain valuable information for emergency responders, planning and building personnel, and economic development.

SECTION 2: DEFINITIONS

For purposes of this Ordinance, the following terms have the meanings assigned to them below:

"Applicant(s)" means the Person applying for a License to conduct a particular Business within the City.

"Business(es)" means any activity, trade, profession, occupation, and/or pursuit operated, engaged, conducted, and/or carried on for profit, gain, livelihood, and/or any other purpose, regardless of the form under which the activity, trade, profession,

RESOLUTION NO. 17-2015

A RESOLUTION TO ESTABLISH A FEE RATE AND SCHEDULE FOR CITY SERVICES, PERMITS, APPLICATIONS, LICENSES AND OTHER MISCELLANEOUS CHARGES. (SUPERSEDES RESOLUTION NO. 20-2014, 01-2015, and 09-2015).

WHEREAS, the City of Madras has incurred increasing expenses for various services provided to residents of the City of Madras; and

WHEREAS, it is necessary to review on a regular basis and to bring current, fees and assessments charged by the City of Madras.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Madras that the following attached fee rate and schedule shall be the current fees to be charged by the City Administrator for City services such as permits, applications, licenses and other miscellaneous charges by the City of Madras.

<u>ADMINISTRATIVE FEES</u>	<u>AMOUNTS</u>
<i>Building Permit</i>	Uniform Building Code
<i>City Review</i>	\$100.00
<i>Consent to Annex.</i>	\$46.00 plus \$5.00 each additional page
<i>County Recording Fee</i>	Actual Cost
<i>Demolition Permit</i>	County Building Dept.
<i>Mechanical Permit</i>	County Building Dept.
<i>Mobile Home/Manufactured Home Placement Permit</i>	County Building Dept.
<i>Non Remonstrance (recording fee)</i>	\$46.00 plus \$5.00 each additional page
<i>Right-of-Way Permit includes Sidewalk (Excludes Franchises)</i>	\$100.00
<i>Sanitary Sewer Connection/Inspection Permit</i>	\$175.00
<i>Vacation (Streets, Alley Ways)</i>	\$750.00
<i>Water Connection/Inspection Permit</i>	\$125.00
<i>Notary Fee (Non-City Business)</i>	\$5.00

<u>CITY TAX AND BUSINESS APPLICATIONS</u>	<u>AMOUNTS</u>
<i>Auction License</i>	\$125.00/Day
<i>Year-Round Business License (Annual Fee for year-round operations, pro-rated 50% after January 1)</i>	
For profit - Inside City Limits (new applicant)	\$60.00
For profit - Inside City Limits (renewal)	\$50.00
For profit - Outside City Limits	\$65.00
Non-profit/exempt – Inside/Outside City Limits	\$0.00

Seasonal Business License (i.e. street vendor, fruit stands, etc.) **\$85.00 each quarter**
Seasonal Business must meet the following: a) operate no longer than 90 days, b) business occurs wholly or primarily during one of the four seasons (e.g. spring, summer, fall, or winter) and c) occurs solely on private property, unless otherwise authorized to operate on public right-of-way.

Temporary Business License **\$125.00**
Temporary Business operates within the city for 30 days or less, and occurs on private property

Administrative Fee for Replacement and/or changes on business license **\$25.00**

Business License Late Penalty **10% per month of license balance**
(Per section 12.2 of Business Ordinance, not to exceed balance of license)

Business License List **\$20.00 + Postage**

occupation, and/or pursuit is operated, engaged, conducted, and/or carried on (e.g., sole proprietor, partnership, corporation, limited liability company, limited liability partnership, etc.) within the City. This definition includes, without limitation, the ownership, management, leasing, and/or operation of Rental Property within the City.

"City" means the City of Madras, Oregon, an Oregon municipal corporation.

"City Administrator" means the City Administrator of the City and/or his or her designee(s).

"City Council" means the City's elected legislative body.

"City Recorder" means the City Recorder of the City and/or his or her designee(s).

"Community Event(s)" means The Air Show of the Cascades, special community events held at the Jefferson County Fair complex, the Madras Saturday Market, and any other special community events receiving the prior approval of the City Administrator or City Council to be exempt from the License requirements under this Ordinance.

" Dwelling Unit(s)" means a single-family residence (e.g., single-family home, apartment unit, duplex unit, multiplex unit, etc.) that is used as a home or residence by one person who maintains a household or by two or more persons who maintain a common household.

"License(s)" means the permission granted by the City under this Ordinance to operate, engage, conduct, and/or carry on a Business within the City.

"Licensee(s)" means an Applicant who has received a License.

"License Fee(s)" means the License fees described under Section 8 of this Ordinance.

"Non-Profit Organization(s)" means any Business or organization which is exempt from taxation under the Internal Revenue Code and produces a determination letter of proof thereof.

"Ordinance" means this Ordinance No. 849.

"Person" means any natural person, corporation, limited liability company, partnership, joint venture, firm, association, trust, incorporated organization, or any other entity, whether acting in an individual, fiduciary, or other capacity.

"Rental Property" means a building or structure, a portion of a building or structure, or group of buildings or structures within the City which are rented, leased, let, and/or otherwise made available to one or more Persons for compensation (regardless of the form of compensation), including, without limitation, a Dwelling Unit, hotel or motel, warehouse, commercial building, retail center, industrial building, and/or apartment building.

"Seasonal Business" means a Business that meets each of the following conditions: (a) the Business is operated or conducted within the City for a period of not more than ninety (90) days during any calendar year; (b) the Business occurs wholly or primarily during one of the four seasons (e.g., spring, summer, fall, or winter); and (c) the Business occurs solely on private property, unless the Business is a mobile vendor that is otherwise authorized to operate on the public right-of-way.

"Temporary Business" means a Business that meets each of the following conditions: (a) the Business is operated or conducted within the City for less than thirty (30) days; and (b) the Business occurs solely on private property.

"Year-Round Business" means a Business other than a Seasonal Business or Temporary Business.

SECTION 3: BUSINESS LICENSE REQUIRED

3.1 Except as otherwise exempted under Section 4, no Person may establish, maintain, operate, engage, conduct, and/or carry on any Business within the City without first applying for and obtaining a License and paying the prescribed License Fee. No Person with actual, present supervisory control of any Business for which a License is required under this Ordinance may permit, direct, and/or allow the operation or continuation of such Business at any time when there is not then in full force and effect a License issued pursuant to and in accordance with the provisions of this Ordinance.

3.2 The City has three types of Licenses, namely a Year-Round Business License, Seasonal Business License, and Temporary Business License.

3.3 It is the intention of this Ordinance to require that a License be obtained by the owner, partner, and/or operator of the Business and not by any person whose income consists of an hourly, daily, weekly, monthly, and/or annual salary or wage

paid to such person by the owner, partner, and/or operator of the Business. Notwithstanding the immediately preceding sentence, each employee, agent, and/or representative of a Person who has no regular place of Business within the City but engages or conducts a Business within the City is responsible for the compliance of such employee's, agent's, and/or representative's principals and the Business such employee, agent, and/or representative represents.

3.4 Non-Profit Organizations must obtain a License but will be exempt from paying any License Fee (i.e., will not be required to pay any License Fee).

3.5 If a Person is establishing, maintaining, operating, engaging, conducting, and/or carrying on a Business at more than one establishment, branch, and/or location within the City, each such establishment, branch, and/or location will be deemed a separate Business and must be licensed as required under this Ordinance.

3.6 A Person engaged in the Business of renting or leasing Rental Property is not required to have more than one License unless such person has more than one Business office within the City as provided under Section 3.5.

3.7 If more than one Business is carried on at the same premises or location by all the same owners, one License issued in the name of the Business for which the premises or location is primarily used will be sufficient for all such activities. In determining whether different activities on the same premises are related to the primary use within the meaning of this Section 3.7, normal and ordinary custom and usage of businesses of like nature will be considered.

3.8 A Business leased, under concession to, or owned wholly or in part by different Persons on the same premises must be separately licensed.

SECTION 4: EXEMPTIONS

Notwithstanding anything contained in this Ordinance to the contrary, the Businesses or situations identified in this Section 4 are exempt from the requirement of obtaining a License under this Ordinance. A Person asserting an exemption under this Section 4 has the burden of establishing eligibility for the exemption.

4.1 Any Business, except a Non-Profit Organization, that is exempt from paying local business license fees or taxes by federal or state laws or regulations;

4.2 Religious institutions and governmental agencies;

4.3 Newspaper carriers;

4.4 Garage sales, yard sales, and other similar activities conducted, carried on, and/or operated by an individual; provided, however, such exemption will not apply if either of the following conditions are met: (a) the individual conducts, carries on, and/or operates more than five such sales within any calendar year; or (b) any one such sale has a duration of more than seventy-two (72) consecutive hours;

4.5 The sale of an individual's personal assets (e.g., personal automobile, residence, appliance, or other similar items); provided, however, such exemption will not apply if such sales are conducted on a regular and continuing basis;

4.6 Any Person who rents or leases four or fewer Dwelling Units;

4.7 An independent contractor (e.g., medical care provider, attorney, accountant, stylist, realtor, and similar professions) who works only on the premises of and as part of a Business that has obtained a License that covers the activity of the independent contractor; provided, however, if the owner of the Business has not obtained a License to cover such independent contractor, the independent contractor is required to obtain a License under this Ordinance;

4.8 A public utility that is a party to a franchise agreement with the City and is paying a franchise fee to the City under such franchise agreement; and

4.9 An organizer of and participant in a Community Event, but only with respect to the particular Community Event.

SECTION 5: COMPLIANCE WITH LAWS

5.1 No License will be issued to any Applicant concerning any Business that is prohibited by federal, state, and/or local law, regulation, and/or ordinance. Each Business must be conducted and comply with applicable federal, state, and/or local laws, regulations, and/or ordinances.

5.2 The issuance of a License does not authorize a Business to operate in violation of any applicable federal, state, and/or local laws, regulations, and/or ordinances. Issuance of a License by the City is not evidence that the Applicant and/or Business is in compliance with, or exempt from, any applicable federal, state, and/or local laws, regulations, and/or ordinances. Issuance of a License will not be construed to constitute a permit to engage in any activity prohibited by federal, state, and/or local laws, regulations, and/or ordinances, or a waiver of any other regulatory

or license requirement imposed by any federal, state, and/or local laws, regulations, and/or ordinances.

SECTION 6: BUSINESS LICENSE APPLICATION REQUIREMENTS

Each Person desiring to engage in a Business for which a License is required under this Ordinance must apply for a License to operate, engage, conduct, and/or carry on the Business on such forms and in such manner as the City Administrator may prescribe. The application must be accompanied by the applicable License Fee prescribed by resolution of the City Council. The application must be filed with the City Administrator and, in addition to any other information reasonably requested by the City Administrator, must contain the following information:

6.1 The name and address of the Business, the address(es) where the Business will be located or have its office(s) within the City, and the address of the principal office of such Business;

6.2 A brief description of the nature of the Business, including its primary or predominant Business activity;

6.3 The date that Business operations will commence;

6.4 The name and address of the Applicant and, if the Applicant is an entity, the name and address of the authorized agent submitting an application on behalf of the Applicant;

6.5 The name and address of the local agent or representative who will be in charge of the Business within the City;

6.6 If the Applicant is a foreign Person or a non-resident of the State of Oregon and no permanent Business location is proposed to be created in the City, the Applicant must appoint a local person, acceptable to the City Administrator, as an agent for accepting service of process, notice, and/or demand. The Applicant must submit with the application the agent's consent to acceptance of service of process, notice, and/or demand;

6.7 Whether any local, city, county, state, and/or federal licenses, certificates, registrations, and/or permits are required for the Business (and the identification of such licenses, certificates, registrations, and/or permits);

6.8 The number of full-time, part-time, and temporary employees employed by the Business;

6.9 The date of the application;

6.10 The amount of money tendered with the application;

6.11 A verification by signature of the Applicant or, if the Applicant is an entity, the signature of the authorized agent submitting the application on behalf of the Applicant, of the following: (a) the information stated in the application is true, accurate, and complete; (b) the Business is in compliance with all applicable federal, state, and/or local laws, regulations, and/or ordinances; (c) the Applicant or authorized agent of the Applicant has read, understands, and agrees to abide by this Ordinance; and (d) if the Applicant is an entity, the authorized agent has the requisite power and authority to sign and submit the application on behalf of the Applicant;

6.12 A notice that the application is a public record and that the City will exempt from disclosure only information of a sensitive and confidential nature to the extent required by the Oregon Public Records Law (ORS 192.410-192.505, as amended) and other applicable laws; and

6.13 Any other information that the City Administrator deems necessary or appropriate to enable the City to review the application and determine whether the Business qualifies for the issuance of a License, including, without limitation, verification of the identity of the Applicant or authorized agent submitting an application on behalf of the Applicant.

SECTION 7: REVIEW OF BUSINESS LICENSE APPLICATION

7.1 Any application for a License required by this Ordinance will be reviewed by the City Administrator. The City Administrator is authorized to make an investigation of the Business and will review the application and conduct whatever investigation the City Administrator deems necessary or appropriate to determine whether the application is complete, the statements made therein are true and accurate, and whether the Business complies with this Ordinance.

7.2 After completion of the City Administrator's review of the application (and the City Administrator's receipt of reports from all persons and departments designated by the City Administrator to review the application), the City Administrator will determine whether the Business qualifies for the issuance of a License. If the Business qualifies for a License, the City Administrator will issue the License to the Applicant for the subject Business. Seasonal Business Licenses that

concern a mobile vendor may be revoked at any time in the discretion of the City Administrator.

7.3 If, on the basis of the review of the application, the City Administrator determines that the Business does not qualify for a License, the City Administrator will notify the Applicant in writing that the application has been denied. The notice will state the reason for the denial and inform the Applicant of the Applicant's appeal rights under this Ordinance. As provided under Section 8.2, License Fees are refundable when the application for the initial issuance of the License is denied.

7.4 The City Administrator may deny the issuance of a License for any of the following nonexclusive reasons: (a) the Business does not or will not comply with applicable federal, state, and/or local laws, regulations, and/or ordinances; (b) the Business does or will endanger or damage the health, safety, and/or general welfare of persons or property; (c) the Applicant fails to supply the information required, or submits misleading or false information, in connection with the application for the License; (d) the premises to be used by the Business does not fully comply with applicable federal, state, and local laws, regulations, and/or ordinances; and/or (e) prior to making the application, the Business was conducted within the City while this Ordinance was in effect without a current, valid License (unless an additional amount equal to the License Fee for the period during which the Business was conducted is paid).

7.5 In lieu of the City Administrator's denial of a License, the City Administrator may refer the application to the City Council for review by filing the application with the City Recorder together with a statement of the findings of any investigation authorized or required by the provisions of this Ordinance.

SECTION 8: LICENSE FEE

8.1 The License Fee for each type of License (Year-Round Business License, Seasonal Business License, and Temporary Business License) will be determined annually by resolution of the City Council. The amount of the License Fees may be increased or decreased at any time by resolution of the City Council. Any change in the License Fees will apply to a Licensee at the time of the initial issuance of the License or at renewal of the License but will not apply retroactively to a License already in full force and effect.

8.2 License Fees for a Year-Round Business are due and payable on or before July 1 for the period commencing on July 1 and ending on the immediately following June 30. The License Fee for a Year-Round Business that submits an application after January 1 of the subject License year but before June 1 will pay fifty percent (50%) of the Year-Round Business License Fee. Seasonal Business

Licenses and Temporary Business Licenses will not be prorated. License Fees are nonrefundable except when the application for the initial issuance of the License is denied.

8.3 The License Fee imposed under this Ordinance will be in addition to, and not in lieu of, any other license or permit fees, charges, and/or taxes imposed by the City.

8.4 The License Fee in Resolution 35-2012 will remain in full force and effect until superseded by resolution of the City Council.

SECTION 9: NO VESTED RIGHTS

Nothing contained in this Ordinance may be construed as vesting any right in a License or Licensee or a contract obligation on the part of the City, including, without limitation, any guaranteed minimum or maximum License Fee.

SECTION 10: CONTENTS OF LICENSE; POSTING AND DISPLAY OF LICENSE

Licenses will be issued to the Applicant for the Business to be licensed and will designate the general nature of the Business, the address of the Business premises, if any, and the date the License was issued and effective. Except as otherwise provided in this Section 10, at all times after the issuance of the License, each Licensee will post such Licensee's License in a conspicuous place upon the Business premises, available for inspection by the public and any employees and prospective employees of the Business. When a Licensee has no office, Business premises, and/or other established place of business within the City, the License must be in the possession of the agent or representative of the Business who is present in the City at all times during which business is being transacted by the agent or representative in the City. If a Licensed Business is based in a motor vehicle, a photocopy of the License must be carried in the motor vehicle.

SECTION 11: DURATION OF LICENSE

Subject to the provisions of this Ordinance, (a) Year-Round Business Licenses will be valid and effective from the date of issuance to the immediately following June 30, (b) Seasonal Business Licenses will be valid and effective for a period not exceeding ninety (90) days, and (c) Temporary Business Licenses will be valid and effective for a period not exceeding thirty (30) days.

SECTION 12: LICENSE RENEWAL AND LATE PENALTY

12.1 Subject to the provisions of this Ordinance, Year-Round Business Licenses will be renewable annually for one year beginning July 1, at which time the required License Fee will be due and payable. The City will send each Licensee of a Year-Round Business a notice of renewal, including the current License Fee prescribed by resolution of the City Council, on or about May 1. Subject to Section 12.3, a Licensee's Year-Round Business License will renew on July 1 provided the City is in receipt of the required License Fee. The effective date of the renewed Year-Round Business License will be July 1 if the License Fee is received on or before July 1. If the License Fee is not received on or before July 1, the effective date of a renewed Year-Round Business License will be the date the License Fee is received by the City. At the time of License renewal, each Licensee will provide the City with information concerning any updates or changes to the information required to be provided to the City under Section 6 of this Ordinance.

12.2 A penalty equal to ten percent (10%) of the License Fee for each month (or partial month, as the case may be) during which the License Fee remains unpaid, not to exceed one hundred percent (100%) of the License Fee amount, will be added to the License Fee.

12.3 Upon receipt of a License Fee for renewal, the City Administrator may make or cause to be made whatever investigation the City Administrator deems necessary or appropriate to determine whether the Licensee has, in all respects, conducted the licensed Business in compliance with applicable federal, state, and local laws, regulations, and ordinances. If the City Administrator finds no cause why the License should not be renewed, the City Administrator will issue a renewed License. If the City Administrator determines that the licensed Business does not qualify for renewal under this Ordinance, the City Administrator may deny such renewal or refer the License to the City Council for review and consideration. If the City Administrator denies the renewal, the City Administrator will notify the Licensee in writing that renewal of the License has been denied, which notice of denial will state the reason(s) for denial and inform the Licensee of the Licensee's appeal rights.

SECTION 13: TRANSFER OR ASSIGNMENT OF LICENSE; BUSINESS RELOCATION OR NAME CHANGE

13.1 No transfer or assignment of any License issued under this Ordinance is permitted and any attempted transfer or assignment of a License will render the License null and void. Upon sale or other transfer of a Business, the new owner(s) must apply for and obtain a new License and pay the prescribed License Fee.

13.2. If a licensed Business changes its physical location or Business name, the Licensee must, within ten (10) days of the change of physical location or Business name, notify the City Administrator of the change and pay a fee for the change in an amount prescribed by resolution of the City Council. The aforementioned change fee will be determined annually by resolution of the City Council and such fee may be increased or decreased at any time by resolution of the City Council. Upon receipt of the notice of the change and required fee, the City Administrator will issue a License reflecting the new physical location or Business name.

SECTION 14: UNLAWFUL ACTS AND VIOLATIONS; PENALTY

It is unlawful for any Person to willfully make false or misleading statements to the City in connection with any requirement of this Ordinance, or to fail to comply with any of the provisions of this Ordinance, or to fail to pay any required fees or penalties, including, without limitation, any License Fee.

The conviction of a Person for violation of any provision of this Ordinance may not serve to relieve the Person from paying the fee or penalty for which the Person is liable. The payment of any fee may not bar or prevent legal prosecution of a complaint for the violation of any provision of this Ordinance.

Violation of, or failure to comply with, any provision of this Ordinance is punishable upon conviction by a fine not to exceed \$500.00. In addition to the civil infraction procedure, the City may file a civil action to recover unpaid fees or, after mailing notice via certified mail to the Licensee, the City may place a lien against the real property where the Business is located for the amount of the fee plus interest. The City will be entitled to collect from any Person violating or otherwise failing to comply with this Ordinance the City's reasonable attorney fees and other fees, costs, and expenses incurred by the City to enforce this Ordinance.

Each violation of a provision of this Ordinance will constitute a separate offense and each day that a violation of this Ordinance is committed or permitted to continue, including, without limitation, each day that a Business operates without a required License, will constitute a separate offense. The rights and remedies imposed by this Ordinance are in addition to and not in lieu of any other rights and remedies available to the City. If any provision of this Ordinance is violated by a firm, corporation, limited liability company, or any other legal entity, the officers, members, managers, shareholders, and/or directors (as the case may be) will be personally subject to the penalties imposed by this Ordinance.

SECTION 15: SUSPENSION, REVOCATION, AND REVIEW OF LICENSE

15.1 If the City Administrator determines that a licensed Business presents an immediate danger to the health, safety, and/or general welfare of persons or property, the City Administrator may suspend the License of such Business upon the City Administrator's delivery of a notice of suspension to the Licensee's address as stated on the Licensee's application. The notice will state the reason for the suspension and inform the Licensee of its appeal rights under this Ordinance. The City Administrator may continue the suspension so long as the reason for the suspension exists or until a determination on an appeal regarding the suspension is made under this Ordinance.

15.2 A License issued under the provisions of this Ordinance may be revoked by the City Administrator for any of the following non-exclusive causes:

- (a) fraud, misrepresentation, and/or false statement contained in the application for a License and/or willful withholding of information or incomplete disclosure concerning any matter required to be furnished in connection with any such application for a License;
- (b) fraud, misrepresentation, and/or false statement made in the course of carrying on the licensed activity;
- (c) a violation of this Ordinance;
- (d) conducting the licensed Business in an unlawful manner and/or in such a manner as to constitute a breach of peace or menace to the health, safety, and/or general welfare of any persons or property; and/or
- (e) failure to comply with any applicable federal, state, and/or local law, regulation, and/or ordinance, and/or any agreement with the City.

15.3 The City Administrator will notify the Licensee in writing that the License is revoked, which notice of revocation will state the reasons for the revocation and inform the Licensee of the Licensee's appeal rights under this Ordinance. The notice of revocation will be mailed to the Licensee at the Licensee's last known address at least ten (10) days before the revocation (the last known address of the Licensee is the address provided to the City by the Licensee on the Licensee's application unless the Licensee thereafter gives the City written notice of a different address). If the violation ends prior to the expiration of the aforementioned ten-day period, the City Administrator may discontinue the revocation proceedings.

15.4 If the City receives complaints about any Licensee's Business, the Licensee's License may be reviewed by the City Administrator.

SECTION 16: APPEAL PROCEDURE

16.1 Any Applicant whose application for a License has been denied, or any Person who believes he, she, or it is not required to apply for and obtain a License when the City Administrator determines the Person must apply for and obtain a License, or any Licensee whose License has been denied renewal, suspended, or revoked, may, within thirty (30) days after the notice of denial, suspension, revocation, or determination is mailed, appeal the denial, suspension, revocation, or determination in writing to the City Council.

16.2 The appeal must be submitted to the City Recorder and state (a) the name and address of the appellant, (b) the nature of the determination being appealed, (c) the reason the determination is incorrect, and (d) the determination the appellant believes is correct.

16.3 An appellant who fails to file a statement within the aforementioned thirty-day appeal period waives all rights to object to the determination.

16.4 The City Council will hear and determine the appeal on the basis of the written statement and any additional evidence the City Council considers appropriate or relevant, including any information provided by the City Administrator. The City Recorder will provide the appellant with written notice of the hearing on the appeal not less than ten (10) days prior to the hearing.

16.5 At the hearing, the appellant may present testimony and oral argument, personally or through legal counsel, and any additional evidence; provided, however, the rules of evidence as used by courts of law do not apply. The decision of the City Council is final and conclusive.

16.6 If a notice of revocation is appealed, the revocation does not take effect until final determination of the appeal.

SECTION 17: ADMINISTRATION

The City Administrator is responsible for the administration of this Ordinance. The City Administrator may establish reasonable rules and regulations necessary or appropriate to carry out the purpose and intent of this Ordinance, including, without limitation, regulations concerning Seasonal Business Licenses and/or Temporary

Business Licenses. Variations of any rules and/or regulations established by the City Administrator pursuant to this Section 17 will be subject to the penalties described in this Ordinance. No person may violate or fail to comply with any rule or regulation established by the City Administrator or willfully make any false or misleading statement to the City Administrator regarding information relevant to the issuance of a License.

SECTION 18: AMENDMENT AND RESTATEMENT

This Ordinance amends, restates, replaces, and supersedes the Original Ordinance in its entirety; provided, however, the City may continue the prosecution, conviction, and/or punishment of a Person who violates the Original Ordinance prior to the effective date of this Ordinance.

Any Person with an existing License already in full force and effect must, upon the adoption of this Ordinance, comply with the provisions of this Ordinance; provided, however, that any such Person with an existing License is not required to apply for a new License upon the adoption of this Ordinance. Non-Profit Organizations operating in the City as of the effective date of this Ordinance must obtain a License on or before July 1, 2013; all other Non-Profit Organizations must obtain a License as required under this Ordinance.

SECTION 19: MISCELLANEOUS

19.1 Severability. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will:

- a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and
- b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance.

19.2 Corrections. This Ordinance may be corrected by order of the City Council to cure editorial and/or clerical errors.

19.3 Emergency Declaration. The City Council finds that passage of this Ordinance is necessary for the immediate preservation of the peace, health, and safety of the City's citizens by insuring that each Business is conducted in

compliance with any and all applicable federal, state, and local laws, ordinances, and regulations and in a manner comporting with the public health, safety, and general welfare. The City Council further finds that a delay of thirty (30) days prior to the effective date of this Ordinance may result in acts, omissions, and/or conditions detrimental to the public welfare. Therefore, an emergency is declared to exist and this Ordinance will be in full force and effect upon its adoption by the City Council and signing by the Mayor.

Passed by Council and Signed by the Mayor on December 11, 2012.



Citizen Services & Development Center

925 Main Street
 Lebanon, OR 97355-3211
 (541) 258-4912 (541) 258-4955 Fax
 Email: busreg@ci.lebanon.or.us
 Web: www.ci.lebanon.or.us

BUSINESS REGISTRATION FORM (Please print/type)

Initial Business Registration Annual Renewal with changes

BUSINESS INFORMATION:

Address:	Business Name:
	Business Name:
	Business Name:
	Business Name:

Per LMC Chapter 5.52.050 Multiple Businesses at the same address operated by the same owner need only file one form but clearly identify all business names.

BUILDING OWNER INFORMATION:

Name:		Date:
Mailing Address:		
Daytime Phone:	Evening Phone:	Email Address:
		Fax Number:

BUSINESS OWNER INFORMATION:

Name:		Date:
Mailing Address:		
Daytime Phone:	Evening Phone:	Email Address:
		Fax Number:

BUSINESS OPERATIONS:

Business Hours Start/End:	Number of Shifts:	Number of Shifts:	Number of Shifts:
Business Days (Circle): M T W T H F S S U	Shift Start & End Times:	Shift Start & End Times:	Shift Start & End Times:

BUSINESS DESCRIPTION:

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By checking this box, I acknowledge the above information may be beneficial to others and hereby grant the City of Lebanon permission to disclose the above information to outside parties.

CONFIDENTIAL EMERGENCY INFORMATION

Information listed below is considered confidential and will only be provided to Police and Fire Personnel

EMERGENCY CONTACTS (Please list 3 contacts that reside closest to the business):

1	Name:	Daytime Phone:	Evening Phone:
2	Name:	Daytime Phone:	Evening Phone:
3	Name:	Daytime Phone:	Evening Phone:

SECURITY SYSTEM INFORMATION (If you have a security alarm system and/or security guards, please provide contact information):

Alarm Company Name:	Phone:
Guard Name:	Phone:
Guard Name:	Phone:
Guard Name:	Phone:

ELEVATOR INFORMATION (If you have an elevator in the building, please provide contact information):

Elevator Company's Name:	Phone:
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MATERIALS STORED ON PREMISES (Emergency personnel should be made aware of materials that could be considered dangerous; please provide a list of any materials stored on the premises such as oxygen tanks, welding equipment, flammable materials, chemicals, etc.)

Material:	Location:
-----------	-----------

Authorized Signature: _____ Date: _____

Print Name Here: _____ Telephone: _____

PRINT

FOR OFFICE USE ONLY					
Date Received:		Fee Amount:		Date Data Processed:	
Staff Initials:		Receipt No.:		Processed by:	

EXHIBIT "A" CITY OF LEBANON FEES AND CHARGES

Effective September 10, 2015 - Supercedes All Previous Schedules

TYPES OF FEES	CURRENT FEES
ADMINISTRATIVE FEES (CITY CLERK'S OFFICE)	
Copies:	
Audio/Video Copies	\$15.00 1st / \$5.00 add'l
Black/White - Letter 8-1/2" x 11", Legal 8-1/2" x 14" (per side)	\$0.25
Black/White - Executive 11" x 17" (per side)	\$0.50
Color copies (each side)	\$0.50
Non Sufficient Funds (NSF) (charge back fees for debit/credit card & returned checks)	\$30.00
Liquor License (original application)	*\$100.00
Annual Renewal of a Liquor License	*\$35.00
Change Application (in ownership, location, or privilege)	*\$75.00
Temporary Application (valid for one calendar year -- covers multiple events)	*\$35.00
	*Not to exceed per ORS
Notary Services (Municipal Court Personnel):	
An acknowledgement; verification upon an oath or affirmation; certifying a copy of a document; witnessing or attesting a signature; and protesting commercial paper, except a check drawn on insolvent financial institution in which case the fee is \$0.	(Not to exceed) \$5.00
Administering an oath or affirmation without a signature; taking a deposition, each page; and all other notarial acts not specified.	(Not to exceed) \$1.00
Public Records Request: (all requests must be made on a City Public Records Request Form)	
If request exceeds \$25.00, the requester's authorization is required to proceed with request. If request exceeds \$100.00, a deposit may be required before commencing work.	May require 50% deposit
Archived Electronic Information Retrieval	\$100.00/hr
Voters' Pamphlets:	
Candidate Filing Fee (with or without photo)	\$35.00
BUSINESS / CITIZEN SERVICES & DEVELOPMENT CENTER FEES	
Animal Keeping Permit	\$35.00
Banner Permit (\$30 permit + \$65 installation)	\$95.00
Business License Fees* (after July 1 prorated):	
Auctions	\$150/year, \$25/each
Drug Paraphernalia Sales	\$250.00
Secondhand Buyers and Sellers Annual Fee	\$75.00
Taxi Licenses - Annual Operator License	\$200.00
Annual Additional Vehicle	\$150.00
Annual Taxi Driver Permit Valid for One Year	\$30.00
Business Registration Fees - Initial Application	\$25.00
Annual Renewal - submitted late	\$20.00
Annual Renewal - timely submitted (no changes)	\$0.00
Annual Renewal - with changes (ownership, responsible person, location or contact information)	\$7.50
Gambling License - Annual License	\$200.00
License for One-day Special Event (City property only)	\$50.00
License for One-day Special Event / Non-profit Organization	\$20.00
Liquor License	<i>See Administration/City Clerk's Office Fees</i>
Parade Permit	\$20.00
Non-Profit Organizations	N/A
Parking Permit (per ORS 10.24.142):	
Annual Residential	\$75.00

Chapter 5.02 - BUSINESS REGISTRATION⁽¹⁾**Sections:***Footnotes:*

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Editor's note— Section 1. This ordinance will not become effective until January 1, 2010, to allow adequate program implementation time.

5.02.010 - Purpose and scope.

- A. This chapter is enacted to assure the public health and safety and compliance with LMC, Title 16, as well as to provide revenue for municipal purposes in order to pay for the necessary expenses required to administer the city's business registration program.
- B. The registration fees authorized by this chapter shall be independent and separate from any license or permit fees, now or hereafter, required of any person to engage in any business by the Lebanon City Council or other governmental or regulatory body. All such businesses remain subject to the regulatory provisions of any city ordinances or other regulations, now or hereafter, in effect and the business engaged therein is liable for the payment of any license or other fees therein established or authorized.
- C. Nothing in this chapter shall be construed to apply to any person transacting and carrying on any business within the city which is exempt from taxation or regulation by virtue of the Constitutions or laws either of the United States or Oregon.
- D. The levy or collection of a registration fee upon any business shall not be construed to be a license or permit to the person or business engaged therein to engage in activity or business to the extent it is deemed to be unlawful by the laws of the United States, the state of Oregon, or the city.

(Ord. No. 2771, 1-9-2009; Ord. No. 2782, 12-9-2009)

5.02.020 - Definitions.

- A. As used in this chapter:

"Business" means profession, trade, occupation, and every other kind of calling carried on for profit or livelihood which is operated, in whole or in part, in or on any structure, building, lot, or other premises, located within the city limits.

"Employee" means any person working for, within or under the auspices of a business, other than a bona fide independent contractor or leased employee, including common law and statutory wage-earning, commission and salaried employees; executive and common employees; agents; sales representatives; sole proprietors; partners; corporate officers and any and all persons associated directly with the business, whether full or part-time.

"Exemption certificate" means the document granted by the city in lieu of a business registration for businesses, occupations and activities qualifying under the provisions of Lebanon Municipal Code (LMC) Section 5.02.030(B).

"License" or "business license" means the document issued by the city granting the privilege to carry on a particular business or pursue a certain occupation within the city and which is separate from the business registration provisions contained in this chapter.

"Person" means all domestic and foreign corporations, associations, syndicates, partnerships of

every kind, joint ventures, societies and individuals transacting and carrying on any business in the city.

"Transfer" means to transfer the name or ownership of a business, but does not include a change in business location.

(Ord. No. 2771, 1-9-2009; Ord. No. 2782, 12-9-2009)

5.02.030 - Registration and payment required—Exemptions—Registration year.

- A. Except as provided in LMC 5.02.010(B & C), any person operating or carrying on any business, as defined in LMC 5.02.020, shall obtain a business registration and pay the required fee as established by the Lebanon City Council.
- B. In lieu of the business registration fee described in this chapter, an exemption certificate shall be granted without charge to the businesses and activities described below provided they use, operate from, or otherwise occupy, a particular structure, building or lot located within the City of Lebanon. All exempt businesses or activities must complete and file an annual renewal exemption certificate application with the city manager, or their designee. Businesses and activities qualified under this provision include:
1. Religious, educational and charitable organizations specifically exempt from taxation under the Federal Internal Revenue Code;
 2. Businesses franchised by and paying a franchise fee to the city;
 3. Businesses exempt from the payment of municipal license fees pursuant to Oregon or federal law;
 4. Suppliers and those engaged solely in wholesale sales to local businesses;
 5. Any person involved in the home delivery of newspapers, groceries, or other goods purchased outside the city;
- C. The following business or professional activities shall be exempt from any requirement to register or obtain an exemption certificate under the provisions of this chapter:
1. Fairs, festivals, and public entertainment events by nonprofit organizations. As used in this chapter, a "nonprofit organization" means an organization with tax exempt status as granted under applicable federal laws.
 2. Home based businesses and occupations as described in LMC 16.19.060.
 3. Contractors, consultants or others who do not normally conduct business from or in, or otherwise occupy, a particular site, location or structure within the city limits.
 4. Those other businesses or business related activities that, due to their minimal activities may be declared exempt by the city manager, or their designee.
- D. Registration Year.
1. The business registration exemption certificate year shall commence on January 31, 2010, and shall be renewable on or before that date annually thereafter. For businesses applying for an initial business registration or exemption certificate after said date, the registration year shall commence on the date the registration is accepted by the city and shall be renewed annually on or before January 31 of each succeeding year thereafter.
 2. The registration fee shall be due and payable on the 31 day of January and shall be deemed to be delinquent if not paid by 5:00 p.m., January 31, of that year. Registration fees are not refundable nor subject to proration.

(Ord. No. 2771, 1-9-2009; Ord. No. 2782, 12-9-2009)

5.04.040 - Registration fee imposed—Agent responsibilities.

- A. Each business operating within the city shall pay to the city on or before the 31 day of January of each calendar year a business registration fee as established by resolution of the Lebanon City Council.
- B. The agent(s) of a nonresident person engaged in a business for which registration is required shall be liable for the payment of the registration fee for the business and for the penalties for failure to pay the fee or to comply with the provisions of this chapter to the same extent and with the like effect as if such agent(s) were themselves persons engaged in business for which a license is required.

(Ord. No. 2771, 1-9-2009; Ord. No. 2782, 12-9-2009)

5.02.050 - Multiple businesses at same location—Branch offices—Professional offices.

- A. If more than one (1) business takes place at the same location and is operated under the same ownership, but is operated under more than one (1) business name, one (1) application may be filed, provided each business is clearly identified and all relevant information is included in the unified application.
- B. Each branch establishment of a business or location of a business conducted by any person shall, for the purposes hereof, be treated as a separate business subject to the registration provided for in this chapter. Warehouses used incidentally with a duly registered business shall not be deemed to be a separate place of business or branch establishment.

(Ord. No. 2771, 1-9-2009; Ord. No. 2782, 12-9-2009)

5.02.060 - Application procedure—Registration transfer.

- A. All business registration renewals and exemption certificate applications shall be processed by the city manager, or their designee, upon written application and not otherwise.
- B. The application for such registration, or renewal thereof, shall contain such information as the city deems appropriate to determine the ownership, location, activities, and management of the business.
- C. No transfer of a business registration shall be made without written application for the transfer being made with the city. An entry of such transfer shall be made by the city manager, or their designee, in the business registration record for which the city shall charge and receive a fee as established by resolution of the city council.
- D. An application for an initial business registration or a change in address due to the physical relocation of a currently registered business shall be accompanied by the payment of an application fee as established by resolution of the city council. This fee shall be in addition to the business registration fee provided for by LMC 5.02.040. No such application shall be accepted, unless all information contained therein is provided and the full fee is paid.
- E. Approved business registrations shall remain on file with the Lebanon City Clerk and data shall be provided to the Lebanon Rural Fire District.

(Ord. No. 2771, 1-9-2009; Ord. No. 2782, 12-9-2009)

5.02.070 - Falsifying application information—Penalty for delinquent filing.

- A. It is unlawful for any person to fail, refuse or neglect to comply with the provisions of this chapter.
- B.

In the event a business fails or neglects to register and pay the appropriate fee(s) before they become delinquent, the city manager, or their designee, shall collect, in addition thereto, an additional charge of ten (10) percent of the annual fee which shall be payable for each month or portion thereof that a business fails to pay the prescribed fee.

- C. Nothing contained in this chapter shall be construed as vesting any right to the amount of any license or other/additional taxes or fees, and the fees provided for in this chapter may be increased or decreased and additional or other fees provided for and levied in any and all instances at any time by the city.

(Ord. No. 2771, 1-9-2009; Ord. No. 2782, 12-9-2009)

5.02.080 - Violation does not exempt payment of fee—Attorneys' fees.

- A. The conviction of any person for violation of any of the provisions of this chapter shall not relieve such person from paying any fee or penalty on any fee for which such person is liable. Nor shall the payment of any such fee prevent any prosecution in the city court of any complaint for the violation of any of the provisions of this chapter.
- B. The city shall be entitled to the award of reasonable attorneys' fees in the event the city manager deems it necessary to enforce the requirements imposed by this chapter.

(Ord. No. 2771, 1-9-2009; Ord. No. 2782, 12-9-2009)

5.02.090 - Penalty.

A violation of any provision of this chapter shall be punishable by a fine of up to five hundred dollars (\$500.00). Each day of violation shall constitute a separate violation for purposes of this chapter.

(Ord. No. 2771, 1-9-2009; Ord. No. 2782, 12-9-2009)

Building and Grounds Committee
Monday, November 23, 2015

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Members Present: Jim Fairchild, Kelly Gabliks, Bill Hahn, and Jackie Lawson. Excused Chair Kevin Marshall

Also Present: Mayor Brian Dalton, City Attorney Lane Shetterly, Community Development/Operations Director Jason Locke, Park Supervisor Ron Lines, Finance Director Cecilia Ward, and Recording Secretary Jeremy Teal.

Acting Chair Gabliks called the meeting to order at 4:00 p.m.

CITY MANAGER’S REPORT

COMMUNITY DEVELOPMENT

Mr. Locke reported the Aquatic Center would be getting an upgrade and noted the roof was repaired by the original contractor. He indicated the Carnegie Building RFP was due December 3 and stated the exterior metal of City Hall would be replaced with copper.

PARKS

Mr. Lines reported the bridge was assembled at Kingsborough Park and he was working on signs with Jeremy.

OTHER

ADJOURNMENT

There was no other business and the meeting was adjourned at 4:08 p.m.



DALLAS
CITY HALL



Building & Grounds Committee

AGENDA

November 23, 2015

4:00 PM

Council Chambers
Dallas City Hall
187 SE Court St
Dallas, OR 97338

- A. Call to Order
- B. City Manager's Report
 - Community Development
 - Parks
- C. Other
- D. Adjournment

COMMITTEE
Chair Kevin Marshall
Jim Fairchild
Kelly Gabliks
Bill Hahn
Jackie Lawson



DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 9a	Topic: Development Code Amendments Deliberation LA15-01
Prepared By: Jason Locke, Community Development/ Operations Director <i>JL</i>	Meeting Date: December 7, 2015	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin, City Manager		

RECOMMENDED ACTION: Direct staff to prepare an Ordinance adopting the Development Code Amendments as originally presented or with changes.

BACKGROUND: The Council held a public hearing on the proposed Development Code Amendments on November 16, 2015. After the hearing was closed, the Council deliberated on the matter and 2 specific issues were brought up:

- 1) Councilor Gabliks was not comfortable with some of the language regarding the definition of Modular Home. This is a simple language change for clarification purposes
- 2) Councilor Lawson asked for an exception to allow for a home to be used for limited number of short term rentals without having to obtain a CUP or register for/pay the Transient Occupancy Tax (TOT). The City Attorney drafted an exclusion section that would not require any process to rent a home less than 3 times per calendar year. This could have the effect of negating any regulation of short term vacation rentals, as it would be impossible to track and regulate in any manner. Staff is uncertain as to how this would play out or what the impact would be on neighbors.

FISCAL IMPACT: None

DALLAS 2030 VISION IMPACT: Addresses both housing opportunities and tourism goals.

ATTACHMENTS:

Code Amendments with 2 changes: Modular Home definition and vacation home exception language.

2015 Dallas Development Code Update

DRAFT Code Amendments

December 7, 2015 (post hearing)

Proposed language to add to the Development Code is shown in **bold underline**. Text shown in strike-out is proposed for deletion. Text in **RED** is proposed by the Council

1. Modular Home Definition (Chapter 6.1)

Modular Home. A dwelling unit constructed in accordance with the standards set forth in the International Residential Code (IRC) and local codes applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. ~~The configuration of a modular home may consist of, but is not limited to, (per Councilor Gabliks) two sections transported to the site in a manner similar to a manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site.~~

2. Modular Home Allowed Zones (Chapter 2.2, Table 2.2.020)

Table 2.2.020– Land Uses and Building Types Allowed in Residential Districts				
<i>Land Uses and Building Types</i>	<i>Land Use Districts</i>			<i>Special Use Provisions</i>
<i>(Uses & building types in Chapter 1.3; definitions in Chapter 6.1)</i>	RL	RM	RH	
Residential Categories				
<i>Household Living</i>				
Single Family-not attached	P	P	P	
Accessory Dwelling	S	S	S	Section 2.2.120A
Duplex (2 dwellings sharing a common wall on one lot) - One duplex on a corner lot - One duplex on an interior lot	S S N	S S S	S S S	Section 2.2.120B

Table 2.2.020– Land Uses and Building Types Allowed in Residential Districts				
<i>Land Uses and Building Types</i>	<i>Land Use Districts</i>			<i>Special Use Provisions</i>
	RL	RM	RH	
<i>(Uses & building types in Chapter 1.3; definitions in Chapter 6.1)</i>				
Single Family Attached (2 or more common-wall single family dwellings), each on its own lot	N	S	S	Section 2.2.120B
Cottage Cluster (2-4 single family dwellings on one lot, oriented to an alley or common green, and each containing less than 1,200 square feet of floor area)	S	S	S	Section 2.2.120H
Manufactured Home on a Lot	S	S	N	Section 2.2.120F
Manufactured Dwelling Park - Equal to or less than 3 acres - Greater than 3 acres	N N	S N	S S	Chapter 2.9
<u>Modular Home on a Lot</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Section 2.2.120M</u>
Multifamily (3 or more dwellings on lot); includes Senior Housing, some types of Assisted Living and Single Room Occupancy Uses, but not Group Living)	N	S	S	Section 2.2.120H
Zero Lot Line Courtyard Housing (not common wall)	N	S	S	Section 2.2.120J

3. Modular Home Special Use Standards (2.2.120M)

M. Modular Homes on Individual Lots. **Modular homes are permitted on individual lots, subject to all of the following design standards. Exceptions: 1) The standards below do not apply to units that lawfully existed within the City prior to [effective date of code]; except that when a unit is removed and/or relocated to another lot or parcel, then its replacement shall conform to the standards listed below.**

1. Floor and Lot Area. **The modular home shall have an enclosed floor area of not less than the following:**

- a. Lot area 4,000 square feet or less in size – 600 square feet,**
- b. Lot area 4,001 – 5,000 square feet in size – 800 square feet,**
- c. Lot area 5,001 square feet or larger – 1,000 square feet.**

2. Residential Building Materials. The modular home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences. For purposes of this subsection, horizontal wood, vinyl, or similar wood-appearance siding is considered “superior” to metal siding and roofing;

3. Garages and Carports. If the majority of single family dwellings within 200 feet of the proposed modular home and abutting the same street as the proposed modular home have a garage or carport, the modular home shall have a garage or carport. Modular home garages and carports shall be constructed of materials like those used on the proposed dwelling.

4. Vacation Rentals Allowed Zones (Chapter 2.2, Table 2.2.020)

Table 2.2.020– Land Uses and Building Types Allowed in Residential Districts				
<i>Land Uses and Building Types</i>	<i>Land Use Districts</i>			<i>Special Use Provisions</i>
<i>(Uses & building types in Chapter 1.3; definitions in Chapter 6.1)</i>	RL	RM	RH	
Commercial Categories				
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM’s, similar uses/facilities)	N	N	CU+S	Section 2.3.100
Bed and Breakfast Inn	CU+S	CU+S	CU+S	Section 2.2.120C
Educational Services, Commercial (e.g., tutoring or similar services); not a home occupation	N	CU+S	CU+S	Limited to 1,200 square feet of floor area
Entertainment, Major Event	N	N	N	
Home Occupation	S	S	S	Per standards of Section 2.2.120E and procedures in Chapter 4.9.

Table 2.2.020– Land Uses and Building Types Allowed in Residential Districts				
<i>Land Uses and Building Types</i>	<i>Land Use Districts</i>			<i>Special Use Provisions</i>
<i>(Uses & building types in Chapter 1.3; definitions in Chapter 6.1)</i>	RL	RM	RH	
Office, not a home occupation; fully enclosed in primary and/or accessory building	N	CU+S	CU+S	Limited to 1,200 square feet of floor area
Outdoor Recreation, Commercial	N	N	N	
Quick Vehicle Servicing or Vehicle Repair	N	N	N	
Recreational Vehicle Park	N	N	N	
Retail Sales and Service, excluding Eating and Drinking Establishments as primary use	N	N	N	
Self-Service Storage, when not accessory to a permitted use	N	N	CU	
Short-Term Vacation Rental, primary dwelling or accessory dwelling; not a recreational vehicle or mobile home	<u>CU+S</u>	<u>CU+S</u>	<u>CU+S</u>	Section 2.2.120I

5. Vacation Rental Standards (2.2.120.I)

I. **Short-Term Vacation Rentals.** Subject to subsection (3), below, where short-term vacation rentals are allowed, they shall conform to all of the following criteria:

1. Vacation rentals allowed under this subsection are those with twenty eight (28) or fewer days continuous occupancy by the same tenant.
2. A Conditional Use Permit is required;
 - a. The vacation rental unit shall provide two (2) off-street parking spaces (not in addition to those otherwise required for a single family dwelling;
 - b. All required parking shall be provided on the same lot as the vacation home rental unit;
 - c. All vacation home rentals shall have a maximum occupancy of one person per 200 square feet or not more than 16 people, whichever is more restrictive; and

- d. All other requirements of the code as applicable to single family dwellings shall apply.
- e. **The property owner must provide receptacles for the deposit of garbage and subscribe to a solid waste collection service for the vacation rental dwelling.**
- f. **All vacation rentals are subject to the Transient Lodging Tax (Dallas City Code Chapter 7).**
- g. **The property owner shall designate a local representative who permanently resides within the Dallas Urban Growth Boundary or a licensed property management company with a physically staffed office within ten (10) vehicular miles of the Dallas Urban Growth Boundary. The owner may be the designated representative where the owner resides in the Dallas Urban Growth Boundary. The local representative must be authorized by the owner of the dwelling to respond to the tenant and neighborhood questions or concerns. The local representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the dwelling for vacation rental purposes. The local representative must respond to complaints in a timely manner to ensure the dwelling complies with the standards for vacation rental dwellings and other city ordinances pertaining to noise, disturbances, nuisances, as well as state laws pertaining to the consumption of alcohol, or the use of illegal drugs.**

3. This subsection does not apply to property used as a vacation rental, as defined in subsection 1, above, less than three times per calendar year, and no conditional use permit for such use shall be required, nor shall the conditions set forth in subsection 2 (a) through (g) apply to such use or property. (per Councilor Lawson)

6. Residential Driveway Approaches (2.2.100.C.1.e)

e. Driveway Approaches. Driveways shall not exceed the following widths (not including wings):

<i>Lot frontage</i>	<i>Driveway width</i>
<i><55'</i>	<i>22'</i>
<i>56'-70'</i>	<i>26'</i>
<i>>70'</i>	<i>32'</i>

Driveways may *expand* to a width greater than the maximum width where they are located **behind the property line.**

7. Central Business District (CBD) and Commercial Neighborhood (CN) Signs (3.6.070.B)

B. Central Business District (CBD) and Neighborhood Commercial (CN) Zones. Signs in the CBD and CN zones may be directly or indirectly lit. Each building or multi-tenant complex may have any combination of wall sign, monument sign, canopy sign, hanging sign, projecting sign, or freestanding sign not to exceed, in total, two (2) square feet for each foot of lot frontage on a street. In the case of two frontages, the larger frontage will be used to compute total sign size. **Each site or multi-tenant complex is allowed one (1) permanent pylon sign not to exceed 75 square feet in area for a single-faced sign, 150 square feet in area for a double-faced sign, and twenty-four (24) feet in height.** Window signs are permitted, provided they shall not exceed 50 percent of the total window area per window and shall not be counted toward the allowable total sign area.

8. Phased Approvals (4.2.080.D.2)

D. **Phased Development.** Phasing of development may be approved with the Site Design Review application, subject to the following standards and procedures:

1. A phasing plan shall be submitted with the Site Design Review application.
2. The Planning Commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 5 years without reapplying for site design review.
3. Approval of a phased site design review proposal requires satisfaction of all of the following criteria:
 - a. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;
 - b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required public improvements, in accordance with Section 4.3.110. A temporary public facility is any facility not constructed to the applicable City or district standard, subject to review by the City Engineer;
 - c. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and

- d. A request to phase a project may be approved after Site Design Review approval as a modification to the approved plan, pursuant Chapter 4.6.

9. Residential Accessory Structure Height and Setbacks on Corner Lots (2.2.020 and 2.2.030)

<i>Land Uses and Building Types</i> (Uses & building types in Chapter 1.3; definitions in Chapter 6.1)	<i>Land Use Districts</i>		
	RL	RM	RH
Accessory Structures, total of all accessory structures on site	P	P	P
-Not taller than 15 ft. and not longer than 50% of length of primary building footprint.			
-Taller than 15 ft. or longer than 50% of length of primary of building footprint.	CU	CU	CU

<i>Standard</i> General Development Standards may be adjusted through Chapter 4.5 Master Planned Development.	<i>Land Use Districts</i>		
	RL	RM	RH
Front/Street Side Yard, Accessory Structures	Where an accessory structure is visible from a street, it shall be setback behind the front/side building elevation adjacent to the subject street. The street side yard setback for an accessory structure may be reduced to 5 ft, if the structure is screened with a 6 ft high sight-obscuring fence, wall or hedge.		

10. Miscellaneous Code Revisions

A. Residential Districts, Section 2.2.030 – Development Standards, Building/Structure Height

Except Fences, Garden Walls and Other Building Structures are subject to Section **3.2.050**, Fences and Walls.

B. Residential Districts, Section 2.2.100.C.2 – Building Design Standards, Front/Street Façade Variation

b. *Standards.* No two directly adjacent or opposite dwelling units may possess the same front or street-facing elevation. This standard is met when front or street-facing elevations differ from one another by at least 5 of the 8 following elements:

- 1) Mix of Materials – Different mix of materials in compliance with subsection **2e** below.
- 2) Articulation – Different offsets or articulation of front building elevation in compliance with subsection **3** below.

**C. Mixed Use Master Plan Districts, Section 2.6.040 – Development Standards –
Barberry Mixed Use Node**

F. **Phasing.** Development within the Barberry Mixed Use Node shall occur from the southeast (the west end of SE Barberry Avenue) towards the north and west, in phases. Commercial development in the north-central area depends upon connecting SE Barberry Avenue through to E Ellendale Avenue, and extending **SE Academy Street** through to SE Fir Villa Road. Sites must be identified for parks, consistent with the Comprehensive Plan, before this area is rezoned.

D. Landscaping, Street Trees, Fences and Walls, Section 3.2.050

A. **General Requirements.** All fences and walls shall comply with the height limitations of the respective land use district (Article 2) and the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval (e.g., flag lots), approval of a conditional use permit, or site design review approval. When required through one of these types of approvals, no further land use review is required. If not part of a prior land use approval, new fences and walls require Land Use Review (Type I) approval; if greater than **seven (7) feet** in height, a building permit is also required. (See also, Section 3.2.030 for screening requirements.)

E. Public Facilities, Section 3.4.010 – Transportation Standards

D. **Creation of Access Easements.** The City may approve an access easement connecting to a public street only when the easement is necessary to provide for access and circulation in conformance with Chapter 3.1, Access and Circulation. Access easements shall be created and maintained in accordance with the **Oregon** Fire Code Section 10.207.

I. **Extension of Streets, Sidewalks, and Bikeways.**

- 2.c. Temporary street ends shall provide turnarounds constructed to **Oregon** Fire Code standards for streets over 150 feet in length. See also, Section 3.1.020.

N. Cul-de-sacs.

2. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the **Oregon** Fire Code. Circular turnarounds shall have a radius of no less than 40 feet, and not more than a radius of 45 feet (i.e., from center to edge of pavement); except that turnarounds shall be larger when they contain a landscaped island or parking bay at their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width;

F. Summary of Approvals by Type of Review Procedures, Table 4.1.010

Approvals	Review Procedures	Applicable Regulations
Temporary Use Permit (includes Temporary Medical Hardship Dwelling)	Type <u>I/II/III</u>	Chapter 4.9, Chapter 2.2

G. Type II Procedure (Administrative) – Section 4.1.030

H. Type IV Procedure (Legislative) – Section 4.1.050

D. Notice of Hearing.

2. Notification requirements. Notice of public hearings for the request shall be given by the City Planning Official in the following manner:
- d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least **thirty-five (35)** days before the first public hearing at which public testimony or new evidence will be received. The notice to DLCD shall include a DLCD Certificate of Mailing.

I. Site Design Review Approval Criteria; Adjustments – Section 4.2.060

- A. **Approval Criteria.** An application for Site Design Review shall be approved if the proposal meets all of the following criteria. The City decision making body may, in approving the application may impose reasonable conditions of approval, consistent with the applicable criteria:

4. The proposal complies with all of the Design Standards in Article 3:

e. Chapter 3.6 - Signs;

J. Flexible Lot Size; Flag Lots; Lots Accessed by Mid-Block Lanes – Section 4.3.040

- B. **Flag lots.** Flag lots may be created only when a through street or mid-block lanes cannot be extended to serve abutting uses or future development. A flag lot driveway (“flag pole”) may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots, unless Oregon Fire Code (OFC) standards are met for more units. When OFC standards are met, the maximum number of dwellings shall be four (4).
- D. **Driveway and lane width.** The minimum width of all shared drives and lanes shall be 12 feet; the maximum width is twenty (20) feet, except as required by the Oregon Fire Code.
- F. **Maximum drive lane length.** The maximum drive lane length is subject to requirements of the Oregon Fire Code, but shall not exceed 150 feet for a shared side drive, and 400 feet for a shared rear lane.

K. Approval Criteria: Preliminary Plat – Section 4.3.070

- C. **Layout and Design of Streets, Blocks and Lots.** All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:
5. In conformance with the Oregon Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See Chapter 3.1- Access and Circulation.

L. Property Line Adjustments – Section 4.3.140

B. Approval Process.

2. Time limit on approval. The property line adjustment approval shall be effective for a period of six (6) months from the date of approval, during which time it must be recorded.

D. Recording Property Line Adjustments

1. Recording. Upon the City's approval of the proposed property line adjustment, the applicant shall record the property line adjustment with Polk County within six (6) months of approval (or the decision expires), and submit a copy of the recorded survey map to the City, to be filed with the approved application.

E. **Extension**. The City shall, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed six (6) months provided that:

M. Master Planned Development – Review and Approval Process – Section 4.5.030

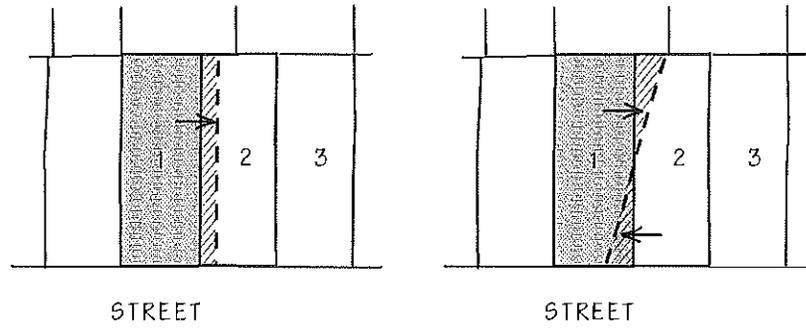
B. Approval Process.

2. The detailed development plan shall be reviewed using the Type III procedure in Section 4.1.040, to ensure substantial compliance with the approved concept plan.
3. Preliminary subdivision plats and site design review applications for approved planned developments shall be reviewed using a Type I procedure, as governed by Section 4.1.020.

N. Definitions – Section 6.1.030

Property Line Adjustment. The relocation or elimination of all or a portion of the common property line between abutting properties that does create an additional lot or parcel, pursuant to Chapter 4.3. See Figure.

Property Line Adjustment



/////// Exchange Parcel

Lot 1 may assume a portion of Lot 2 through a Property Line Adjustment Review.

Lot 1 may assume a portion of Lot 2 and Lot 2 may assume a portion of Lot 1 through one Property Line Adjustment Review.

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 9 b	Topic: Proposed change to wild animal ordinance
Prepared By: Emily Gagner	Meeting Date: December 7, 2015	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED ACTION:

Motion to direct staff to draft an ordinance for the January 4, 2016, Council meeting adding “deer” to the Wild Animals ordinance.

BACKGROUND:

Several years ago we had issues with aggressive turkeys, due in part to residents feeding the turkeys. The Council modified the wild animal code to prohibit feeding wild birds. Staff has now received several complaints from residents about aggressive deer, also assumed to be causing problems due to residents feeding them. The current wild animal code only prohibits feeding “carnivorous wild animals or wild birds.” Staff is recommending adding “deer” to this list of animals for which feeding would be prohibited. Hopefully this will discourage the deer from hanging around where they aren’t wanted and reduce issues with aggressive deer.

FISCAL IMPACT:

None

DALLAS 2030 VISION IMPACT:

1.k: Dallas neighborhoods are clean, safe, friendly and livable places.

ATTACHMENTS:

Proposed change to DCC 5.386 Wild Animals.

5.386 Wild Animals.

(1) Except as provided in subsections (3) and (4), no person shall feed or keep in captivity within the city a carnivorous wild animal, deer, or wild bird.

(2) As used in this section:

(a) "Carnivorous wild animal" means an animal that is not by custom devoted to the service of mankind at the time and in the place in which it is kept. Carnivorous wild animals include, but are not limited to, wolves, coyotes, bobcats, bears, foxes, cougars, and any hybrid animal which has any degree of such wild carnivorous animals.

(b) "Wild bird" means duck, goose, merganser, coot, snipe, pheasant, partridge, grouse, peafowl or wild turkey.

(c) "Feed" means to place or allow to be placed, in any manner, food or other attractants with the intent of attracting or feeding carnivorous wild animals or wild birds.

(3) The provisions of this section do not apply to the owners of a circus, tent show, or carnival that is licensed by the city.

(4) The Council may grant an exemption to this section under the following procedures:

(a) An applicant shall file a request for an exemption which includes the following:

(i) Type of animal;

(ii) A recent photograph of the animal;

(iii) Where it will be located;

(iv) Whether its location in the city will be temporary or permanent;

(v) Whether it has bitten, attacked, or otherwise harmed any person;

(vi) What steps will be taken to insure the public safety;

(vii) Proof of adequate liability insurance if the animal harms a person or property;

(viii) A certification from a licensed veterinarian that the animal has received all necessary inoculations, including, but not limited to, rabies; and

(ix) A filing fee in an amount set by resolution of the Council.

(b) The Council shall thereafter hold a public hearing on the request for an exemption, after giving notice to the same property owners who would receive notice of a land use hearing relating to the premises where the animal would be located, not less than ten days in advance of the public hearing.

(c) At the conclusion of the public hearing, the Council shall grant the exemption, grant the exemption with conditions, or deny the exemption.

(d) A failure to continually abide by and maintain any conditions imposed by the Council is a violation of this section.

(5) Violation of this section, upon a first offense, shall constitute a civil infraction. Violation of this section upon the second and any subsequent offense shall constitute a Class C misdemeanor.