



**City Council**

Mayor  
Jim Fairchild

Council President  
Brian Dalton

Councilor  
Warren Lamb

Councilor  
Jackie Lawson

Councilor  
Kevin Marshall

Councilor  
Wes Scroggin

Councilor  
David Shein

Councilor  
David Voves

Councilor  
LaVonne Wilson

Councilor  
Ken Woods, Jr.

**Staff**

City Manager  
Jerry Wyatt

Asst. City Manager  
Kim Marr

City Attorney  
Lane Shetterly

Community Development  
Director  
Jason Locke

Finance Director  
Cecilia Ward

Fire Chief  
Bill Hahn

Police Chief  
John Teague

Public Works Director  
Fred Braun

City Recorder  
Emily Gagner

# Dallas City Council Agenda

Monday, June 21, 2010, 7:00 p.m.

Mayor Jim Fairchild, Presiding

Dallas City Hall  
187 SE Court Street  
Dallas, Oregon 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.*

<u>ITEM</u>	<u>RECOMMENDED ACTION</u>
1. ROLL CALL AND PLEDGE OF ALLEGIANCE	
2. QUESTIONS OR COMMENTS FROM THE AUDIENCE <i>This time is provided for citizens to address the Council or introduce items for Council consideration on any matters other than those on the agenda.</i>	
3. 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>	
4. 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 of June 7, 2010 City Council Minutes <b>p3</b>	
b. Approve LOC legislative priorities <b>p8</b>	
c. Confirm reappointments to Library Board <b>p9</b>	
d. Acknowledge May monthly reports <b>p10</b>	
5. ITEMS REMOVED FROM CONSENT AGENDA	
6. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	
7. REPORTS FROM CITY MANAGER AND STAFF	
a. Appointments/reappointments to Dallas Economic Development Commission <b>p20</b>	Motion
b. Transient Tax Distribution Agreement Renewal <b>p22</b>	Motion
c. Other	
8. FIRST READING OF ORDINANCE	

# Dallas City Council Agenda

## Page 2

### 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.*

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.

## 9. SECOND READING OF ORDINANCE

- a. Ordinance No. 1724: An Ordinance amending provisions **p26** Roll Call Vote of the Dallas City Code Sections 3.740, relating to removal of street trees; and repealing prior conflicting ordinances.
- b. Ordinance No. 1725: An Ordinance amending and **p28** Roll Call Vote restating Chapter 7 of the Dallas City Code relating to "Business;" and repealing certain provisions.
- c. Ordinance No. 1726: An Ordinance authorizing criminal **p57** Roll Call Vote background checks of applicants for certain business licenses, permits, and registrations subject to regulation under Dallas City Code Chapter 7.

## 10. RESOLUTIONS

- a. Resolution No. 3202: A Resolution adopting the budget **p58** Roll Call Vote of the City of Dallas, Oregon for the fiscal period beginning July 1, 2010 and ending June 30, 2011, making budgeted appropriations and levying taxes for said fiscal period.
- b. Resolution No. 3203: A Resolution declaring the City of **p61** Roll Call Vote Dallas's election to receive State Revenues.
- c. Resolution No. 3204: A Resolution authorizing the **p62** Roll Call Vote transfer of budgetary funds.
- d. Resolution No. 3205: A Resolution establishing a **p66** Roll Call Vote schedule of fees to be paid for certain business permits, licenses and applications, and removal of street trees.
- e. Resolution No. 3206: A Resolution providing for the **p69** Roll Call Vote distribution of transient lodging taxes collected under Ordinance No. 1681 (Dallas City Code 7.870 through 7.922) for the period from July 1, 2010 through June 30, 2012; and repealing Resolution No. 3142.

## 11. OTHER BUSINESS

## 12. ADJOURNMENT

**Note: Following the Council meeting, there will be meeting of the Dallas Development Commission Urban Renewal Agency Board of Directors.**

**DALLAS CITY COUNCIL**  
**Monday, June 7, 2010**  
**Council Chambers**

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The Dallas City Council met in regular session on Monday, June 7, 2010, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Jim Fairchild presiding.

**ROLL CALL AND PLEDGE OF ALLEGIANCE**

Council members present: Council President Brian Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor David Shein, Councilor David Voves, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. Excused: Councilor Wes Scroggin.

Also present were: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Community Development Director Jason Locke, Finance Director Cecilia Ward, Police Chief John Teague, and Recording Secretary Emily Gagner.

Mayor Fairchild led the Pledge of Allegiance.

**QUESTIONS OR COMMENTS FROM THE AUDIENCE**

Mayor Fairchild asked for questions or comments from the audience on items other than those on the agenda.

Korena Lund thanked the Mayor, City Council, Parks Department and all the volunteers who made the Dallas City Parks the enjoyable locations they are for our families and children to play. As a mother of two small children she was especially grateful of the renovations made to the playground equipment over the past few years. She indicated she did have a concern about the amount of smoking that takes place in the parks. Ms. Lund commented that there were no signs posted in the parks or online informing the general public about the ban on smoking within twenty-five feet of playground equipment or playing fields. She indicated she visits Dallas City Park regularly and often sees adults smoking. Ms. Lund showed the Council a bag of cigarette butts and other trash she picked up from the park in the toddler play area. Ms. Lund stated she believed many didn't realize there was an ordinance against smoking near the playground. She requested signs be posted designating the non-smoking areas so the park would be a cleaner and healthier place for children to play. Mayor Fairchild reported the Building and Grounds Committee had reviewed the issue of smoking in the parks earlier and would bring it back on the next agenda.

Ed Dressel stated he loved living in Dallas and it was a great place to raise children. He indicated one of the values the community set up fifty years ago was the Rickreall Creek Path. He said while it has potential and sounds nice on paper, sometimes the implementation is much different. Mr. Dressel indicated recently he and his neighbors discussed the proposed trail and they didn't want it in their neighborhood. He and his neighbors circulated a petition asking if people wanted the trail. Mr. Dressel summarized the petition results which they circulated to homes along the creek, across from the creek, and in outlying vicinities. He stated the majority of those who were contacted had one of three concerns: the initial cost, additional crime, and ongoing maintenance costs. Mr. Dressel concluded that the vast majority of the populace did not want the path. He encouraged the Council to reconsider if this was what the City wanted. Mayor Fairchild indicated Mr. Dressel had been heard and the Council would contact him and his group in the future about an open forum meeting. Councilor Lawson stated it was her understanding that when the petition was circulating, people were being told their taxes would be increasing because of the park trail, which was not true. Mr. Dressel indicated each petitioner had their own talking points, and noted he only petitioned on the safety of his family.

Chelsea Pope, Executive Director of Dallas Area Visitors Center, thanked the Council and staff for their support in the launch of the Downtown Bounty Market. She indicated that despite the wet weather, they had over 250 shoppers.

Danny Jaffer introduced himself to the Council, stating he was running for Polk County Commissioner.

**PUBLIC HEARINGS**

1 2010-2011 CITY OF DALLAS BUDGET & USE OF STATE REVENUE SHARING FUNDS

2 Jerry reviewed the staff report on the budget.

3 Mayor Fairchild opened a public hearing on the 2010-2011 City of Dallas Budget and use of  
4 state revenue sharing funds at 7:16 p.m.

5  
6 There was no testimony and Mayor Fairchild closed the public hearing at 7:17 p.m.

7  
8 It was moved by Councilor Lawson and seconded by Councilor Shein to approve the 2010-2011  
9 Budget and the use of State Revenue Sharing funds as approved by the Budget Committee. The  
10 City Manager was directed to have the City Attorney prepare the resolutions to adopt the budget  
11 and authorize use of state revenue sharing funds for the June 21, 2010 Council meeting.  
12 Councilor Lamb stated he appreciated what the staff did to make it all work and noted he  
13 couldn't believe how tight the budget was and how the City still makes it work. He commented  
14 that the City needs to keep looking at the ambulance and fire to make sure the income matches  
15 expenditures as closely as possible. Council President Dalton stated for the record that this was  
16 the second year in a row that the City gave no cost of living increases for staff and added that the  
17 City had downsized. Mayor Fairchild echoed the thanks to staff and also thanked the citizen  
18 members and Councilor who made up the Budget Committee. He agreed the City had about as  
19 lean a budget as they could and still provide the services the public wanted. The motion carried  
20 unanimously.

21 **CONSENT AGENDA**

22 It was moved by Councilor Shein and seconded by Councilor Marshall to approve the Consent  
23 Agenda as presented. The motion carried unanimously.

24 Items approved by the Consent Agenda were: a) approval of May 17, 2010 City Council  
25 minutes; b) acknowledge report of May 24 Administrative Committee meeting; c) acknowledge  
26 report of May 24 Building and Grounds Committee meeting; d) acknowledge report of May 25  
27 Parks and Recreation Board meeting; and e) acknowledge final energy savings report for Dallas  
28 Aquatic Center.

29 **ITEMS REMOVED FROM CONSENT AGENDA**

30 **REPORTS OR COMMENTS FROM COUNCIL MEMBERS**

31 Council President Dalton thanked the Councilors for their hard work and dedication in putting  
32 together the street fee proposal. He stated he felt their heart was in the right place even if it  
33 wasn't successful.

34 **REPORTS FROM CITY MANAGER AND STAFF**

35 **DISCUSSION CONCERNING CITY INSURANCE COVERAGE**

36 Councilor Woods declared an actual conflict of interest and asked to be excused from the  
37 Council at 7:24 p.m.

38 Mr. Woods addressed the Council as the Insurance Agent of Record.

39 Mr. Woods presented the general liability, property, and automobile insurance renewal proposal  
40 from City/County Insurance Services (CIS). He indicated the annual premium was a reduction  
41 of over \$81,000, mostly because of a distribution credit, but also because rates have gone down.  
42 He added the property credit would be applied next year because the total credit amount  
43 exceeded the cost of the policy this year.

44 Council President Dalton asked if the aftermath of the recent ambulance incident was reflected in  
45 the proposal. Mr. Woods indicated it was. Councilor Lawson asked if the budget took into  
46 account the reduction in rate. Mr. Wyatt stated he did include that, as he was told about the  
47 decrease at the CCIS conference earlier in the spring. He noted the Council had asked them to  
48 shop around for insurance this year, but with the credit, there was no comparison.

49 It was moved by Councilor Shein and seconded by Councilor Wilson to authorize the City

1 Manager to sign the recommended general liability, property, and automobile insurance proposal  
2 from CIS. The motion carried unanimously.

3 Mr. Woods presented the workers' compensation proposal from City/County Insurance Services  
4 (CIS). He noted rates were down from last year by roughly \$7,500.

5 It was moved by Councilor Wilson and seconded by Councilor Marshall to authorize the City  
6 Manager to sign the workers' compensation insurance proposal from CIS. The motion carried  
7 unanimously.

8 Councilor Woods rejoined the Council at 7:42 p.m.

#### 9 CHAMBER SUMMERFEST REQUEST

10 Mr. Wyatt reviewed a letter from the Chamber of Commerce requesting specific assistance  
11 during Summerfest, including street and parking closures. He noted there was nothing new this  
12 year.

13 It was moved by Councilor Voves and seconded by Councilor Shein to approve the request to  
14 allow the City Manager to work with Chamber to accommodate the requests. The motion carried  
15 unanimously.

#### 16 OTHER

17 Mr. Wyatt asked for approval to cancel a couple of upcoming meetings. He indicated there were  
18 no agenda items for the June 28 Public Safety and Public Works Committees. The consensus  
19 was to approve the meeting cancellation.  
20

21 Mr. Wyatt requested approval to cancel the July 6 City Council meeting. He noted July 4 was on  
22 Sunday, so July 5 was a holiday. He noted there were no agenda items. In response to a  
23 question, Mr. Shetterly explained the Charter requires one meeting per month.  
24

25 It was moved by Councilor Wilson and seconded by Councilor Lawson to cancel the July 6 City  
26 Council meeting. Mayor Fairchild asked for the provision that the meeting would be cancelled  
27 unless something unforeseen came up. Councilors Wilson and Lawson agreed to the provision.  
28 The motion carried unanimously.

#### 29 RESOLUTIONS

30 **Resolution No. 3200:** A Resolution establishing a schedule of fees to be paid for certain  
31 Community Development Department land use and zoning permits and services.

32 Council President Dalton commented that fee increases are always problematical in one way or  
33 another, but noted that research had been done and the proposed fees represent the actual costs to  
34 the City. He added that the users of the system were generally on board with the increase.  
35 Councilor Lamb indicated the City had done a good job over the past three or four years of  
36 keeping fee increases more incremental while making sure fees covered the cost of doing  
37 business. Councilor Wilson asked if staff had thought about reviewing the fees each year. Mr.  
38 Wyatt explained that is now done with the budget process each year.

39 A roll call vote was taken and Mayor Fairchild declared Resolution No. 3200 to have PASSED  
40 BY A UNANIMOUS VOTE with Council President Brian Dalton, Councilor Warren Lamb,  
41 Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor David Shein, Councilor David  
42 Voves, Councilor LaVonne Wilson and Councilor Ken Woods, Jr. voting YES.

43 **Resolution No. 3201:** A Resolution adopting an amended Affirmative Action Policy and  
44 repealing Resolution No. 2226 (1980) and the Affirmative Action Plan adopted thereby.

45 Mr. Wyatt indicated the old resolution was adopted in 1980 and noted many changes have been  
46 made since that time. Mr. Shetterly stated the old policy was very anachronistic, cumbersome  
47 and overbuilt. He reported the new proposal was much more streamlined and modern, noting it  
48 didn't create a change in how the City currently does business.

49 A roll call vote was taken and Mayor Fairchild declared Resolution No. 3201 to have PASSED

1 BY A UNANIMOUS VOTE with Council President Brian Dalton, Councilor Warren Lamb,  
2 Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor David Shein, Councilor David  
3 Voves, Councilor LaVonne Wilson and Councilor Ken Woods, Jr. voting YES.

4 **FIRST READING OF ORDINANCE**

5 **Ordinance No. 1724:** An Ordinance amending provisions of the Dallas City Code Sections  
6 3.740, relating to removal of street trees; and repealing prior conflicting ordinances.

7 Councilor Lawson indicated she liked the suggestion of including the Tree Board in the process.  
8 In response to a question, Mr. Shetterly explained the Park Board was also the Tree Board. In  
9 response to a question, Councilor Lawson stated it would be beneficial to involve the Tree Board  
10 since the City was a Tree City USA. There was some concern that it would be too cumbersome  
11 and time consuming if the Tree Board was involved. After further discussion, it was agreed that  
12 the City Attorney would add a sentence to the Ordinance stating the Community Development  
13 Director could refer an application to tree board. Council President Dalton expressed his  
14 concern that there were many signature trees that people may be unaware could not be removed  
15 without a permit.

16 Mayor Fairchild declared Ordinance No. 1724 to have passed its first reading.

17 **Ordinance No. 1725:** An Ordinance amending and restating Chapter 7 of the Dallas City Code  
18 relating to "Business;" and repealing certain provisions.

19 Councilor Lawson asked about children who had lemonade stands in their driveway. Mr.  
20 Shetterly stated those wouldn't need a permit. Council President Dalton recommended the  
21 Council review the garage sale portion of Chapter 7, as it was rather obsolete in some areas. Mr.  
22 Wyatt agreed the Administrative Committee would review the garage sale code at the July  
23 meeting.

24 Mayor Fairchild declared Ordinance No. 1725 to have passed its first reading.

25 **Ordinance No. 1726:** An Ordinance authorizing criminal background checks of applicants for  
26 certain business licenses, permits, and registrations subject to regulation under Dallas City Code  
27 Chapter 7.

28 Mr. Shetterly reported the City already had a criminal background check ordinance, but it didn't  
29 cover applications for business licenses, so this just amended the current ordinance to cover what  
30 Section 7 said it covered.

31 Mayor Fairchild declared Ordinance No. 1726 to have passed its first reading.

32 **SECOND READING OF ORDINANCE**

33 **Ordinance No. 1720:** An Ordinance amending Dallas City Code 6.610 regarding recreational  
34 vehicle parking permits; and repealing conflicting provisions.

35  
36 Mr. Shetterly reviewed the changes made after the discussion in April.

37 Mayor Fairchild declared Ordinance No. 1720 to have passed its second reading. A roll call vote  
38 was taken and Mayor Fairchild declared Ordinance No. 1720 to have PASSED BY A  
39 UNANIMOUS VOTE with Council President Brian Dalton, Councilor Warren Lamb, Councilor  
40 Jackie Lawson, Councilor Kevin Marshall, Councilor David Shein, Councilor David Voves,  
41 Councilor LaVonne Wilson and Councilor Ken Woods, Jr. voting YES.

42 **OTHER BUSINESS**

43 Mayor Fairchild explained that the Council would hold an Executive Session to deliberate with  
44 persons designated by the governing body to negotiate real property transactions as authorized in  
45 ORS 192.660(2)(e). The meeting was recessed at 8:18 p.m.

46 Mayor Fairchild reconvened the Council meeting at 9:00 p.m.

47 Mr. Wyatt reported that he had received a call that someone was interested in buying the TTM

1 building and then planned to lease the facility to different entities including the National Guard.  
2 He explained that since then he found out that another group of actual developers was interested  
3 in the property and very near to closing.

4 There being no further business, the meeting adjourned at 9:02 p.m.

5 Read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2010.

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\_\_\_\_\_  
Mayor

10 ATTEST:

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\_\_\_\_\_  
City Manager

DRAFT

# DALLAS CITY COUNCIL

## REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 4 b</b>	<b>Topic:</b> LOC Legislative Priorities
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> June 21, 2010	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

Approve legislative priorities with approval of the Consent Agenda.

BACKGROUND:

The City received a request from the League of Oregon Cities to identify and submit the City's top four legislative priorities. This will assist them in setting the legislative agenda for the 2011 session. The Councilors each identified their top four priorities. I totaled the votes, and the top four priorities for the Council are as follows:

- 1) Transportation: Increase the funding allocation to Oregon's small cities for road and street development and maintenance from \$1 million to \$5 million without unfairly impacting larger cities' share of the State Highway Fund.
- 2) Water/Wastewater: Protect existing and future water rights from conditions that would prevent municipalities from meeting current or future demands.
- 3) Finance & Taxation: Maintain and strengthen the state's historic commitment to the State Shared Revenue funding formula. Any additional taxes or surcharges on these items must be incorporated into the current formula so cities may continue to provide services related to these revenues.
- 4) Finance & Taxation: Take an active role in facilitating and promoting processes and measures to bring about an overhaul of the state property tax system. The outcomes of this overhaul must create a system which taxes property equitably, brings assessed values closer to real market values, and is stable and predictable to both governments and taxpayers.

FISCAL IMPACT:

None

ATTACHMENTS:

None

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 4 c</b>	<b>Topic:</b> Library Board Appointment
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> June 21, 2010	<b>Attachments:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

Staff recommends approving these reappointments to the Library Board when approving the Consent Agenda.

BACKGROUND:

Marianne Moore’s and Grace Scatterday’s terms on the Library Board expire July 1, 2010. We have received no committee interest forms for the Library Board and both women have indicated an interest in continuing to serve on the Library Board. Staff supports these reappointments.

FISCAL IMPACT:

None

ATTACHMENTS:

None

# COMMUNITY DEVELOPMENT

<b>City Manager</b>	Jerry Wyatt	<b>Building Official</b>	Ted Cuno
<b>Director</b>	Jason Locke	<b>Building Inspector</b>	Troy Skinner
<b>Assistant</b>	Joanne Ballweber	<b>Planner</b>	John Swanson
<b>Building &amp; Grounds</b>	Ken Stoller	<b>Code Enforcement</b>	Ed Totten

## MAY 2010 Monthly Report - Planning, Building, Code Enforcement

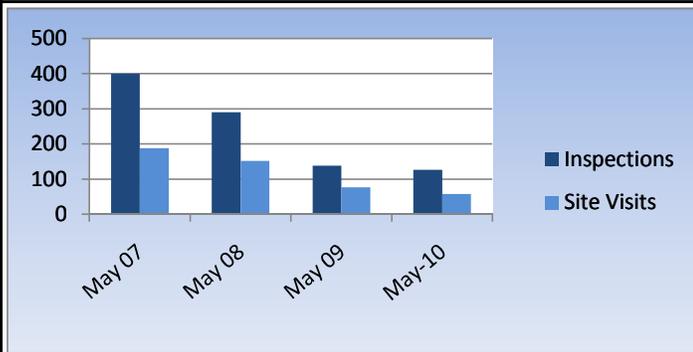
REVENUES	Month	Fiscal YTD
Planning	May-10 \$ 1,515	\$ 19,532
Building	May-10 \$ 16,033	\$ 102,323

### LAND USE APPLICATIONS

	Sign	Home Occupation	Conditional Use	Variance	Partition / Replat	Subdivision	Street Plan	Annexation	Zone Change
May-10	0	1	0	0	0	0	0	0	0
YTD 2010	3	3	4	0	3	1	0	0	1
May-09	3	2	0	0	0	1	0	0	0
YTD 2009	8	7	0	0	0	1	0	0	0

### INSPECTIONS AND SITE VISITS

**Monthly:** Inspections - 127      Site Visits - 58  
**Year to Date:** Inspections - 594      Site Visits - 317



### CODE ENFORCEMENT

Current Open Cases:	24
New Cases processed in in May	
6.505 Abandoned Vehicles	5
6.32 Vehicles Stored on Street	9
5.584 Vehicles Stored on Prop	17
5.582 Junk	1
5.556 Scattering Rubbish	16
6.125 Obstructions	3
5.588 Graffiti	0
Other Ordinances	3
Code Citations	2
Number of Followups	85

### BUILDING PERMIT SUMMARY

Permit Use	May-10	May-09	YTD Total 2010	Annual Total 2009	YTD Valuation 2010	Annual Valuation 2009
New Single Family	1	0	15	3	3,115,793	\$522,451
New Duplexes	0	0	0	0	0	0
New Multifamily	1	0	1	1	800,000	3,759,944
Residential Remodel	3	5	23	17	453,267	435,488
Residential Accessory Building	1	0	6	4	83,791	55,388
New Commercial	0	0	1	0	2,000	0
Commercial Remodel	2	8	16	16	214,963	374,880
New Industrial	0	0	0	1	0	46,530
Industrial Remodel	0	0	0	0	0	0
Public Building	0	0	0	2	0	6,533
Mobile Home Accessory	0	0	0	0	0	0
Misc./No Fee Permits	0	0	0	0	0	0
<b>Total All Categories</b>	<b>8</b>	<b>13</b>	<b>62</b>	<b>44</b>	<b>4,669,814</b>	<b>\$5,201,214</b>

Month	Inspections	Site Visits	YTD	Inspections	Site Visits
May 07	400	188	2007	1718	821
May 08	290	152	2008	1261	664
May 09	138	77	2009	701	356
May-10	127	58	2010	594	317

# DALLAS AQUATIC CENTER



Director - Jason Locke  
 Supervisor - Tina Paul

## MAY 2010 MONTHLY REPORT

REVENUE	Month	Fiscal YTD
	May-10	\$26,592
	May-09	\$40,814
		\$353,029

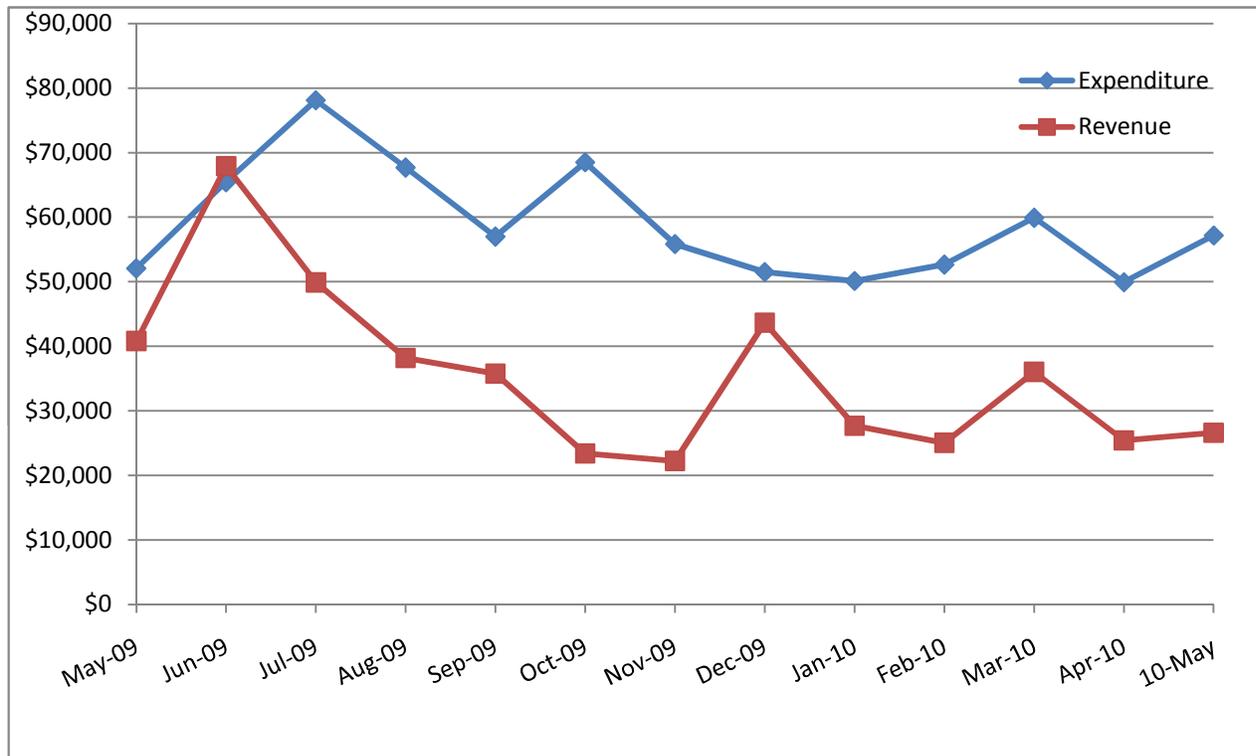
Current Members:	
Annual	850
3-month Water Aerobics	15

EXPENDITURES	Month	Fiscal YTD
	May-10	\$57,177
	May-09	\$52,070
		\$655,396

Monthly Attendance:	
May-10	8,218
YTD	92,651

Utility Costs:	Jan-10	Fiscal YTD
Natural Gas	\$4,359	\$63,808
Electricity	\$5,576	\$58,665

**R/E Ratio = 53.8 %**  
 (Revenue/Expenditure)



**Dallas Public Library  
Monthly Report for May 2010**

**Circulation Statistics**

<b>Adult</b>	<b>May 2010</b>	<b>May 2009</b>		<b>Children</b>	<b>May 2010</b>	<b>May2009</b>
<b>Print Materials</b>	7295	9849		<b>Print Materials</b>	2911	2651
<b>Books on Tape/CD</b>	542	466		<b>Books on Tape/CD</b>	202	145
<b>AV Materials</b>	1263	1147		<b>AV Materials</b>	849	801
<b>Misc. items</b>	959	706				
<b>2010 Year to Date</b>	<b>52,667</b>			<b>2010 Year to Date</b>	<b>20,848</b>	
<b>Remote Renewals</b>	<b>945</b>			<b>2010 Year to Date</b>	<b>4935</b>	
<b>Combined Total</b>	<b>78,450</b>					

**Additional Activity**

	<b>May 2010</b>	<b>May 2009</b>	<b>Year to Date 2010</b>
<b>Non-Resident User Fees</b>	\$ 505.00	\$ 290.00	\$ 3600.00
<b>Fines Collected</b>	**\$ 460.23	\$ 349.44	\$ 3629.47
<b>Photocopies</b>	\$ 117.14	\$ 83.45	\$ 567.49
<b>Reference Questions</b>	897	1100	5240
<b>Volunteer Hours</b>	239	256.25	1606.5

**Registered Patrons – May 2010**

<b>City Residents</b>		<b>Non-Resident – Fee Paid</b>		<b>Non-Resident - Restricted</b>	
Adult	5688	Adult	366	Adult	1273
Child	1415	Child	64	Child	6
YA (12-17)	441	YA (12-17)	29	YA (12-17)	169
<b>Total</b>	<b>7544</b>	<b>Total Fee</b>	<b>459</b>	Kids C.A.R.E.	470
				<b>Total Restricted</b>	<b>1918</b>
<b>Non-Resident Total</b>	<b>2377</b>				
<b>Total Registered Patrons</b>	<b>9921</b>				

**\*\*Food for Fines – May 2010**

Food for Fines brought in 1300 pounds of food and other necessities for the Dallas Food Bank. The number of fines waived during this special event was minimal compared to the number of pounds donated. So many of our patrons continued to pay their fines and donate to this month long project.

Spring sessions of both Infant/Toddler and Preschool Storytimes continue to be popular with children and their caregivers. However, they concluded early in May, to make way for end of the year school/class visits – so that children could hear and learn about the upcoming Summer Reading Program. Between storytimes, class visits and the special Read to the Dog event, a total of 388 young patrons had the opportunity to see and hear stories, visit the Library and in general prepare for the upcoming fun and exciting programs that will be happening when school ends for the summer.

COUNCIL REPORT – May 2010

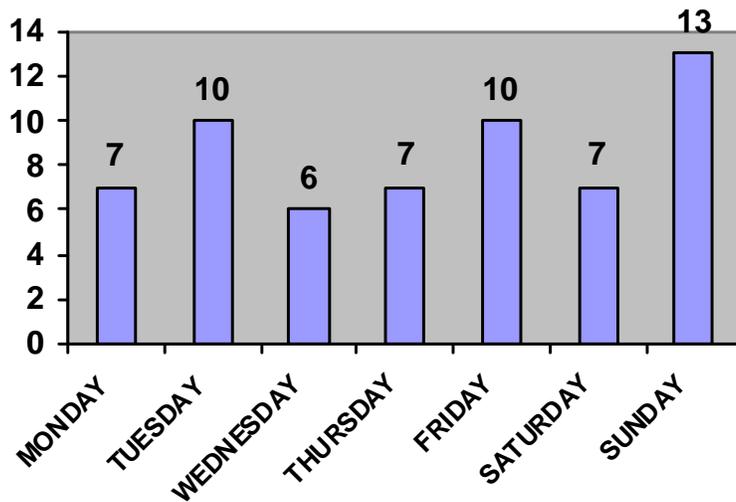
To: Mayor & City Council Members

From: Fire Chief Bill Hahn

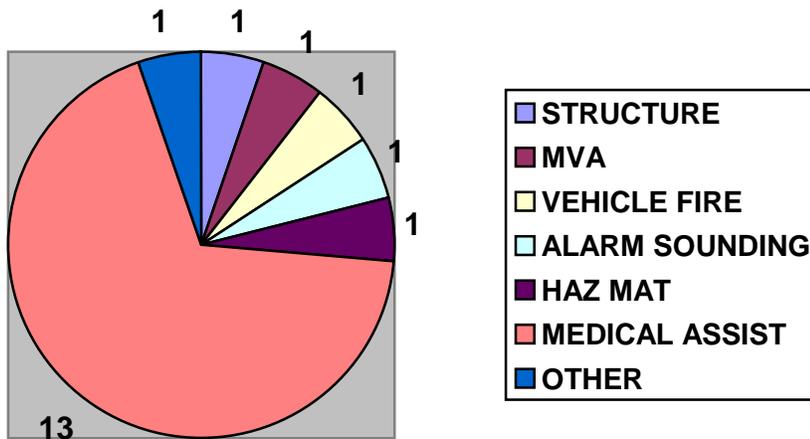
**Dallas Fire Department:**

Station 100 responded to 19 city calls and 41 rural responses for a total of 60, these are divided out by the day of the week.

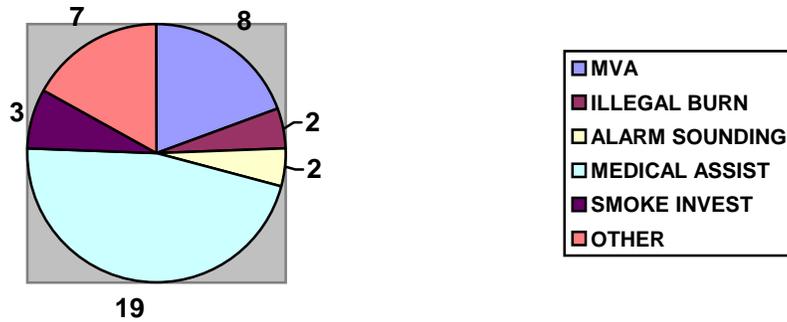
**May Fire Reponses by Day**



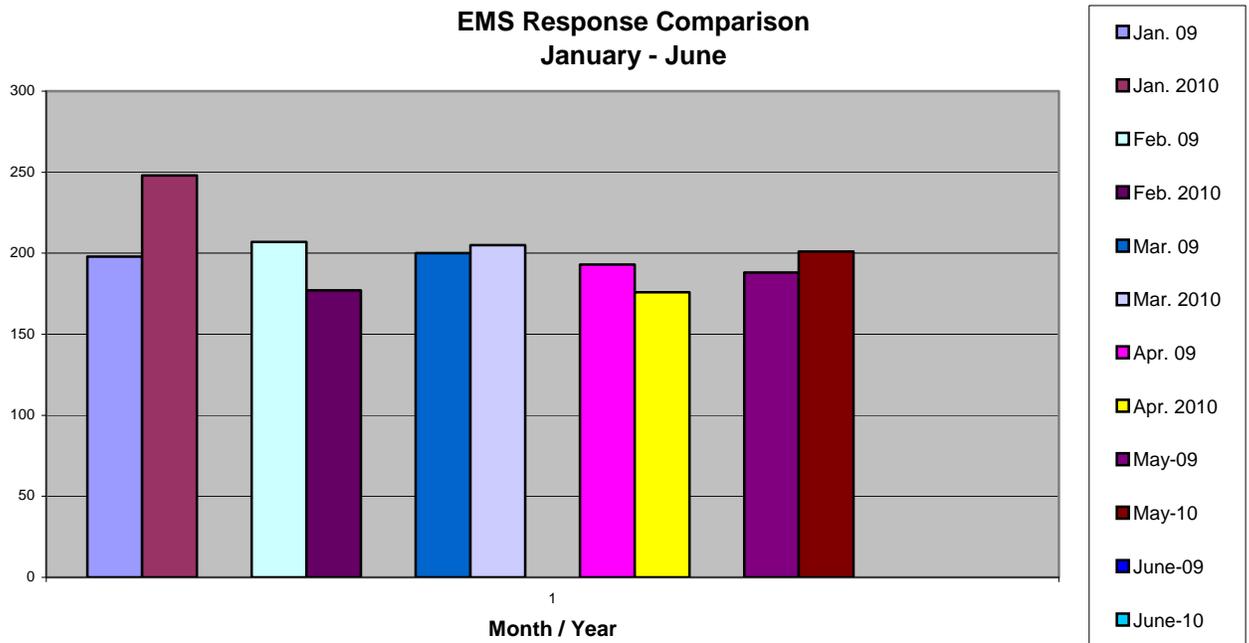
City Responded to the following incidents during the month from station 100.



Rural responses by station 110 during the month were for the following incidents.



Dallas Emergency Medical Service:



# DALLAS POLICE DEPARTMENT

MAY 2010

## Investigations / Arrests

Animal Offenses	Clear by Arr	06
Assaults	Clear by Arr	04
Child Neglect 2	Clear by Arr	01
Criminal Mischief	Clear by Arr	01
Criminal Mistreatment 2	Clear by Arr	01
Disorderly Conduct	Clear by Arr	04
DUII	Clear by Arr	03
Driving While Suspended	Clear by Arr	01
Drug Offenses	Clear by Arr	03
Fail Perform Duties Driver	Clear by Arr	01
Fail Carry Present License	Clear by Arr	01
False Info Police Officer	Clear by Arr	01
False Harassment	Clear by Arr	02
Interference Police Report	Clear by Arr	01
Kidnapping	Clear by Arr	01
Menacing	Clear by Arr	01
Minor in Possession	Clear by Arr	07
Ordinance Offense	Clear by Arr	02
Police Officer Custody (Mental)	Clear by Arr	01
Runaway	Clear by Ref	04
Theft	Clear by Arr	06
Trespass	Clear by Arr	01
Violation Restraining Order	Clear by Arr	01
Warrants	Clear by Arr	12

**66 TOTAL ARRESTS** (May '09 Arrests: 76 )

**TOTAL CALLS FOR SERVICE: 714** (May '09 Calls for Service: 911 )  
Incident Case No.'s: 463 / CAD Event Reports: 251

### **The following is a summary of traffic violations committed:**

09	Speeding Violations
08	License Violation
08	No Insurance or Fail to Carry Proof
15	Moving Violations
06	All Other

**JUVENILES:** Five juveniles referred to authorities.

**PARKING CITES ISSUED:** 41

**DOG IMPOUNDS:** 13

**DOG LICENSES ISSUED:** 99

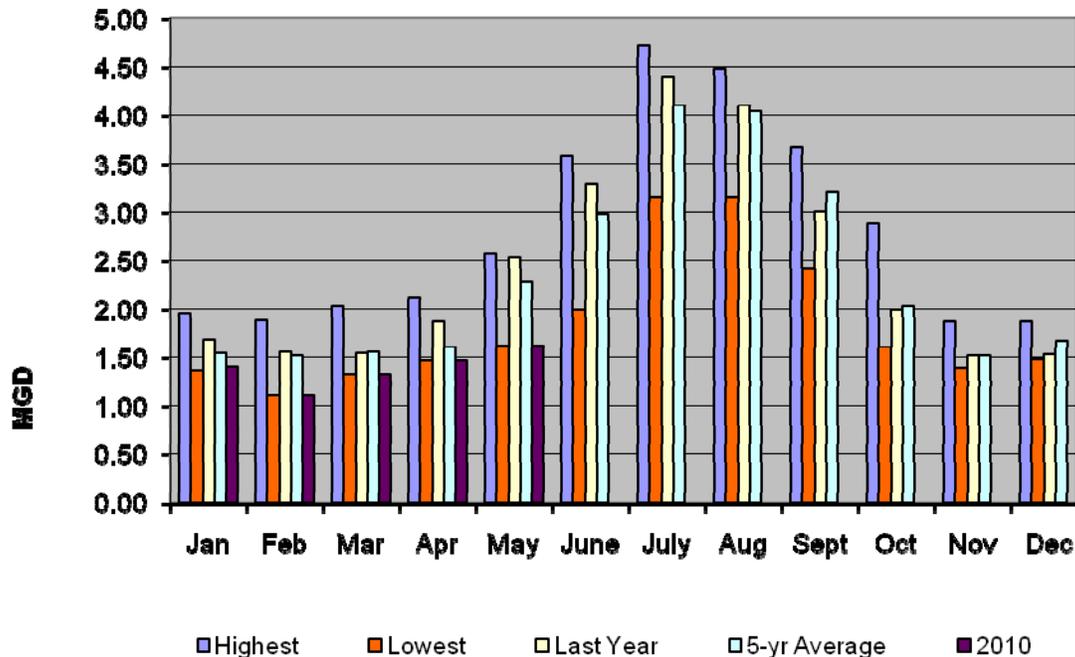
# DEPARTMENT OF PUBLIC WORKS

## Monthly Report for May 2010

### Water Division

	<u>2010</u>	<u>Unit</u>		<u>2009</u>	<u>Unit</u>
Total Discharge to Town	50.44	MG		78.5	MG
Total Water Raw	61.36	MG		81.5	MG
Peak Day	(5-12) 2.68	MG	(5-31)	4.01	MG
Daily Average-Raw	1.98	MGD		2.63	MGD
Daily Average-City	1.63	MGD		2.53	MGD
Backwash Water	1.56	MG		3.56	MG
Filter to Waste	0.28	MG		.52	MG
Discharge Water	0.00	MG		.10	MG
ASR Injection	9.08	MG		7.41	MG
Average High Temp	64 °	F		70 °	F
Average Low Temp	45 °	F		44 °	F
Total Precipitation	3.47	Inches		3.03	Inches

**Average Daily Treated Water Production**

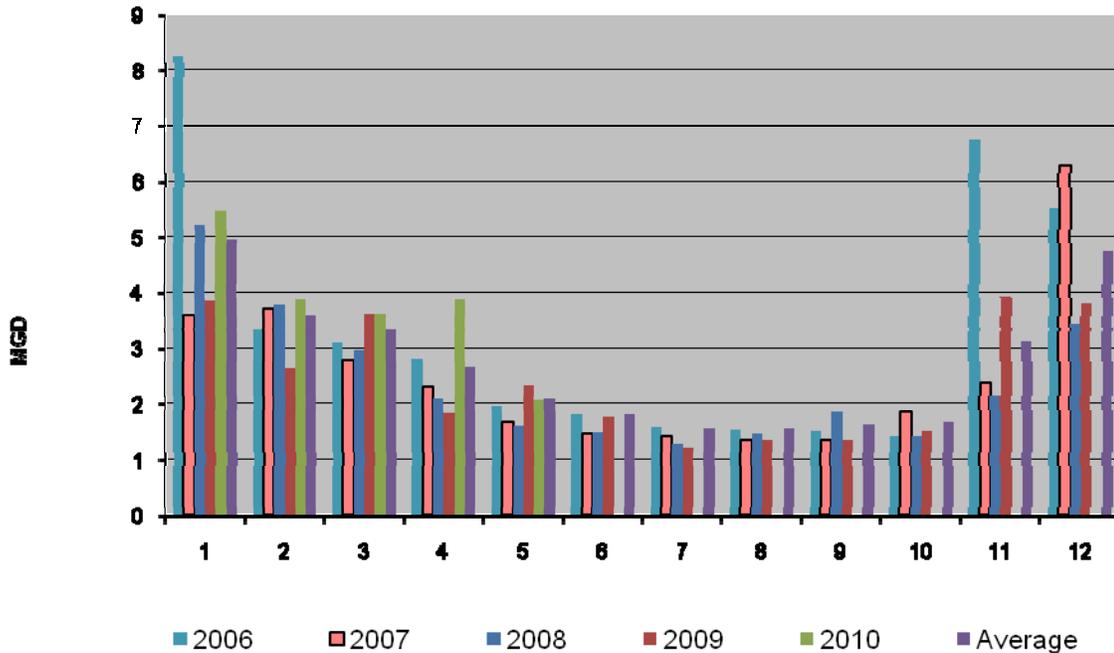


# Wastewater Division

## Effluent Flow

	<u>2010</u>	<u>Units</u>	<u>2009</u>	<u>Units</u>
Monthly Total Flow	63.83	MG	72.96	MG
Peak Day Flow	(May 1)	2.69	(May 6)	4.63
Daily Average Flow	2.06	MG	2.35	MG

Effluent - Average Daily Discharge by Month



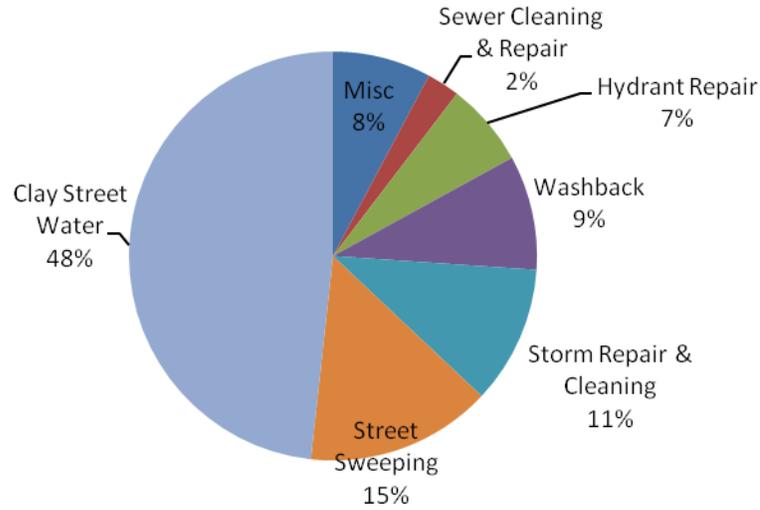
## Plant Maintenance

- ✓ Cleaned blackberry bushes off fence line along West Humus Pond. Trimmed trees around plant.
- ✓ Added hour meters to the plant drain pumps for better process control.
- ✓ Inspected and repaired rake arm and performed annual PM on clarifier #2.
- ✓ Monthly PM (preventative maintenance) completed.

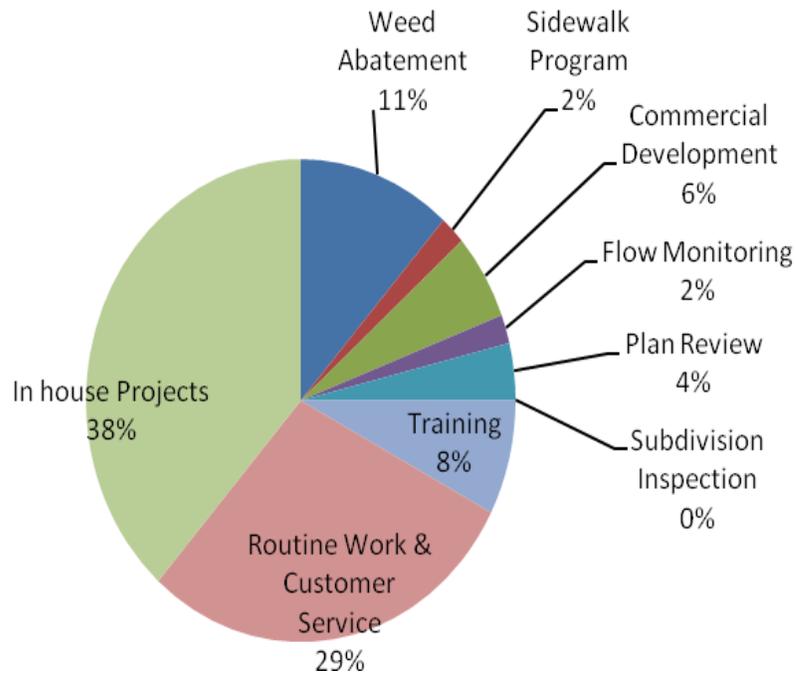
## Plant Performance

The plant met all required permit parameters in May.

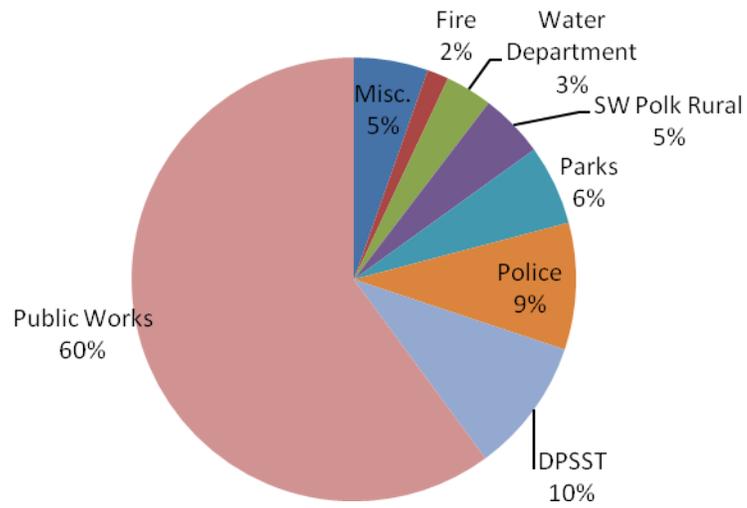
## Street and Construction Division



## Engineering



# Fleet Management



# DALLAS CITY COUNCIL REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	Agenda Item No. 7 a	<b>Topic:</b> Economic Development Commission Appointments
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> June 21, 2010	<b>Attachments:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

**RECOMMENDED MOTION:** Staff recommends a motion to reappoint, for another 3 year term on the Economic Development Commission, the following people:

**BACKGROUND:** Dennis Engle, Jim Fowler, and Reine Thomas all have terms that expire July 1, 2010 for the Economic Development Commission. All three are Chamber of Commerce appointed, and the Chamber Board has elected to reappoint them to another three year term. Ron Dodge, Polk County Commissioners appointee, also has a term expiring July 1, 2010. The Commissioners wish to reappoint Ron to another three year term.

Two Councilors' terms expire July 1, 2010 – Brian Dalton and Ken Woods. It is the Council's choice who they would like to appoint to fill these spots

**FISCAL IMPACT:** None.

**ATTACHMENTS:** None.



June 18, 2010

Jerry Wyatt, City Manager  
City of Dallas  
187 SE Court Street  
Dallas, OR 97338

Dear Mr. Wyatt, Mayor Fairchild and Council Members,

I would like to submit the following 3 people for re-appointment to the Chamber of Commerce seats on the Dallas Economic Development Commission.

1. Dennis Engle, Dallas School District
2. Jim Fowler, Fowler Affiliates
3. Reine Thomas, Chemeketa/Dallas Center

Please let me know if you have any questions, comments or concerns.

Sincerely,

A handwritten signature in black ink that reads "Chelsea".

Chelsea Pope  
Executive Director

cc: Chamber Board of Directors  
Nancy Adams, Chair of the EDC

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	Agenda Item No. 7b	<b>Topic:</b> Transient Lodging Tax Agreement Renewal
<b>Prepared By:</b> Jerry Wyatt	<b>Meeting Date:</b> June 21, 2010	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b>		

**RECOMMENDED ACTION/MOTION:** Renew the Transient Lodging Tax Agreement with the Dallas Area Visitor's center, Inc. for a term of two years.

**BACKGROUND:** Dallas enacted a Transient Lodging Tax in 2008. By resolution the City has directed seventy percent (70%) of all transient lodging taxes received to the Center. The City has used thirty percent (30%) of the money to purchase street pole decorations, advertising for events, offset cost for events such as the Bounty Market and purchased equipment for the movie night showing.

**FISCAL IMPACT:** None.

**ATTACHMENTS:** Proposed Agreement.

TRANSIENT TAX DISTRIBUTION AGREEMENT (2010-12)

This agreement is made and entered into this \_\_\_ day of June, 2010, by and between the City of Dallas, an Oregon municipal corporation (Dallas), and Dallas Area Visitor's Center, Inc., an Oregon nonprofit corporation (Center).

RECITALS

A. Dallas is an Oregon municipal corporation.

B. Center is an Oregon nonprofit corporation, organized as a tourism promotion agency within the meaning of ORS 320.300(8) in the City of Dallas, with its principal place of business at 119 SW Court Street, Dallas, Polk County, Oregon. Center is also an organization exempt from income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. A copy of Center's Determination Letter from the Internal Revenue Service, confirming Center's tax-exempt status, is on file with Dallas and is still in full force and effect.

C. Dallas has enacted a Transient Lodging Tax, pursuant to ORS 320.350. The City Council of Dallas has, by resolution, authorized distribution of seventy percent (70%) of all transient lodging taxes received during the period beginning July 1, 2010 and ending June 30, 2012, on a periodic basis, not less frequently than quarter-annually, to Center.

D. Center is qualified to receive transient lodging tax revenue pursuant to the resolution and Oregon law.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and obligations set forth herein, it is hereby agreed as follows:

1. City will distribute to Center seventy percent (70%) of all transient lodging taxes received by City for the period beginning July 1, 2010, and ending June 30, 2012. Such distributions shall be paid quarter-annually, within 30 days after the end of each calendar quarter, beginning with the first payment by October 30, 2010 (for the quarter ending September 30, 2010), and ending with the last payment on July 30, 2012 (for the quarter ending June 30, 2012).

2. Center shall use the funds distributed under this agreement for tourism promotion, as defined in ORS 320.300(7) or tourism-related facilities as

defined in ORS 320.300(9), and for no other purpose.

3. During the term of this agreement, City shall have the right to designate one voting member of Center's board of directors as a City representative.

4. Center shall submit a report of its activities, including a financial report, to City annually, by not later than January 31 each year during the term of this agreement, and shall permit City to inspect and copy its books and records, from time to time, as City may reasonably require to ensure compliance with the terms of this agreement.

5. This agreement may be terminated by City before the end of the term provided herein in the event of any of the following:

(A) If Center ceases to be a nonprofit corporation on the records of the Oregon Secretary of State, Corporation Division;

(B) If Center becomes insolvent, or ceases to do business or to qualify as a tourism promotion agency within the meaning of ORS 320.300(8);

(C) If Center's status as an entity exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, is revoked;

(D) If Center otherwise fails to perform any obligation provided in this agreement.

6. Center agrees at all times to conduct its business and activities in compliance with all applicable local, state and federal laws, rules, ordinances and regulations, and shall not use or apply the transient lodging tax revenues distributed to it under this agreement in any manner not permitted for the use of such funds.

City of Dallas, Oregon

By: \_\_\_\_\_  
Jerry Wyatt, City Manager

Dallas Area Visitor's Center, Inc.

By: \_\_\_\_\_

Title: \_\_\_\_\_

ORDINANCE NO. 1724

An Ordinance amending provisions of the Dallas City Code Section 3.816, relating to removal of street trees; and repealing prior conflicting ordinances.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 3.816 is hereby amended to read as follows:

3.816. Removal of street trees.

(1) No person shall remove or cause to be removed a street tree without first obtaining a permit and complying with the requirements set forth in this section.

(2) A person may remove a street tree only if the street tree is diseased or, by reason of its location or condition, constitutes a nuisance or hazard to public safety.

(3) A person wishing to remove a street tree shall submit an application for a tree removal permit with the Community Development Director, who may refer the application to the Board. The application shall be accompanied by a fee as the council may establish by resolution, and shall include the following:

(a) Facts that establish the reason for the removal of the tree, including the location, size, species and health of the tree;

(b) Evidence satisfactory to the Director that the applicant has the right to remove the tree;

(c) The name of the person or entity that will remove the tree and the person's or entity's qualifications. The tree may be removed only by the person or entity identified on the application.

(4) An application under this section shall be accompanied by a report of an arborist that supports the application, unless this requirement is excused in the case of an emergency or for other good cause by the Director.

(5) The person removing the tree shall obtain a good and sufficient bond or policy of general liability insurance insuring the City, its directors, officers, employees and agents, against liability for property damage, personal injury and death arising from or related to the removal of the tree, in such amount as the Director deems sufficient, and shall agree to defend, indemnify and hold the City, its directors, officers, employees and agents harmless from all claims, liabilities, demands arising from or relating to the removal of the tree.

(6) All stumps of street trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(7) The Director may, as a condition of a permit under this section, require the applicant to replant a tree to replace the tree removed, in accordance with Dallas Development Code 3.2.040. If the Director determines that it would be unsafe, impractical or inappropriate to replant a tree on the same property as the property from which the tree was removed, the Director may require the applicant to pay the cost of replanting a tree to replace the tree removed on other public property. Such cost shall include the cost of the tree and a reasonable charge for labor, materials and equipment used to plant the tree.

(8) In addition to the penalty provided in Section 3.820, a person who removes a street tree without first obtaining a permit under this Section shall be subject to prosecution for a criminal offense under this code or under state law.

Section 5. All prior and conflicting ordinances are hereby repealed.

Read for the first time: June 7, 2010  
Read for the second time: June 21, 2010  
Adopted by the City Council: June 21, 2010  
Approved by the Mayor: June 21, 2010

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER

Ordinance -- Page 2

## ORDINANCE NO. 1725

An Ordinance amending and restating Chapter 7 of the Dallas City Code relating to "Business;" and repealing certain provisions.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 7 of the Dallas City Code , entitled "Business," is amended and restated in its entirety as follows:

### **GENERAL REGULATORY LICENSE PROVISIONS**

#### **7.000 Applicability and Definitions.**

- (1) The provisions of sections 7.005 to 7.075 apply to this chapter when not in conflict with specific provisions contained in other sections of this chapter.
- (2) As used in sections 7.005 to 7.080, the term "license" also means "permit."

#### **7.005 Purpose.**

- (1) The regulatory license provisions of sections 7.000 to 7.075 are intended to serve the purpose of regulation of the activities and not the purpose of taxation or revenue raising.
- (2) Obtaining a regulatory license under sections 7.000 to 7.860 shall not exempt the licensee from other applicable requirements.

#### **7.010 Licenses Required.**

No person shall engage in an activity or operate a device regulated under sections 7.100 to 7.860 without first obtaining a license from the city as provided in those sections or without complying with conditions imposed by a license obtained under those sections. If the person engaged in the activity or operating the device within the city is an employee, partner, member, or agent of a partnership, joint venture, limited liability company, corporation or other form of business entity, both the person engaged in the activity or operating the device and the entity must apply for a license and be licensed under sections 7.100 to 7.860, and the provisions of sections 7.000 to 7.860 shall apply to both the person and the entity.

### **7.015 License Duration; Proration of License Fees.**

Unless a shorter term is specified, new licenses shall be valid from the date of issuance to the next following December 31, and shall be renewable annually for a term of one year, beginning on January 1. An annual license fee provided in sections 7.100 to 7.850 shall be prorated for any partial year for which the license is issued and in effect.

### **7.020 License Renewal and Late Penalty.**

(1) The license application for renewal of a license shall be made prior to the license expiration date. The effective date of a renewed license shall be January 1 if the application for renewal is made prior to the current expiration date.

(2) If a licensee fails to apply for and pay the required fee within 30 days after the expiration date of the license, and continues to operate without a valid license, a penalty fee of 25 per cent of the license fee, in addition to the license renewal fee, must be paid prior to issuance of the license.

### **7.025 Review of Renewal.**

If the city has received complaints about the licensed activity or device, the application for renewal of the license may be reviewed under section 7.035.

### **7.030 Application Requirements; Background Check.**

(1) Application for all licenses required by sections 7.100 to 7.860 be made on forms prescribed by the city manager. The application forms shall provide for information necessary to determine the identity and address of the applicant and of the owner of any business, activity, or device to be licensed and shall provide for other information as required by specific license provisions of this code or as necessary for review under section 7.035.

(2) If the application is for a master license under section 7.850(2), in addition to all other required information, the application shall specify the date or dates for which the license is sought, whether the license is sought for a single or recurring activity, and the names, addresses and other identifying and contact information required by the city manager for all persons and entities intended to be covered by the master license.

(3) The application shall be signed by the applicant and shall constitute the applicant's consent to conduct an investigation of the applicant's qualifications

by the city, and consent to a criminal background check of the applicant under city ordinance. If the applicant is a partnership, joint venture, limited liability company, corporation or other business entity, the applicant shall consent to a criminal background check on the entity and all partners, joint venturers, members, managers, officers and directors, as well as any employee or agent designated to conduct the licensed activity or operate the licensed device within the city of Dallas under the license.

#### **7.035 Application Review.**

Each application shall be referred to the person, department, or agency designated by this code or the city manager to review the application.

#### **7.040 Information From Application.**

A person, agency, or department designated to review a license application may require the applicant to supply information necessary to determine under section 7.035 the applicant's qualifications for the license. If the applicant fails to supply information so required or submits false or misleading information, the license shall be suspended, revoked, or denied.

#### **7.045 Criteria for Grant, Renewal, or Denial.**

(1) Approval or denial of the application shall be based on consideration of all available evidence indicating whether the applicant meets the requirements of this code for the license that the applicant seeks.

(2) The license shall not be granted if:

(a) The activity or device to be licensed would not comply with this code, city ordinances, or state or federal law;

(b) The applicant or, if the applicant is a partnership, joint venture, limited liability company, corporation or other business entity, any of partners, joint venturers, managers, members, officers or directors, as well as any employee or agent designated to conduct the licensed activity or operate the licensed device within the city of Dallas under the license, has a criminal conviction relating to the subject matter of the license;

(c) The applicant has had a license for the same activity revoked within the previous 12-month period, unless the approval of the license is authorized by

the city council upon a determination that the reason for the previous revocation is not likely to recur;

(d) The licensed activity or device would endanger property or the public health or safety; or

(e) Any false or misleading information is supplied in the application or any information requested is omitted from the application.

#### **7.050 Issuance or Denial.**

For regulatory license applications required to be made to the manager, the following provisions apply:

(1) After receipt of reports from all persons, departments and agencies designated to review an application, the city manager shall determine whether the applicant qualifies for issuance or renewal of a license pursuant to section 7.045.

(2) If the applicant is qualified, the manager shall issue or renew the license.

(3) If, on the basis of the application review under section 7.035, the manager determines that the application does not qualify for issuance or renewal of the license applied for, the manager shall notify the applicant in writing that the application has been denied. The notice shall state the reason for denial and inform the applicant of the appeal provisions of section 7.065.

#### **7.055 Revocation of License.**

The city manager, upon determining that a licensed activity, establishment or device is in violation of this code, city ordinances, or state or federal law, shall notify the licensee in writing that the license is to be revoked. The notice shall be given at least 30 days before the revocation unless the period for which the license was granted will expire in less than 30 days, in which case notice shall be given at least seven days before the revocation. If the violation ends within period provided in the notice of revocation, the manager may discontinue the revocation proceedings. A notice of revocation shall state the reason for the revocation and inform the licensee of the appeal provisions of section 7.065.

#### **7.060 Suspension of License.**

Upon determining that a licensed activity or device presents an immediate

danger to persons or property, the city manager may suspend the license for the activity or device at once. The suspension shall take effect immediately upon notice of the suspension being received by the licensee, or being delivered to the licensee's business address as stated on the licensee's application for the license that is being suspended. The notice shall be mailed to the licensee and state the reason for the suspension and inform the licensee of the appeal provisions of section 7.065. The manager may continue the suspension until a determination on appeal regarding the suspension is made under section 7.065.

### **7.065 Appeal.**

(1) An applicant whose application for a license has been denied or a licensee whose license has been denied renewal, has been suspended, or is to be revoked, may, within 30 days after the notice of denial, suspension, or revocation is mailed, appeal in writing to the council. The appeal shall state:

- (a) The name and address of the appellant;
- (b) The nature of the determination being appealed;
- (c) The reason the determination is incorrect; and
- (d) What the correct determination of the appeal should be.

(2) An appellant who fails to file such a statement within the time permitted waives objections, and the appeal shall be dismissed. If a notice of revocation is appealed, the revocation does not take effect until final determination of the appeal. The council shall hear and determine the appeal on the basis of the written statement and such additional evidence as it considers appropriate. The appellant shall be provided at least 14 days' written notice of a hearing on the appeal.

(3) At the hearing, the appellant may present testimony and oral argument, personally or by counsel, and any additional evidence. The rules of evidence used by courts of law do not apply, and the decision of the council after the hearing is final.

(4) The City Council may, by resolution, establish a fee for an appeal under this section, which must be paid when the appeal is filed.

### **7.070 Posting of License.**

(1) Except as provided in subsection (2), the license or permit shall be posted in a conspicuous place upon the business premises, available for inspection by the public, employees, and prospective employees of the business.

(2) If the licensee has no office, business premises, or other established place of business within the city, the license shall be at all times in the possession of an employee or representative of the business who is present within the city while business is being transacted by an employee or representative within the city.

### **7.075 Transfer or Assignment of License.**

Except as may be otherwise provided by sections 7.100 to 7.860, no person shall transfer or assign a license or a permit issued under this chapter.

## **MISCELLANEOUS LICENSES**

### **7.100 Tent Shows.**

Every tent show or exhibition shall pay a license fee established by the City Council. In addition, any tent show or exhibition desiring selling privileges shall pay a daily license fee or a weekly license fee established by resolution of the City Council.

### **7.105 Carnivals.**

Every amusement enterprise consisting of sideshows, vaudeville, games of chance, mechanical rides, and confection stands, popularly known as a "carnival," shall pay a license fee established by resolution of the City Council.

### **7.125 Restroom Facilities.**

All places of public amusement and entertainment shall have access to restroom facilities for male and female participants and spectators near the premises where the amusement or entertainment is conducted.

### **7.135 Penalties.**

Violation of provision of sections 7.100 to 7.125 is a civil infraction.

## AMUSEMENT PLACES AND GAMES

### 7.200 Definitions.

For purposes of sections 7.200 to 7.230, the following mean:

Billiard or pool room. A place open to the general public in which a pool or billiard table is maintained and a charge is made for the use of the table.

Bowling alley. A unit in a building or place where a single game is played at one time by rolling balls by hand at any one or more objects.

Cardroom. Any place open to the public in which social games of cards are played.

Regulated game machine. A game machine that requires the insertion of coin, currency, slug, token, or similar object to activate the game, such as a pinball machine, video poker machine licensed by the State of Oregon, pool table, or shuffleboard, and which is located in a commercial establishment.

Shooting gallery. An enclosure in which guns are discharged at an object to display skill or marksmanship.

Skating rink. A place or premises maintained and open to the public for the purpose of roller skating or ice skating and a charge is made for such privilege.

Social game. A game between players in a private business, private club or place of public accommodation where no house player, house bank or house odds exist and there is no house income from the operation of the game.

### 7.205 License Required.

(1) No person shall maintain or operate a cardroom, billiard room, poolroom, bowling alley, skating rink, or shooting gallery in the city without first obtaining a license from the city manager.

(2) No person shall possess six or more regulated game machines for commercial use in the city without first obtaining a license from the city manager.

(3) No person shall furnish a regulated game machine to a commercial establishment and retain any ownership interest or right to receive proceeds

therefrom without first obtaining a license from the city manager.

### **7.210 Criteria for Grant or Denial of Application.**

In addition to conforming to the requirements listed in section 7.045, the license required under section 7.205 shall not be granted if:

- (1) Any person financially interested in the business has been previously convicted of a felony within the last 10 years;
- (2) Any person financially interested in the business has been convicted of five or more misdemeanors, the last of which was within the last five years;
- (3) Any person financially interested in the business has been convicted of any crimes involving gambling within the last five years or any person who has any financial interest in the business has forfeited bail for any crime involving gambling within the last five years;
- (4) Any person financially interested in the business has been directly or indirectly involved in a forfeiture proceeding regarding a gambling device as defined in state law when such gambling device has been ordered destroyed within the last five years;
- (5) Any person financially interested in the business has had a license in his/her name which has been revoked or suspended three or more times by the Oregon Liquor Control Commission, the last of which was in the last five years;

### **7.215 License Fees.**

The license fees required under section 7.205 shall be established by resolution of the City Council.

### **7.220 Gambling Prohibited.**

No person operating or assisting in the operation of any business described in section 7.200 where a regulated game machine is available to the public shall permit a person to gamble or to play any game of chance upon the premises for a monetary benefit, except in regulated game machines licensed by the State of Oregon for gambling.

### **7.225 Condition of Premises.**

All places of business required to be licensed by section 7.205 shall at all times be kept in a clean and sanitary condition and shall be open at all reasonable times to inspection by the city for violations of this or any other city code provision.

### **7.230 Penalties.**

Violation of a provision of sections 7.200 to 7.225 is a civil infraction.

## **VENDORS ON PUBLIC RIGHT-OF-WAY**

### **7.400 Permit Required.**

No person shall conduct business on any public right-of-way without first obtaining a permit from the city manager.

### **7.405 Permit Fee.**

Each application for a permit to conduct business on a public right-of-way shall be accompanied by a fee established by council resolution.

### **7.410 Application and Fee.**

(1) Application for a permit to conduct business on a public right-of-way shall be made on a form prescribed by the city manager and pay the fee established by resolution of the City Council.

(2) A separate application shall be required for each mobile container or device to be used for transportation or display.

### **7.411 Insurance.**

The city manager may require the vendor to obtain and maintain a policy of liability insurance from an insurance company licensed to issue insurance in the State of Oregon, with limits in an amount the city manager reasonably deems appropriate, and with the city named as an additional insured thereunder, and to provide the city with a certificate of such insurance. Said insurance coverage, if required, shall be maintained for so long as the permit remains in effect. The insurance policy and certificate of insurance shall contain a provision that, for the period of time covered by the permit, it cannot lapse or be canceled or amended without at least ten days advance notice to the city.

#### **7.415 Location Review.**

(1) Upon receipt of an application for a permit, the manager shall review each location applied for to determine whether the location is within a commercial area and the use of the location for public right-of-way vending is compatible with the public interest in use of street and sidewalk areas as public rights-of-way.

(2) In making the determination, the manager may consider the width of the public right-of-way, the proximity and location of existing street furniture, including but not limited to, sign posts, lamp posts, parking meters, bus shelters, benches, phone booths, and newsstands, as well as the presence of bus stops, truck loading zones, or taxi stands, to determine whether the proposed use would result in pedestrian or street congestion.

(3) If the manager determines the proposed location is unsuitable, the city manager shall so inform the applicant who may appeal the decision to the council in the same manner as an appeal filed under section 7.065, upon the filing of an appeal fee established by resolution of the City Council.

#### **7.420 Form and Conditions of Permit.**

Permits issued shall be in a form prescribed by the manager. Permits shall contain the following conditions:

(1) The permit is valid only when used at the location(s) designated on the permit.

(2) The permit as it applies to a given location may be suspended for a period up to ten days when council action providing for a "community event" requires the suspension.

#### **7.425 Restrictions.**

(1) A person conducting business on a public right-of-way must display prominently the permit issued by the city manager.

(2) No person shall conduct business at a location other than that designated on the permit.

(3) No permittee shall make any loud or unreasonable noise of any kind for the purpose of advertising or attracting attention to the permittee's wares.

(4) No permittee shall conduct business in violation of the council action providing for a community event.

**7.430 Penalty.**

Violation of a provision of sections 7.400 to 7.425 is a civil infraction.

**GARAGE SALES**

**7.500 Definition.**

For purposes of sections 7.500 to 7.545, "garage sale" means the public sale or offering for sale of new or used goods within the city by any individual or group of individuals from private or public property, including but not limited to garages, porches, carports and yards, when:

- (1) The individual or group of individuals is not regularly engaged in the business of selling such goods; or
- (2) When the property on which the sale is conducted is not regularly used for business purposes or is not in a zone permitting commercial use.

**7.505 Exemption.**

The following are exempt from the provisions of sections 7.500 to 7.545:

- (1) Offering for sale one item by public display with a sign indicating the item is for sale, and the sale of more than one individual item not offered for sale by public display or by signs concerning a sale or place of sale; and
- (2) Sales commonly referred to as "rummage sales," conducted by members of fraternal, civic, patriotic, religious, service, charitable, educational, or eleemosynary organizations with a chapter, lodge, post, congregation, or other unit existing within the city.

**7.510 Permit Required.**

No individual or group of individuals shall hold a garage sale without first obtaining a permit.

### **7.515 Application.**

In addition to the provisions of sections 7.000 to 7.080, the application shall include:

- (1) A description of the place from which the sale is to be held.
- (2) The dates and hours of the day during which the sale is to be conducted.
- (3) Whether the person will be selling any upholstered furniture or bedding.
- (4) Whether the owner of such goods is to pay any commission for the sale.
- (5) Whether the owner or lessee in possession of the premises from which the sale is to be conducted is to receive any compensation for the use of the premises.
- (6) Whether the individual or group of individuals conducting the sale have conducted a sale within the past 12 months.
- (7) Whether other garage sales have been held upon the premises upon which the sale is to be held during the calendar year in which the proposed sale is to be held.

### **7.520 Permit Issuance.**

The city manager shall issue a permit for the sale if the city manager finds that:

- (1) The application is properly completed; and
- (2) No commission is paid by the individual or individuals owning the goods to be sold and that no compensation is received by the owner or lessee of the premises from which the sale is to be conducted; and
- (3) The individual or group of individuals conducting the sale have not conducted a like sale previously during the past 12 months; and
- (4) No other such sale has been held upon the premises upon which the garage sale is to be held during that portion of the past 12 months in which the individual or individuals then occupying the premises have occupied the premises.

(5) Notwithstanding the provisions of this section, the city manager may issue a permit for a second sale within a 12-month period to the same person or to be held on the same premises.

**7.525 Duration of Permit.**

The permit issued by the city manager shall be valid for a period not to exceed three consecutive days and shall permit the sale only between the hours of 8 a.m. and 9 p.m.

**7.530 Permit Fee.**

No fee shall be required if the application is made prior to the commencement of the sale. If the application is made after the commencement of the sale, a fee in an amount established by resolution of the City Council shall be charged.

**7.535 Display of Permit.**

No garage sale shall be held without a permit being prominently displayed so that it can be seen readily from the street.

**7.540 Signs.**

(1) Only one sign shall be posted upon the premises on which the garage sale is to be held.

(2) One off premises sign for the purpose of directing people to the garage sale shall also be permitted but only a sign issued by the city shall be allowed. The city shall have available a reasonable supply of garage sale signs for use by individuals at no cost. The city may secure a deposit to cover the cost of replacing the sign in the event it is damaged or lost.

(3) Signs shall not be placed in the public right-of-way and shall be placed upon private property only with the consent of the property owner. Signs shall not be placed earlier than one hour before the garage sale starts and shall be removed by no later than one hour after the conclusion of the garage sale.

**7.545 Penalty.**

Violation of a provision of sections 7.500 to 7.540 is a civil infraction.

## **SOLICITATION**

### **7.600 Policy and Purpose.**

The council finds it necessary and desirable to regulate solicitation in order to provide an effective opportunity for the occupants of residential property to protect themselves from the unwanted disruption of the peaceful and quiet enjoyment of their property and right of privacy that is caused by solicitors, to protect the rights to free speech guaranteed by the Oregon and Federal Constitutions for lawful solicitors, and to provide a means by which those solicitors who choose to intrude upon and disrupt an occupant's quiet enjoyment of property can be held accountable for such violations. The council has also been advised that, based upon actual experiences in Dallas and in the opinion of crime prevention specialists nationwide, there is a direct connection between residential burglaries and unscrupulous solicitors. The creation of a registration requirement will enable city officials and citizens of the city to become informed concerning the individuals and organizations who choose to solicit in the city. Sections 7.600 to 7.640 also provide a mechanism for discouraging those solicitors who avoid registration and provide a mechanism to identify and discourage those who would use solicitation as a front for criminal activity.

### **7.605 Definition.**

For purposes of sections 7.600 to 7.640, the terms "solicit" and "solicitation" mean the entry onto real property by a person for the purpose of taking orders for goods, wares or merchandise or any article or thing of value for present or future delivery or for services to then be performed or to be performed in the future or for the making, manufacture or repair of any article or thing whatsoever for present or future delivery without the actual consent of the occupant to do so; provided, however, that this shall not be deemed to include regular commercial travelers employed by wholesale houses and selling goods, wares, merchandise or services to merchants of this city, nor to newspaper vendors or minors selling goods, wares, merchandise or services on behalf of any public or private school or any nonprofit charitable organization that is exempt from income taxes under Section 501(c)(3) of the Internal Revenue Code of the United States, as it may be amended from time to time.

### **7.610 Prohibited Acts and Penalties.**

- (1) No person shall:
  - (a) Solicit before 9 a.m. or after 9 p.m. when the local time is daylight

savings time or after 8 p.m. when the local time is standard time.

(b) Solicit without first having obtained a registration certificate if required to do so by sections 7.600 to 7.640.

(c) Violate the terms of a registration certificate issued under sections 7.600 to 7.640.

(d) Solicit after a registration certificate has been revoked.

(e) Allow, suffer, or permit any person soliciting on their behalf or under their direction to commit any act prohibited by this section.

(f) Provide false or fraudulent information on a registration statement.

(g) Allow, suffer, or permit any person to solicit on their behalf after a registration certificate has been revoked.

(2) Violation of subsections (1)(a), (1)(c), (1)(e), and (1)(f) of this section is punishable by a fine of not more than \$500.

(3) Violation of subsection (1)(b) of this section is punishable by a fine of not more than \$500 unless the violation is intentional, in which case it is punishable by a fine of not more than \$500 or imprisonment not to exceed 30 days, or by both fine and imprisonment.

(4) Violation of subsections (1)(d) and (1)(g) of this section is punishable by a fine of not more than \$500 or imprisonment not to exceed 30 days, or by both fine and imprisonment.

#### **7.615 Consent to Enter Onto Real Property, Exemptions.**

(1) It shall be an affirmative defense to an alleged violation of section 7.610 (1)(a) that the person charged with the violation had received actual or constructive consent of the occupant prior to entering the real property. Constructive consent to enter the real property may be implied from the circumstances of each instance, the relationship of the parties, and actual or implied contractual relationships.

(2) Nothing in this section shall be construed to authorize the entry into a structure located on real property. The right to enter any structure must be otherwise provided for by law.

(3) Officers, employees, or agents of a governmental entity, while performing activities within the scope of their office, employment, or agency are exempt from the requirements of sections 7.600 to 7.640.

(4) No person may be charged with a violation of sections 7.600 to 7.640 in connection with an act committed between 4 p.m. and 10 p.m. on October 31.

#### **7.620 Registration Statement.**

(1) All persons intending to solicit at five or more dwelling units in the city during any eight-hour period shall pay the registration fee established by resolution of the City Council and file with the city manager a registration statement, on forms provided by the city manager, containing the following information:

(a) The name of the person registering and desiring to solicit.

(b) Whether the person registering is a natural person, partnership, corporation, limited liability company or association, and

(i) If a natural person, the business or residence address and telephone number of the person.

(ii) If a partnership, the names of all partners and the principal business address and telephone number of each partner.

(iii) If a corporation, the person registering must state whether it is organized under the laws of Oregon or is a foreign corporation, and must show the mailing address, business location, telephone number, name of the individual in charge of the Willamette Valley area office of such corporation, and the registered agent of the corporation and the names of all officers and directors or trustees of the corporation, and, if a foreign corporation, the place of incorporation.

(iv) If an association or limited liability company, the registration statement shall show the association or limited liability company's principal business address and telephone number, if any, and shall show names and principal business or residence addresses and telephone numbers of all members of the association or limited liability company, unless they exceed ten in number, in which case the application shall so state and the person registering may alternatively list the names and principal business or residence addresses and telephone numbers of the officers and directors or trustees of the association or

managers of the limited liability company. If the association or limited liability company is part of a multi-state organization or association, the mailing address and business location of its central office shall be given, in addition to the mailing address and business location of its local office.

(c) A brief description of the nature of the organization if the person registering is a partnership, association or corporation and an explanation of the intended purpose of the solicitation.

(d) The names, mailing address, and telephone number of all individuals who will be in direct charge or control of the solicitation and the names and addresses of all persons who will be actually involved in the solicitation activity. One of the named individuals shall be designated to receive any notice or communication from the city or the public concerning the solicitation activities.

(e) The time period within which the solicitation is to be made, giving the date of the beginning of solicitation and its projected conclusion.

(f) A description of the methods and means by which the solicitation is to be accomplished and the approximate locations and dates on which those locations will be visited.

(g) The names of any other cities in which the person registering has solicited within the past five years, but if the person registering has solicited in more than five other cities, the person registering may list the five cities located closest to Dallas.

(h) A statement that if a certificate of registration is granted, the certificate will not be used as or represented to be an endorsement by the city or any of its officers or employees.

(i) The names of any officer, director, trustee, partner, corporation, or any current agent or employee or any other person actually engaging in the solicitation who has signed a consent decree or order in the last five years or who has been convicted of a felony or a misdemeanor involving moral turpitude within the past five years, and the nature of the offense or consent decree or order, the state where the conviction or consent decree or order occurred, and the year of the conviction or consent decree or order.

(j) An explanation of the reasons, if the person registering is unable to provide any of the foregoing information, why such information is not available.

(k) The registration statement must be signed by the applicant, if the person registering is an individual; if the person registering is a partnership, by a partner; if the person registering is a corporation or an association, by an officer. The individual signing the registration statement shall sign the statement and swear or affirm before an Oregon notary that he has carefully read the registration statement and that all the information contained therein is true and correct.

(2) Submission of a registration statement under this section shall constitute the registrant's consent to conduct an investigation of the registrant's qualifications by the city, and consent to a criminal background check of the registrant under city ordinance. If the registrant is a partnership, joint venture, limited liability company, corporation or other business entity, the applicant shall consent to a criminal background check on the entity and all partners, joint venturers, members, managers, officers and directors, as well as any employee or agent designated to engage in solicitation within the city of Dallas under the registration.

(3) The registration statement and information submitted with the registration statement are public records available for public inspection during normal city business hours.

#### **7.625 Issuance of Certificate of Registration.**

(1) After a review of the registration statement to determine its compliance with section 7.620, and within ten working days of the receipt of the registration statement, the city manager shall either issue a certificate of registration in the form provided by section 7.635, or notify the person registering that the registration statement does not comply with the requirements of section 7.620. The notice shall specifically point out what required information or explanation has not been furnished before a certificate of registration can be issued.

(2) If the person registering is engaged in an activity for which a business license is required by the city, proof of a valid business license shall be furnished prior to the issuance of the certificate.

#### **7.630 Revocation of Registration.**

(1) A certificate of registration shall be revoked by the city manager if a registered person, or one or more solicitors engaged on behalf of that person, are convicted or plead guilty or no contest to a cumulative minimum of two

violations of section 7.610 occurring within any 30 calendar day period in connection with or on behalf of the solicitation of the registered person. A certified copy of the municipal court record of plea or conviction is conclusive proof that a violation has occurred.

(2) The period of revocation shall be for six months, during which time the person may not receive a certificate of registration.

(3) Within five working days of receipt of notification that a registered person has been convicted or plead guilty or no contest to the second violation, the city manager shall notify the person designated in the registration statement to receive notice of the action to revoke, in writing, five days prior to the effective date of the revocation.

(4) The person may appeal the manager's decision to the council by filing a notice of appeal with the city manager within 10 days of the effective date of the revocation. During the pendency of the appeal, the order to revoke is stayed.

#### **7.635 Form of Certificate of Registration, Term.**

(1) The city manager shall prescribe the form of the certificate of registration. Each such certificate shall have the following printed prominently thereon: "The issuance of this certificate of registration is not an endorsement by the city of Dallas or any of its officers or employees." Each certificate of registration shall bear a registration number which is the same as the file containing the registration statement filed by the registrant.

(2) Every certificate of registration issued by the city manager shall contain a termination date upon which the certificate shall expire. The termination date shall be the termination of the solicitation period specified in the registration statement or one year from the date of issuance, whichever is less.

(3) The certificate of registration shall contain a list of the acts prohibited by section 7.610.

#### **7.640 Evidentiary Matters.**

For the purposes of sections 7.610(1)(e) and 7.610(1)(g), if a person solicits on behalf of a person registered pursuant to sections 7.600 to 7.640, it is presumed that the person registered allowed, suffered, or permitted the solicitation.

#### **7.645 Exception.**

The provisions of sections 7.000 to 7.080 are not applicable to sections 7.600 to 7.640.

### **TAXICABS**

#### **7.700 Purpose.**

It is the purpose of sections 7.700 to 7.800 to require that those persons, firms, or corporations operating taxicabs in the city do so in a safe, fair, and efficient manner. In the accomplishment of this purpose, the council considers it necessary to impose some regulations on the operation of taxicabs in the city to insure that the public safety and convenience is promoted.

#### **7.705 Definitions.**

As used in sections 7.700 to 7.800, the following mean:

Driver. A person who operates a taxicab as an agent, employee, or otherwise, of the owner; as owner; or, under the direction of the owner.

Owner. The person licensed to conduct a taxicab business pursuant to sections 7.700 to 7.800.

Taxicab. A motor vehicle that is designed or constructed to accommodate and transport not less than three nor more than five passengers, exclusive of the driver, and which is used to transport persons for hire.

#### **7.710 License.**

No person shall engage in the taxicab business within the city without having first obtained a license from the city manager.

#### **7.715 Application, Information, Requirement.**

An application for a license to conduct a taxicab business within the city shall be filed with the city manager and shall be accompanied by a nonrefundable fee in an amount established by resolution of the City Council. The application shall contain or be accompanied by the following information and documentation:

- (1) The name, business address, residence address, and telephone number

of the applicant;

(2) Previous experience, if any, of the applicant in conducting a taxicab business;

(3) The make, type, year of manufacture, and seating capacity of each vehicle the applicant intends to use in the taxicab business, together with proof of the safe operating condition of each such vehicle from a source acceptable to the chief of police;

(4) A statement as to whether the applicant, its principals (if a partnership or firm) or its officers (if a corporation) have been convicted of a felony, misdemeanor, or offense constituting a violation of municipal ordinance, code provision, or state law (other than minor traffic and parking offenses); the charge of which convicted; and the punishment or penalty assessed;

(5) A proposed schedule of charges for taxicab service; and

(6) Such other information the council may consider necessary for the proper protection of the public.

#### **7.720 Action on Application.**

The city manager shall refer each application to the council for its approval or rejection. However, before submitting the application to the council, the manager shall direct the chief of police to investigate the applicant's background and the matters contained in the application form. The chief of police shall complete the investigation and make a report of his findings to the city manager within 60 days of the date he is requested to investigate.

#### **7.725 Licensing Fees.**

(1) If the council approves the application for a taxicab business license, the city manager shall issue a license to the applicant for a term of one year from its date of issue, after first collecting from the applicant a license fee as follows:

- (a) For the operation of one taxicab, \$50; and
- (b) For the operation of each additional taxicab, \$25.
- (c) Future fees may be determined by council resolution.

(2) The license shall be subject to renewal annually upon payment of the license fee. The license fee shall not be prorated for any fraction of a year, except that if a second taxicab is placed in operation by the licensee after the current license is issued and within 60 days of the expiration date, the license fee for the second taxicab shall entitle the licensee to operate the second taxicab for the balance of the current year and the next succeeding year.

**7.730 Transfer, Suspension, or Revocation of License.**

(1) No taxicab license may be sold, assigned, or otherwise transferred without the consent of the council.

(2) A taxicab license may be suspended or revoked by the council after a hearing at which the certificate holder is given an opportunity to appear if any one or more of the following conditions exist:

(a) A false statement is made on an application.

(b) The owner ceases to operate a taxicab for a period of 15 consecutive days without obtaining permission for the cessation of operation from the council.

(c) The owner fails to operate the taxicab business in accordance with the provisions of sections 7.700 to 7.800.

(d) The taxicabs are operated at a rate of fare other than that filed with the city manager.

(e) The owner fails to pay the fees or payments required to be paid by him by the provisions of sections 7.700 to 7.800.

(f) The licensee is convicted of a felony, misdemeanor, or offense constituting a violation of a municipal ordinance, code provision, or state law, other than minor traffic and parking offenses, relating to the operation of a vehicle.

(3) The license may be summarily revoked by the city manager when, in the city manager's opinion, the continued operation poses a risk of immediate threat or hazard to the public safety. The revocation may be appealed as provided in section 7.735.

### **7.735 Hearing on Rejection.**

(1) If the application for a taxicab business license is rejected or a license is suspended or revoked, notice shall be given promptly to the applicant and the applicant shall be furnished with a statement of the reasons for the rejection, revocation, or suspension.

(2) The applicant may request a hearing before the council for the purpose of rebutting the council's reason for the rejection if a request for a reason is made by the applicant within 15 days after the date of the notice of rejection.

(3) If a hearing is held, the council may affirm its rejection of the application or may grant the application.

### **7.740 Display of License.**

The current license or a photocopy of it shall be displayed in the interior of each taxicab in a place which is readily visible to each passenger.

### **7.745 Insurance.**

(1) No taxicab license shall be issued until the applicant has filed with the city manager evidence that the applicant has obtained public liability insurance covering the operation of the applicant's taxicab or taxicabs with limits in an amount the city manager reasonably deems appropriate, and with the city named as an additional insured thereunder, and provided the city with a certificate of such insurance. Said insurance coverage shall be maintained for so long as the permit remains in effect. The insurance policy and certificate of insurance shall contain a provision that, for the period of time covered by the permit, it cannot lapse or be canceled or amended without at least ten days advance notice to the city.

(2) The applicant shall also file with the city manager evidence that the insurance carrier shall give the city not less than 30 days' notice of any change in the insurance coverage or of any cancellation of coverage.

### **7.750 Approval of Drivers.**

(1) No person shall drive a taxicab in the city until the person has received a permit from the chief of police.

(2) The application for a permit shall contain the following information:

(a) The name, address, age, social security number, and Oregon motor vehicle operator's license number of the applicant.

(b) The number of motor vehicle accidents in which the applicant has been involved as a driver that resulted in injury to one or more persons, or property damage in excess of \$500.

(c) A statement as to whether the applicant has ever been convicted of a felony, misdemeanor, or offense constituting a violation of a municipal ordinance, code provision, or state law; the charge of which he was convicted; and the penalty or punishment assessed.

(d) The fingerprints of the applicant.

(3) The application shall be accompanied by an application fee of \$10.

(4) No permit shall be issued to a person below the age of 18 years.

(5) The chief of police shall review the application and issue or deny a driving permit within ten days after the filing of the application. If a permit is denied, the applicant may appeal to the council by giving notice to the chief of police within ten days after the date of denial.

(6) The driver's permit or a photocopy of it, with a picture of the driver, shall be displayed prominently in the interior of the taxicab.

#### **7.755 Conduct of Drivers.**

No driver shall operate any taxicab in a careless or reckless manner, smoke tobacco without the consent of the passenger, consume alcoholic beverages or illegal drugs while on duty, or engage in conduct endangering the health or safety of persons or property.

#### **7.760 Taxicab Equipment.**

In addition to the equipment required to be carried by all motor vehicles under state law, each taxicab operated under a license pursuant to sections 7.700 to 7.800 shall have:

(1) A taximeter that operates accurately at all times while the taxicab is engaged in the transportation of a fare paying passenger and while waiting for a passenger. The face of the meter shall be at all times visible to the passenger and

readable by him or her. However, if the fares charged by the licensee are based on concentric circles imposed upon a map of the city or some other similar method, no taximeter shall be required.

- (2) A top light identifying it as a taxicab.
- (3) A fire extinguisher approved by the chief of the fire department.
- (4) The company name and telephone number where service can be requested displayed on the exterior of the vehicle.
- (5) A "state of art" taxi radio on a clear coordinated taxicab frequency for customer comfort and rapid dispatching of calls for service.

#### **7.765 Taxicab Maintenance.**

The licensee shall keep each taxicab in proper repair; in a clean and sanitary condition, equipped as required in section 7.760, and in a safe operating condition.

#### **7.770 Rates.**

- (1) The rates charged passengers shall be based on the factors of mileage from the point of origin to the point of destination by the most direct route, the time involved, and the number of passengers.
- (2) The rates charged passengers shall be approved by the council. Upon the council's approval, the rates shall be filed with the manager, and no person shall charge a sum other than allowed by the rate schedule.
- (3) The approved rate schedule shall be posted in each taxicab in a place where it may be readily viewed by the passengers.

#### **7.775 Receipt for Fare.**

Upon demand by a passenger, the taxicab driver shall issue the passenger a receipt for the fare, in legible printing or writing, containing the name of the passenger, the name of the driver, the date, and the amount of the fare paid.

#### **7.780 Hours of Service.**

Licensees shall maintain and have available taxicab service for citizens in the

city during each hour of every day of the year unless an exception or exceptions have been approved by the council.

**7.785 Liquor Traffic.**

Neither the licensee, the driver, nor any agent or employee of either shall allow a taxicab to be used for the purpose of supplying intoxicating liquor to a person.

**7.790 Variances.**

(1) If the following conditions are met, the council may authorize variances from the requirements of sections 7.700 to 7.800:

(a) Because of special and unusual circumstances, strict application would cause an undue or necessary hardship; and

(b) The variance will not be materially detrimental to the purpose of sections 7.700 to 7.800; and

(c) The variance requested is the minimum variance necessary to alleviate the hardship.

(2) The council may attach conditions to the approval of the variance which it finds necessary to protect the public safety and convenience of the citizens.

(3) A request for a variance may be initiated by filing an application with the city manager on forms prescribed for that purpose. Before a variance is granted it shall be considered at a public hearing before the council. The public hearing shall be held within 40 days after the application is filed.

(4) Notice of the time and place of the public hearing and a summary of the proposed variance shall be given by the city manager by one publication in a newspaper of general circulation in the city not less than four days nor more than ten days prior to the date of the hearing.

**7.795 Liability.**

The city shall not be liable for any injuries occurring in, or by reason of the operation of, a taxicab.

### **7.800 Penalty.**

Violation of sections 7.700 to 7.800 is a civil infraction.

## **ITINERANT MERCHANTS**

### **7.850 Definition.**

For purposes of sections 7.850 to 7.860:

(1) "Itinerant merchant" is a person who sells or offers for sale to the public at large, goods, wares, or merchandise, other than from door-to-door or from place-to-place, from a motor vehicle, trailer, cart, wagon, or stand, on a nonpermanent or noncontinuous basis.

(2) "Master license" is a license issued to the organizer or sponsor of a coordinated event or activity, approved by the city council, involving more than one itinerant merchant (a) for a limited duration, not exceeding five consecutive days; or (b) on a scheduled recurring basis, not more frequently than twice each calendar week, for a period not to exceed six consecutive months. A master license shall be subject to all of the provisions of sections 7.000 to 7.075.

### **7.851 Application and Fee.**

Application for an itinerant merchant permit shall be made on a form prescribed by the city manager and be accompanied by the fee established by resolution of the City Council

### **7.855 License Required; Exception.**

(1) Except as provided in section (2), no person shall engage in business as an itinerant merchant without first obtaining a permit from the city manager.

(2) A person named under a master license issued under section 7.030 is not required to have a license under subsection (1) of this section during the activity or period covered by the master license, provided, that the person shall comply with all of the requirements of sections 7.857 and 7.858, and all other applicable laws, rules, regulations and ordinances.

### **7.856 Time Limit and Location.**

(1) No itinerant merchant shall do business or leave any stand or structure

associated with their business at the same location for more than 3 months in any calendar year, unless the itinerant merchant is named under a master license issued for a recurring activity or event, as authorized under section 7.850(2), in which case the itinerant merchant may do business at the licensed location for the duration of the license period, provided, the merchant may not leave any stand or structure in place when not actively engaged in business.

(2) If an itinerant merchant ceases to operate a business for 14 consecutive days, the license for that itinerant merchant shall automatically terminate and all stands, signs, storage facilities and structures of any kind associated with the business shall be immediately removed.

(3) If the licensee under a master license for a scheduled recurring event or activity fails to operate the event or activity on more than two consecutive scheduled occasions, the master license shall automatically terminate and all stands, signs, storage facilities and structures of any kind associated with the activity or license shall be immediately removed. Upon termination of a master license, all persons named under the master license shall cease doing business under the license.

(4) Itinerant merchant activities shall only be allowed in a commercial zone with the written permission of the lot owner. Furthermore, the proposed location must have adequate off-street parking, circulation, and other improvements deemed necessary by the city manager.

#### **7.857 Outside Storage Prohibited.**

No outside storage or display of supplies, equipment, stock, wares or other materials associated with the business shall occur except while the itinerant merchant is present and open for business.

#### **7.858 Premises to be Maintained.**

The business premises and any adjacent areas used or under the control of the itinerant merchant shall at all times be kept neat, clean and free of debris. All stands, storage facilities or structures used shall be in good condition, be well maintained and be aesthetically appropriate to the surrounding area.

#### **7.859 Insurance.**

The city manager may require the itinerant merchant to obtain and maintain a policy of liability insurance from an insurance company licensed to issue

insurance in the State of Oregon, with limits in an amount the city manager reasonably deems appropriate, and with the city named as an additional insured thereunder, and to provide the city with a certificate of such insurance. Said insurance coverage, if required, shall be maintained for so long as the permit remains in effect. The insurance policy and certificate of insurance shall contain a provision that, for the period of time covered by the permit, it cannot lapse or be canceled or amended without at least ten days advance notice to the city.

**7.860 Penalty.**

Violation of a provision of Sections 7.855, 7.856, 7.857, or 7.858 is a civil infraction.

Section 2. Dallas City Code Sections 7.115, 7.120, 7.130, 7.140, 7.142, 7.144, 7.146, 7.150, 7.350, 7.355, 7.360, 7.365, 7.370, 7.375, 7.380 and 7.385 and all prior and conflicting ordinances are repealed.

Read for the first time: June 7, 2010  
Read for the second time: June 21, 2010  
Passed by the City Council: June 21, 2010  
Approved by the Mayor: June 21, 2010

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER

ORDINANCE NO. 1726

An Ordinance authorizing criminal background checks of applicants for certain business licenses, permits and registrations subject to regulation under Dallas City Code Chapter 7.

WHEREAS, pursuant to ORS 181.555 and OAR 257-010-0025, Ordinance No. 1695 was adopted to establish procedures for access to criminal record information possessed by the Oregon State Police (OSP) through the Law Enforcement Data System (LEDS) for applicants for employment, and public service volunteers with the City, and certain other employees in the community and non-profit volunteers and housing tenants; and

WHEREAS, the City Council finds that it is in the public interest to authorize access to OSP criminal offender information through the LEDS system, for applicants for certain business licenses and permits subject to regulation by the City of Dallas, and for persons who submit a registration statement to solicit within the City of Dallas; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. All persons who file an application for a permit or license to conduct any activity or engage in any business subject to regulation pursuant to Chapter 7 of the Dallas City Code, and all persons who file a registration statement to solicit within the City of Dallas, as provided in Dallas City Code Section 7.620, shall authorize the City to conduct a criminal background check through the OSP LEDS system, in accordance with and subject to the provisions of Ordinance No. 1695.

Section 2. If an applicant for a permit or license, or a registrant, is a partnership, joint venture, limited liability company, corporation or other business entity, the applicant or registrant shall consent to a criminal background check on the entity and on all partners, joint venturers, members, managers, officers and directors, as well as any employee or agent designated to engage in the activity for which the permit or license is sought, or to solicit pursuant to the registration, within the City of Dallas.

Read for the first time: June 7, 2010  
Read for the second time: June 21, 2010  
Adopted by the City Council: June 21, 2010  
Approved by the Mayor: June 21, 2010

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER

RESOLUTION NO. 3202

A Resolution adopting the budget of the City of Dallas, Oregon for the fiscal period beginning July 1, 2010 and ending June 30, 2011, making budgeted appropriations and levying taxes for said fiscal period.

WHEREAS, at a meeting of the City Council of the City of Dallas, Oregon, duly held on the 7<sup>th</sup> day of June, 2010, a budget for the City for the fiscal year beginning July 1, 2010 and ending June 30, 2011, heretofore submitted by the Budget Committee to the people of the City after due notice and public hearing, was submitted to the City Council for adoption for and on behalf of the City; and

WHEREAS, the appropriations for said period as shown by said budget are in the respective sums and for the purposes following:

<u>Budgeted Fund and Account</u>		<u>Appropriated Amount</u>
<b>1. GENERAL FUND</b>		
a) Administration		
Total Appropriation	\$	515,600
b) Municipal Court		
Total Appropriation	\$	193,900
c) Parks		
Total Appropriation	\$	228,000
d) Finance		
Total Appropriation	\$	549,700
e) Fire		
Total Appropriation	\$	752,850
f) Ambulance		
Total Appropriation	\$	1,126,374
g) Police		
Total Appropriation	\$	2,796,798
h) Library		
Total Appropriation	\$	408,700
i) Aquatic Center		
Total Appropriation	\$	763,500
j) Planning		
Total Appropriation	\$	306,530
k) Inspections/Building		
Total Appropriation	\$	262,100
l) Facilities Maintenance		
Total Appropriation	\$	167,000
m) Non-Departmental		
Operating Contingencies	\$	375,000
Unappropriated Fund Balance		<u>1,201,073</u>
Total Appropriation	\$	1,576,073
<b>TOTAL – ALL REQUIREMENTS – GENERAL FUND</b>	<b>\$</b>	<b><u>9,647,125</u></b>
<b>2. STREET FUND</b>		
Personal Services	\$	287,000
Materials & Services		381,000
Capital Outlay		310,000
Contingency		<u>168,900</u>
Total Appropriation	\$	<u>1,146,900</u>
<b>3. SEWER FUND</b>		
Personal Services	\$	560,000
Materials & Services		1,507,800
Capital Outlay		118,000

Debt Service		1,158,641
Contingency		815,559
Reserve		<u>1,120,000</u>
Total Appropriation	\$	<u>5,280,000</u>
<b>4. <u>WATER FUND</u></b>		
Personal Services	\$	767,000
Materials & Services		1,108,500
Capital Outlay		71,000
Debt Service		555,368
Contingency		<u>676,132</u>
Total Appropriation	\$	<u>3,178,000</u>
<b>5. <u>DEBT SERVICE FUND</u></b>		
Debt Service (Water & Sewer)	\$	<u>1,714,009</u>
Total Appropriation	\$	<u>1,714,009</u>
<b>6. <u>FLEET MANAGEMENT FUND</u></b>		
Personal Services	\$	159,500
Materials & Services		320,800
Capital Outlay		350,000
Contingency		<u>138,700</u>
Total Appropriation	\$	<u>969,000</u>
<b>7. <u>REVENUE SHARING</u></b>		
Transfer to General Fund	\$	<u>110,000</u>
Total Appropriation	\$	<u>110,000</u>
<b>8. <u>SYSTEM DEVELOPMENT FUND</u></b>		
Capital Outlay		<u>4,103,000</u>
Total Appropriation	\$	<u>4,103,000</u>
<b>9. <u>GENERAL OBLIGATION FUND</u></b>		
Debt Service	\$	679,760
Unappropriated Fund Balance		<u>203,740</u>
Total Appropriation	\$	<u>883,500</u>
<b>10. <u>TRUST FUND</u></b>		
Park	\$	7,719
Skate Park		4,020
Fire-Harpy Bovard Scholarship		30,540
Fire-Extrication Team		25,000
Fire-Other		482
Ambulance Equipment		125
Aquatic Center		164,000
Library		11,000
Bail		10,000
Improvement		30,000
Street Improvement		100,000
Police		10,000
Police Reserves		450
Firing Range Improvements		3,800
Civic Center		710
Economic Development		65,000
Community Dinner		1,500
Transient Lodging		<u>105,000</u>
Total Appropriation	\$	<u>569,346</u>
<b>11. <u>GRANT FUND</u></b>		
Total Appropriation	\$	<u>2,283,000</u>

<b>12. GENERAL LONG TERM DEBT FUND</b>		
Debt Service	\$	<u>92,788</u>
Total Appropriation	\$	<u>92,788</u>

Total Appropriations - All Funds .....	\$	29,976,668
Less Estimated Receipts .....	\$	26,249,043
Amount Necessary to Balance Budget .....	\$	3,727,625
Plus Estimated Taxes Not Received .....	\$	275,697
Total Tax Levy Needed for 2009-10 (Est.) .....	\$	4,003,322

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. The budget for the City of Dallas for the fiscal year beginning July 1, 2010 and ending June 30, 2011, heretofore submitted to the City Council by the Budget Committee of said City after due notice and public hearing, and as set forth above, is hereby adopted as the budget for said City for said period.

Section 2. The City Council of the City of Dallas hereby levies the taxes provided for in the adopted budget at the rate of \$4.1954 per \$1,000 of assessed value for operations and in the amount of \$734,082 for bonds and these taxes are levied upon all taxable property within the City as of 1:00 a.m. July 1, 2010. These taxes are hereby imposed and categorized for tax year 2010-11 upon the assessed value of all taxable property within the City:

	Subject to the General Government Limitation	Excluded from Limitation
General Fund	\$ 4.1954/\$1,000	\$ 0
Bonded Debt Fund	<u>0</u>	<u>\$ 734,082</u>
Category Total	\$ 4.1954/\$1,000	\$ 734,082
	Total Levy	\$4,003,322

Section 3. The amounts of money herein above and in said budget specified are hereby appropriated to the several funds for the purposes specified, respectively.

Section 4. That the City Manager shall, not later than the 15<sup>th</sup> day of July, 2010, notify the Assessor and Clerk of Polk County, Oregon, respectively, in writing, of the tax levy made by said City, stating the amount of money to be raised for the fiscal period beginning July 1, 2010 and ending June 30, 2011, and the method by which said levy is to be apportioned to the real and personal property subject to assessment.

Section 5. This Resolution shall be effective upon its passage.

Adopted: June 21, 2010  
Approved: June 21, 2010

\_\_\_\_\_  
James B Fairchild, Mayor

ATTEST:

\_\_\_\_\_  
Jerry Wyatt, City Manager

RESOLUTION NO. 3203

A Resolution declaring the City of Dallas' election to receive State Revenues.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. Pursuant to ORS 221.770, the City of Dallas hereby elects to receive State Revenues for fiscal year 2010-11.

Section 2. This Resolution shall be effective on its passage.

Adopted June 21, 2010.  
Approved June 21, 2010.

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James B Fairchild, Mayor

ATTEST:

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Jerry Wyatt, City Manager

I certify that a public hearing before the Budget Committee was held on May 17, 2010, and a public hearing before the City Council was held on June 7, 2010, giving citizens an opportunity to comment on use of State Revenue Sharing.

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Emily Gagner, Recording Secretary

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No.</b>	<b>Topic:</b> Transfer of Budgetary Funds
<b>Prepared By:</b> Cecilia Ward	<b>Meeting Date:</b> June 21, 2010	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

Approval of Resolution authorizing the transfer of budgetary funds.

BACKGROUND:

After the beginning of the fiscal year, when a local government is operating with the adopted budget, changes in appropriated expenditures sometimes become necessary. Appropriations may be increased or decreased, or transferred from one appropriation category to another. The adopted budget may include budgeted transfers of resources between funds (effective Jan 1, 2010 – ORS 294.450(3) appropriations and resources can be transferred between any two funds by resolution or ordinance). A transfer of appropriation authority is a decrease of one existing appropriation and a corresponding increase of another existing appropriation, with no net change in the total amount of all appropriations [OAR 150-294.450(3)(1)]. This Resolution addresses the final “clean-up” for FY 09-10.

FISCAL IMPACT:

None

ATTACHMENTS:

Resolution

RESOLUTION NO. 3204

A Resolution authorizing the transfer of budgetary funds.

WHEREAS, it is necessary to transfer the appropriation authority of \$78,500 from the General Fund, Operating Contingency, to the General Fund, Ambulance Department, for unanticipated personnel and equipment costs; and

WHEREAS, it is necessary to transfer the appropriation authority of \$45,000 from the General Fund, Operating Contingency, to the General Fund, Finance Department, for unanticipated professional services and equipment costs; and

WHEREAS, it is necessary to transfer the appropriation authority of \$5,000 from the General Fund, Operating Contingency, to the General Fund, Police Department, for unanticipated overtime costs; and

WHEREAS, it is necessary to transfer the appropriation authority of \$7,300 from the Water Fund, Materials and Services, to the Water Fund, Capital Outlay-Trench Restoration for unanticipated costs; and

WHEREAS, it is necessary to transfer the appropriation authority of \$162,000 from the Grant Fund, Community Development Block Grant, to the Street Fund, State Hwy Federal funds and contractual overlays, for unanticipated State Hwy Federal funds; and

WHEREAS, it is necessary to transfer the appropriation authority of \$61,000 from the Grant Fund, Community Development Block Grant, to the Capital Improvement Fund, Loan Proceeds and Water System Improvements, for completion of water system improvement project; and

WHEREAS, it is necessary to transfer the appropriation authority of \$44,200 from the Grant Fund, Community Development Block Grant, to the Grant Fund, Water Conservation Grant, for completion of Water Conservation Grant; and

WHEREAS, it is necessary to transfer the appropriation authority of \$1,000 from the Grant Fund, Community Development Block Grant, to the Trust Fund, Police Trust, for unanticipated donations to the Police Department; and

WHEREAS, it is necessary to transfer the appropriation authority of \$500 from the Grant Fund, Community Development Block Grant, to the Trust Fund, Ambulance, for unanticipated donations to the Ambulance Department; and

WHEREAS, it is necessary to transfer the appropriation authority of \$41,200 from the Grant Fund, Community Development Block Grant, to the Trust Fund, Economic Development, for lottery fund; and

WHEREAS, it is necessary to transfer the appropriation authority of \$100 from the Grant Fund, Community Development Block Grant, to the Trust Fund, Civic Center Rent, for unanticipated rent deposits; and

WHEREAS, it is necessary to transfer \$100,135.26 from the Outside City Water Fund, Transfer to Water Fund, to the Water Fund, to close the Outside City Water Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$78,500 from the General Fund, Operating Contingency, to the General Fund, Ambulance Department.

Section 2. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$45,000 from the General Fund, Operating Contingency, to the General Fund, Finance Department.

Section 3. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$5,000 from the General Fund, Operating Contingency, to the General Fund, Police Department.

Section 4. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$7,300 from the Water Fund, Materials and Services, to the Water Fund, Capital Outlay-Trench Restoration.

Section 5. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$162,000 from the Grant Fund, Community Development Block Grant, to the Street Fund, State Hwy Federal funds and contractual overlays.

Section 6. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$61,000 from the Grant Fund, Community Development Block Grant, to the Capital Improvement Fund, Loan Proceeds and Water System Improvements.

Section 7. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$44,200 from the Grant Fund, Community Development Block Grant, to the Grant Fund, Water Conservation Grant.

Section 8. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$1,000 from the Grant Fund, Community Development Block Grant, to the Trust Fund, Police Trust,

Section 9. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$500 from the Grant Fund, Community Development Block Grant, to the Trust Fund, Ambulance.

Section 10. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$41,200 from the Grant Fund, Community Development Block Grant, to the Trust Fund, Economic Development.

Section 11. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$100 from the Grant Fund, Community Development Block Grant, to the Trust Fund, Civic Center Rent.

Section 12. That the City Manager be, and he hereby is, authorized and directed to transfer \$100,135.26 from the Outside City Water Fund, Transfer to Water Fund, to the Water Fund.

Section 13. This Resolution shall be effective upon its passage.

Adopted: June 21, 2010  
Approved: June 21, 2010

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER

RESOLUTION NO. 3205

A Resolution establishing a schedule of fees to be paid for certain business permits, licenses and applications, and removal of street trees.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1: The fee charged for an appeal of a denial, suspension or revocation of a license under Dallas City Code Section 7.065 shall be \$50.

Section 2: The fee charged for a license for a tent show or exhibition authorized in Dallas City Code Section 7.100 shall be \$50 per day.

Section 3: The fee charged for a license for an amusement place or game authorized in Dallas City Code Section 7.215 shall be \$25 per year for each amusement place or game identified in Section 7.205.

Section 4: The fee charged for a license for a permit to conduct business on a public right of way authorized in Dallas City Code Section 7.410 shall be \$150 for six months or less and \$250 for more than six months to a maximum of one year.

Section 5: The fee charged for application for a permit to conduct a garage sale made after commencement of the sale, authorized in Dallas City Code Section 7.530 shall be \$15.

Section 6: The fee charged for filing a registration statement to solicit authorized in Dallas City Code Section 7.620 shall be \$50.

Section 7: The fee charged for an application to conduct a taxicab business authorized in Dallas City Code Section 7.715 shall be \$100.

Section 8: The fee charged for a license to conduct a taxicab business for one taxicab authorized in Dallas City Code Section 7.725(1)(a) shall be \$100.

Section 9: The fee charged for a license to conduct a taxicab business for each additional taxicab authorized in Dallas City Code Section 7.725(1)(b) shall be \$50.

Section 10: The fee charged for an itinerant merchant license or master license authorized in Dallas City Code Section 7.850 shall be \$100.

Section 11: The fee charged for removal of a street tree authorized in Dallas City Code Section 3.740 shall be \$100.

Section 12: This Resolution shall take effect on July 21, 2010.

Adopted: June 21, 2010  
Approved: June 21, 2010

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER

## **Exhibit A**

### **City of Dallas Miscellaneous Fees Adopted by Resolution #3205**

<b>Appeal of denial, suspension or revocation of a license</b>	<b>\$50.00</b>
<b>Tent Shows and Carnivals</b>	<b>\$50.00/day</b>
<b>Amusement places and games</b>	<b>\$25.00 per year (for each category in DCC 7.205)</b>
<b>Solicitation Registration</b>	<b>\$50.00</b>
<b>Vendors on the Public ROW</b>	<b>\$150.00/6 months or \$250.00/year</b>
<b>Itinerant Merchant Permit</b>	<b>\$100.00</b>
<b>Street tree removal permit</b>	<b>\$100.00</b>
<b>Permit to conduct garage sale made after commencement of sale</b>	<b>\$15.00</b>
<b>Taxicab Business application</b>	<b>\$100.00</b>
<b>Taxicab Licence fee</b>	<b>\$100/first cab plus \$50/each add'l cab</b>

RESOLUTION NO. 3206

A Resolution providing for the distribution of transient lodging taxes collected under Ordinance No. 1681 (Dallas City Code 7.870 through 7.922) for the period from July 1, 2010 through June 30, 2012; and repealing Resolution No. 3142.

WHEREAS, by Ordinance No. 1681 the Dallas City Council established a transient lodging tax pursuant to ORS 320.345 through 320.350; and

WHEREAS, ORS 320.350 authorizes the City to distribute seventy percent (70%) of funds collected by the transient lodging tax for tourism promotion or for tourism-related facilities; and

WHEREAS, Dallas Area Visitor's Center, Inc. is a tourism promotion agency within the meaning of ORS 320.300(8), is an Oregon nonprofit corporation exempt from income tax under section 501(c)(3), and is qualified to receive distribution of transient lodging tax revenue; and

WHEREAS, Dallas Area Visitor's Center, Inc. has been the recipient of transient lodging tax revenue for the two-year period ending June 30, 2010, and is willing and desires to continue to receive distribution of such revenue for the two-year period beginning July 1, 2010 and ending June 30, 2012, and the Dallas City Council finds that it is appropriate and in the best interest of the community of Dallas to continue to make such distributions to Dallas Area Visitor's Center, Inc. for tourism promotion; NOW , THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. This resolution shall establish the distribution of funds collected by the City as transient lodging taxes under Ordinance No. 1681 (Dallas City Code 7.870 through 9.924) for the period beginning July 1, 2010, and ending June 30, 2012.

Section 2. Funds collected as transient lodging taxes shall be deposited to the Trust Fund, in the Transient Lodging Account, to be held and distributed as provided in this Resolution.

Section 3. Seventy percent (70%) of all transient lodging taxes received during the period beginning July 1, 2010 and ending June 30, 2012, shall be distributed on a periodic basis, not less frequently than quarter-annually, to Dallas Area Visitor's Center, Inc. The City Manager is authorized and directed to enter into a contract or other agreement for the distribution of such taxes to the Dallas Visitors Center for the term provided in this section.

Section 4. Any funds not appropriated pursuant to Section 3 this resolution may be appropriated to fund city services as provided in ORS 320.350(5)(b) and Ordinance No. 1681.

Section 5. Resolution No. 3206 is hereby repealed.

Section 6. This resolution shall take effect on July 1, 2010.

Adopted: June 21, 2010

Approved: June 21, 2010

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT  
CITY MANAGER