



CITY OF MILL CITY

AGENDA OF THE CITY COUNCIL

August 23, 2022

City Hall
444 S 1st Avenue
Mill City, Oregon

REGULAR SESSION

- 1. CALL TO ORDER/FLAG SALUTE 6:30 p.m.** Mayor Tim Kirsch
- 2. CITY COUNCIL ROLL CALL/INTRODUCTION OF STAFF** Mayor Tim Kirsch
- 3. DECLARATIONS OF POTENTIAL CONFLICTS OF INTEREST**
- 4. CONSENT AGENDA:**

In order to make more efficient use of meeting time, resolutions, minutes, bills, and other items which are routine in nature and for which no debate is anticipated, shall be placed on the Consent Agenda. Any item placed on the Consent Agenda may be removed for discussion at the request of any council member prior to the time a vote is taken. All remaining items of the Consent Agenda are then disposed of in a single motion to adopt the Consent Agenda. This motion is not debatable. The secretary to the council will then poll the council members individually by a roll call vote. If there are any dissenting votes, each item on the Consent Agenda is then voted on individually by a roll call vote.

Copies of the council packets include more detailed staff reports, letters, resolutions, and other supporting materials. A citizen wishing to review these materials may do so at the Mill City, City Hall or at www.ci.mill-city.or.us/documents/packets.

- a. Approval of Minutes of Regular City Council Meeting of August 9, 2022
- b. Approval of Accounts Payable
- c. Approval of OLCC Liquor License Renewals for the Following Businesses:
 - i. 7 Star Convenience Store #4 829 S. 1st Ave
 - ii. 7-Eleven #38796A 200 NW Santiam Blvd
 - iii. Mill City Grill 100 SE Juniper St
 - iv. Trio Tavern 815 SW Linn Blvd
- d. Ratification of Appointment of Talon Roberts and Leigha Rice to the Position of Park Host
- e. Authorization to Extend SW 2nd Ave Street Closure to September 16, 2022
- 5. CITIZEN COMMENTS/QUESTIONS – LIMITED TO THREE (3) MINUTES**
- 6. LARGE EVENT POLICY**
- 7. STREET SWEEPER SEARCH**
- 8. GATOR/SIDE-BY-SIDE SEARCH**
- 9. PERSONNEL HANDBOOK UPDATE**
- 10. DANGEROUS/DERELICT BUILDING CODE**

11. CITY ATTORNEY REPORT

12. MISCELLANEOUS CITY RECORDER ITEMS

- a. OR Community Paths Grant
- b. Holiday Lighting/Décor
- c. City Hall Carpet Cleaning – Sunday, August 28, 2022
- d. Other

13. EXECUTIVE SESSION: NONE SCHEDULED

14. ADJOURNMENT

CALENDAR OF UPCOMING CITY MEETINGS & EVENTS

Friday	September 2, 2022	Planning Commission Meeting	8:30a.m.
Monday	September 5, 2022	CITY HALL CLOSED – LABOR DAY	
Tuesday	September 13, 2022	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Tuesday	September 27, 2022	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Tuesday	October 11, 2022	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Friday	October 7, 2022	Planning Commission Meeting	8:30a.m.
Friday	October 14, 2022	Planning Commission Meeting	8:30a.m.
Tuesday	October 25, 2022	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Monday	October 31, 2022	HALLOWEEN	
Friday	November 2, 2022	Planning Commission Meeting	8:30a.m.
Tuesday	November 8, 2022	Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Friday	November 11, 2022	ELECTION DAY	
Friday	November 18, 2022	VETERAN'S DAY – CITY HALL CLOSED	
Tuesday	November 22, 2022	Planning Commission Meeting	8:30a.m.
		Municipal Court	9:30a.m.
		Council Meeting	6:30p.m.
Thursday	November 24, 2022	THANKSGIVING DAY – CITY HALL CLOSED	
Friday	December 9, 2022	Planning Commission Meeting	8:30a.m.
Tuesday	December 13, 2022	Municipal Court	9:30a.m.
Monday	December 26, 2022	Council Meeting	6:30p.m.
		CHRISTMAS – CITY HALL CLOSED	

REQUEST FOR COUNCIL ACTION

DATE: August 17, 2022

TO: Mayor Kirsch and City Councilors

FROM: Stacie Cook, MMC, City Recorder

REGARDING: **Consent Agenda Items**

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MILL CITY
MINUTES OF THE CITY COUNCIL
Tuesday, August 9, 2022

Mayor Kirsch opened the meeting at 6:30 PM with the flag salute. Councilors present were Janet Zeyen-Hall, Dawn Plotts, Tony Trout and Steve Winn. Councilor Katlong was excused. Staff members in attendance were City Recorder Stacie Cook, Public Works Supervisor Russ Foltz, and City Clerk Tree Fredrickson.

Citizens in attendance were Ann Carey, Sgt. Steve Frambes, LCSO, Earnest Freeman, Jason Haury, Roel Lundquist, Greg Lyness, Maegan Lyness, and Gary Olson.

DECLARATIONS OF POTENTIAL CONFLICTS OF INTEREST: Mayor Kirsch stated that anyone who felt they may have a potential conflict with anything on tonight's agenda may say so at this time or at any time during tonight's meeting.

CONSENT AGENDA

Councilor Trout moved and was seconded by **Councilor Zeyen-Hall**, to approve items a; Approval of Minutes of Regular City Council Meeting of July 26, 2022, b; Approval of Accounts Payable and, c; Approval of Monthly Revenues & Expenditures Report, July, 2022. Mrs. Fredrickson polled the council. The motion passed unanimously, (5:0).

LINN COUNTY SHERIFF'S REPORT: Sgt. Steve Frambes gave the LCSO report for July. Dog citations were up in July. Sgt. Frambes stated that dogs need to be kept within their owner's property.

There have been a number of vehicle break-ins with many having been unlocked vehicles. Sgt. Frambes reminded everyone to lock their vehicles and to remove valuables. Sgt Frambes added that security cameras are always helpful, however, making sure that the system has a long-term memory before being written over is needed.

PUBLIC WORKS REPORT: Public Works Supervisor Russ Foltz gave a report on the following items:

Pump Report: The unmetered water loss is still high.

NE Mill City Leak Update: Public Works located and fixed one leak on the northeast side but several other leaks were discovered in the same line. Fixing the leaks is difficult and time consuming as they are located in steep, rocky terrain.

Out-of-Office: August 12-28, 2022: Mr. Foltz will be out on medical leave August 12 to August 28, 2022.

Mower: The riding lawn mower broke down but has been fixed and mowing has resumed. PW staff will tackle the overgrown blackberry bushes and tall grass on SW Broadway St. as well as the grass along N. 1st Ave. before the cement wall.

Construction Update: A pre-construction meeting was recently held with Siegmund Excavation for the Mill City Falls Park project. Siegmund will begin work on the retaining wall excavation work in a two weeks.

Knife River will begin the SW 2nd Ave. Overlay project on August 22, 2022.

Water Testing: Lead and copper tests are required every three years. Results for the ten testing sites have come back with no detection.

Mayor Kirsch asked if the smoke testing for I & I has been scheduled. Mr. Foltz said that it is set for September 6, 2022.

Councilor Winn asked about the top soil invoice. Mr. Foltz said it was for the landscaping for the EV parking lot and Mill City Falls Park.

Councilor Plotts said that there was pink graffiti on SW 3rd Ave. and in front of the barber shop on SW Broadway St. Mr. Foltz said that Public Works Maintenance Worker David Rupert spent four hours painting over graffiti at Kimmel Park before the Jamboree. Councilor Plotts asked if the inmate work crew that used to come out regularly could assist with some of these issues. Mr. Foltz said the work crew will not be out this year due to a change in guards.

Roel Lundquist, SW Linn Blvd., asked about the status of the Reid House property. Mrs. Cook said the City is in the process of obtaining bids to clear brush and dead trees and level the property. The plan is to complete the work by the end of September and reseed in October.

Gary Olson, SW Spring St., noted the time it takes two employees to water the hanging baskets around town and suggested that decorative flags would be a better and less expensive option in the future.

CITIZEN COMMENTS AND QUESTIONS: Jason Haury, NE Birch St., said that he is interested in Accessory Dwelling Units (ADUs) and asked if the City has looked into allowing these units.

Mayor Kirsch said that the City currently does not allow ADUs but when the City's population reaches 2,500 they must be allowed. The City's sewer capacity which is currently at 95+% must be addressed for future growth, which is one reason for delaying ADU implementation.

Greg Lyness, SE Kingwood Ave., said that he would like the Council to consider honoring Nicholas Welch, a good friend and Veteran who died in the Afghanistan war. Mr. Lyness said that he would like to name a basketball court "The Nick Welch Memorial Basketball Court" in his honor.

Mr. Lyness said that he will speak with businesses to raise funds to help build the court. Mrs. Cook suggested contacting Superintendent Todd Miller to gather more information on court size and material costs.

PUBLIC HEARING: None scheduled.

PRESENTATIONS: None Scheduled.

OLD BUSINESS:

Water Project Update: Mrs. Cook said that the contract and bid document for Phase II of the Water Project have been reviewed and approved by Business Oregon. City Attorney Jim McGehee has reviewed the contract and has no concerns. The Request for Proposals has gone out with bid openings set for September 1, 2022.

Stormwater Project Update: Mrs. Cook and City Planner Dave Kinney met with Keller Associates on August 5, 2022 to begin contract negotiations for the Stormwater Project. Once a draft contract has been completed, a timeline and cost for the project will be provided.

RV Site Utility Removal: The utilities have been removed from the RV site on NW Alder St. Thank you to B&B Excavating for the work on this project. Councilor Katlong has indicated that a small

amount of additional grading is needed and the property will then be ready to be turned over to the owner.

Mill City Falls Park Phase I Update: Discussed previously.

Mrs. Cook said that a meeting was held with the engineers for Phase II of the Mill City Falls Park project in order to begin the engineering and project design. Some Geotech work will most likely need to be done due to the deep undercut of the river bank.

Ordinance No 40X – Ziply Fiber Franchise Agreement: Ordinance No. 40X, authorizing a franchise with Ziply Fiber for telecommunications services was read for a first reading by title only at the last meeting. To finalize the adoption process, a motion for a second reading by title only and a motion to enact must be made.

Councilor Trout moved and was seconded by **Councilor Zeyen-Hall**, to Read Ordinance No. 409 for Second Reading by Title Only. The motion passed unanimously, (5:0).

Mrs. Cook read the Ordinance by title only.

Councilor Trout moved and was seconded by **Councilor Zeyen-Hall**, to Enact Ordinance No. 409 and to Direct Mayor Kirsch to Sign the Ordinance as Enacted. The motion passed unanimously, (5:0).

NEW BUSINESS:

Resolution No. 88X – Amending Resolution No. 876: Resolution No. 88X amends Resolution No. 876 to be renumbered to No. 880. The resolution index had not been updated with the most recent resolutions, causing the re-use of number 876. This is only a tracking fix. There are no changes to the resolution otherwise.

Councilor Trout moved and was seconded by **Councilor Zeyen-Hall**, to Approve Resolution No. 880 – Amending Resolution No. 876 to Correct Scrivener's Error. The motion passed unanimously, (5:0).

STAFF/COMMISSION REPORTS

City Recorder Report:

List of On-Going Old Business Items: The list of on-going old business items was provided for review.

City Attorney Report: None.

BUSINESS FROM MAYOR & CITY COUNCILORS

Mayor Kirsch said that Marion County has taken possession of the \$50 million for the North Santiam Sewer Authority. Keller Associates has been hired as the engineer for the project.

Mayor Kirsch said that he met with Marion County's new Economic Development employee, who is working on creating a hiking/bike trail that goes from the Maples Rest Area to the Gates city limits.

Councilor Zeyen-Hall thanked Santiam Hearts to Arts for the wonderful Music & Art Jamboree held in Kimmel Park August 5th and 6th.

Councilor Plotts said that she met with Sgt. Frambes before the meeting to discuss issues in the City. This meeting will be held at least once a month.

Councilor Plotts said that the Canyon Catalysts will be redoing the south wall of the main shelter, however, there is still electrical which needs to be reviewed. Councilor Winn offered to help identify an electrician that may be able to assist. Mrs. Cook said a permit may be required.

Councilors Trout asked about the deadline for allowing RV's to be parked on private property due to the wildfires. Mrs. Cook said that the deadline is December 31, 2022.

Mrs. Cook said that the City has had interest from another agency for use of the FEMA site once it is empty.

Councilor Trout noted that the North Santiam Chamber of Commerce was also involved in making the Music & Art Jamboree a success.

EXECUTIVE SESSION: None scheduled.

INFORMATIONAL ITEMS: None

ADJOURNMENT

The meeting was adjourned at 7:47 PM.

Prepared by:

Stacie Cook, MMC
City Recorder

Approved by:

Tim Kirsch
Mayor

City of Mill City
P.O. Box 256
Mill City, Oregon 97360
Phone: 503-897-2302 Fax: 503-897-3499

Memorandum

Date: August 17, 2022
To: Mayor Kirsch and Council
From: Stacie Cook, MMC, City Recorder
Subject: **Business for August 23, 2022 Council Meeting**

a. Large Event Policy

The Council has discussed the need for a large event policy in order to ensure that events held within the City are all required to meet the same standards. To begin the conversation about what Mill City would like to see implemented I have enclosed the following:

- Mill City Municipal Code Section 12.12 City Parks
- Mill City Park Rules and Facility Use Form
- City of Independence Parks Regulations and Reservations Policy
- City of Sisters Public Events Code
- City of Sisters Public Events Fact Sheet, Permit Checklist, Permit Application, Noise Permit, Alcohol Consumption Permit
- Town of Butte Falls Special Events Policy
- City of Roseburg Park Rules and Regulations
- City of Roseburg Outdoor Event Application, Concert/Loudspeaker Permit, Parks & Rec Permit
- City of Glendale Special Event Permit

I wanted to provide a few different options with varying degrees of requirements in order to give a wide array of choice in how we proceed.

Our current process includes a refundable deposit for park reservations. As we go through this process changing from a deposit to a set fee should be discussed.

Requested Action: Discussion.

b. Street Sweeper Search

Staff has begun identifying street sweeper suppliers in Oregon, SW Washington, N California and W Idaho. Once a list has been completed we will contact the suppliers to see about being added to a contact list for use sweepers that will be for sale.

I will speak with Public Works Supervisor Russ Foltz about specific items that he would like to have on the sweeper when he returns to work

Requested Action: None. Information Only.

c. Gator/Side-by-Side Search

As noted at the last meeting, using two public works employees to water flowers is not the best use of time. When the donation of the flowers was brought to my attention we were already within a budget year and therefore, unable to plan for the purchase of something that would allow for easy watering by one employee. However, this was always the intent once the new fiscal year began. Now that we are past July 1st, staff will begin looking for a small Gator/Side-by-Side type vehicle that can be used for watering flowers as well as other park needs.

Requested Action: None. Information Only.

d. Personnel Handbook Update

The City's Personnel Handbook has been in need of updating for a while. I have reached out to the League of Oregon Cities to obtain a copy of their model handbook for our use. Once I have access to the document I will provide it to Council for review and discussion.

Requested Action: None. Information Only.

e. Dangerous/Derelict Building Code

The City's Dangerous & Derelict Building Codes were adopted in 2016. We have used the codes to address a number of issues within the City. However, what I have found as I look at potential structures for violations is that our codes need to be stronger. There are many structures in Mill City that I receive complaints about but am unable to enforce because our codes do not have the language in them to allow the City to require the owner to address them.

A copy of Mill City Municipal Code Chapter 15.08 Dangerous Buildings and Structures as well as Chapter 15.10 Derelict Buildings and Structures, are enclosed for review. I would like to hear from the Council about what each of you thinks should be included in the code. Please keep in mind that whatever we adopt must be enforceable and we must be prepared to take legal action and expend dollars to complete any enforcement measures that we begin.

Requested Action: Discussion.

f. City Attorney Report

g. Miscellaneous City Recorder Items

- i. OR Community Paths Grant:* A new to us grant came across my desk recently. The Oregon Community Paths Grant is a competitive statewide transportation program that supports investments in multiuse paths that are not part of a roadway. Examples of

eligible projects may be routes or segments that pass through a park, along a greenway, or follow abandoned rail corridors to connect community centers, services, housing, employment, schools, and recreation. Some on-road projects, such as roadway crossings for existing paths, are also eligible. OCP projects must serve a transportation purpose (not recreational) and must be open for public use. This program funds two types of community paths:

- Critical Links – walking and biking connections to schools, downtowns, shopping, employment, and other essential destinations.
- Regional Paths – connecting communities no more than 15 miles apart, or traversing one community with a path 10 miles long or greater; examples include southern Oregon’s Bear Creek Greenway or Portland’s Springwater Corridor.

City Planner Dave Kinney and I have been brainstorming options for using this grant to improve the multi-use trail along the old railroad right-of-way, including partnering with another agency but have not yet determined the best route. Pre-applications, which don’t commit the City to anything, are due by September 15, 2022.

Requested Action: None. Information Only.

ii. Holiday Lighting/Decor: Councilor Plotts and citizens Paul Luna and Lynda Harrington have requested authorization to begin looking into companies and costs for installing holiday lighting on the Historic Railroad Bridge and decorations on the lamp posts. We budgeted \$65,000 for this in the current FY budget. As information is provided either Councilor Plotts or I will provide updates to Council.

Requested Action: None. Information Only.

iii. City Hall Carpet Cleaning – Sunday, August 28, 2022: The carpets at City Hall are scheduled to be cleaned on Sunday, August 28th.

Requested Action: None. Information Only.

iv. Other

Chapter 12.12 - CITY PARKS

Sections:

12.12.010 - Definition.

As used in this chapter, "park" means any public grounds under the supervision or control of the park commissioner, whether within or without the corporate limits of the city.

(Ord. 197 § 1, 1985)

12.12.020 - Sales and solicitations.

No person shall sell or expose for sale any merchandise, article or thing, food or other concession, or solicit any collection, donation or charge in any park, unless a permit has been obtained from the council or the park commissioner. The granting or refusal of the permit is within the discretion of the council or commissioner, except that no permit shall be issued unless the applicant complies with any other applicable ordinances pertaining to the activity.

(Ord. 197 § 2, 1985)

12.12.030 - Animals prohibited.

- A. Except as allowed by this section, no person shall permit any domestic or other animal under control of the person to enter upon or go at large in any park.
- B. No person shall keep or permit in the park any dog unless the dog is on a leash, and in no case shall the dog be permitted in any area where it is designated unlawful to do so.
- C. Horses, when ridden, may be taken into the park only along paths designated by the park commissioner.

(Ord. 197 § 3, 1985)

12.12.040 - Picking flowers, injuring trees, etc.

No person shall pick flowers, foliage, or fruit; or cut, break, dig up, or in any way mutilate or injure any tree, shrub, plant, grass, or turf in any park; or carve, paint, mark, or paste upon any foliage or post any bill, notice, poster, or advertisement upon any tree, rock, or other piece of landscape in a park.

(Ord. 197 § 4, 1985)

12.12.050 - Damage to structures, trails and landscape.

No person shall alter, deface, mutilate, destroy, or remove any building, bench, barrier, sign, trail, road, or other facility or structure; or alter, remove, or excavate any natural or man made trail, rock, soil or other part of the landscape in a park.

(Ord. 197 § 5, 1985)

12.12.060 - Throwing, batting, etc.

No person shall throw, bat, hit, or otherwise project any stone, rock, stick, ball, or other missile from, into, within, or upon any park, except in such place as may be designated for a specific activity in which the ball or other object customarily is used.

(Ord. 197 § 6, 1985)

12.12.070 - Certain conduct prohibited.

No person shall:

- A. Cause, attempt to cause, or bring about any public disturbance or create a public nuisance.
- B. Pursue, hunt, trap, molest, or kill any bird or animal.
- C. Dive, swim, or engage in any water activity in an unsafe or hazardous manner.
- D. Dump household or commercial garbage brought from lands outside the park.
- E. Deposit any rubbish, garbage, glass, or other litter, except in receptacles designated for that purpose.

(Ord. 197 § 7, 1985)

12.12.080 - Use of motor vehicles.

No person shall drive or take any automobile or other motor vehicle into or upon any park except on the driveways or roadways, as provided and designated for that purpose, and then only when the vehicle is operated pursuant to rules and regulations of the council and the park commissioner. This shall not prohibit the council from granting a permit to any individual or group to take motor vehicles upon other areas of the park after an application is made to the council and the council is satisfied that no damage to the park will result from the use nor will the requested use be detrimental to the purpose and intent of the public park.

(Ord. 226 § 2, 1988: Ord. 197 § 8, 1985)

12.12.090 - Fires, stoves, etc.

- A. No person shall build, light, or maintain in a park any fire, except in a stove, pit, or fireplace designated for such purpose, and then only when the fire is built and maintained in a safe

operating condition.

B. No person shall leave unattended in a park a fire built, lighted, or maintained by that person.

(Ord. 197 § 9, 1985)

12.12.100 - Park hours.

The council of the city shall set, by resolution, the hours that the park shall be open to the general public. The council may, at its discretion, waive or allow a longer use of the park upon application to the council by a person or a group of people.

(Ord. 229 § 1, 1989: Ord. 197 § 10, 1985)

12.12.110 - Reservation of park facilities.

A person or a group of people upon an application to the council may request to reserve the park facilities for a set period of time. The reservation request shall be made by application to the city and the decision to reserve the park facilities shall be at the sole discretion of the council or its designee. The council may, by resolution, set a fee for the use and reservation of the park facilities.

(Ord. 229 § 2, 1989: Ord. 197 § 11, 1985)

12.12.120 - Violation—Penalty.

A violation of a provision of this chapter is punishable by a fine not to exceed five hundred dollars (\$500.00).

(Ord. 197 § 12, 1985)

RULES GOVERNING USE OF CITY OF MILL CITY FACILITIES

1. APPLICATION & PERMIT REQUIREMENTS

- a. An approved Facility Use Permit is required for exclusive private or public use of any City facility including the Kimmel Park Picnic Shelters, the Kimmel Park Concession Building, parks (scheduled events only), or other City facilities. Permits may be obtained at City Hall.
- b. Any person(s) or organizations wishing to reserve a city park or facility must submit a completed Facility Use Permit Application. Applicants must be at least 21 years of age. All required fees must be paid at the time of application for the permit. Checks must be made payable to the City of Mill City.
- c. A Facility Use Permit is not transferable. The City reserves the right to terminate any Facility Use Permit at any time without cause.
- d. Reservations are accepted on a first-come, first served basis and no more than one (1) year in advance of the event. However, the City of Mill City may reserve the building for regularly scheduled community events more than one year in advance.
- e. The City reserves the right to make further stipulations for use prior to issuing a Facility Use Permit.

2. CHARGES AND FEES:

- a. There is no fee for everyday individual, family or group use of city parks and picnic shelters.

RESERVATION FEES AND DEPOSITS	CONCESSION BUILDING	MAIN PICNIC SHELTER	RIVER PICNIC SHELTER	PARK (SPECIAL USE)
Up to 5 Hours Use	No Charge	No Charge	No Charge	Fees & Cleaning Deposit to be determined based on group size
Cleaning & Key Deposit	\$ 75 Cleaning & Key Deposit.	\$50 Refundable Cleaning Deposit	\$50 Refundable Cleaning Deposit	
FULL DAY USE	No Charge	No Charge	No Charge	Fees & Cleaning Deposit to be determined based on group size
Cleaning & Key Deposit	\$ 100 Refundable Cleaning & Key Deposit.	\$ 100 Refundable Cleaning Deposit	\$ 100 Refundable Cleaning Deposit	
Other	Cleaning Deposit to be determined based upon use of Concession Bldg w/ other park facilities	Cleaning Deposit to be determined based on group size	Fees & Cleaning Deposit to be determined based on group size	Fees & Cleaning Deposit to be determined based on group size

- b. Key & Cleaning Deposit: A refundable key & cleaning deposit (in cash or check) will be

collected by the City at the time a key is picked up. Keys must be returned no later than three (3) working days after the event. A \$75.00 fee shall be charged for non-return of the key. The deposit will be returned providing all keys are returned, no damage occurs and the picnic shelter, concession building and/or park are clean upon inspection. User is responsible for any cleaning costs or damage incurred by the City. Any costs beyond the deposit will be billed to the user.

- c. If no fee is listed on the schedule, the City may establish a reasonable fee for use.
- d. No fees are required for events held or sponsored by the City of Mill City. Public agencies and non-profit organizations may submit requests to the City to obtain fee reductions or waivers. The City Administrator or designee will review all such requests and the decision to approve or to deny the request will be based on the non-profit organization's ability to pay, the number of Mill City residents served, whether the facility is available, and the value of the service to the community. The City Administrator or designee may either approve or deny the request.

3. CANCELLATION & TERMINATION OF PERMITS:

- a. Any person may cancel their Facility Use Permit by providing the City with seven (7) days notice. There are no refunds of the reservation charge.
- b. The City of Mill City reserves the right to cancel a Facility Use Permit prior to use and will return the entire reservation charge and key/cleaning deposit.
- c. The City reserves the right to terminate a Facility Use Permit and ask any user to leave the park or city facility if any park rules or terms of the Facility Use Permit are violated.

4. RULES:

Occupancy & Clean-up:

- City parks and park facilities are open from one hour before sunrise until one hour past sunset, seven (7) days a week.
- DO NOT LEAVE the Concession Building unlocked or unattended.
- As provided by ORS 433.850, **SMOKING IN THE CONCESSION BUILDING IS PROHIBITED.**
- Users are responsible for cleaning up all decorations, signs and removing all personal effects. Counters, sinks, floors and storage areas shall be cleaned after each use. Any items used from the City's inventory must be cleaned, put away or replaced if necessary. Applicants shall provide their own cleaning supplies.
- No food shall be left in the concession building or on park grounds. The surrounding park area shall be left clean and trash free. Failure to clean-up the park area used will result in forfeiture of any cleaning deposit.

Alcohol Use:

- Alcoholic beverages are prohibited in city parks unless the use of alcohol is approved by the City Council. A violation of this provision may result in a citation under Mill City Code, Section 9.16.020.
- If approved by City Council, the consumption of alcoholic beverages is restricted to the confinements of the area(s) reserved. The permit holder shall be responsible for the area reserved. City staff, and/or Linn County Sheriff's Deputies reserve the right to cancel, before or during an event, all functions if alcohol is deemed to be a problem. The City may also require the applicant to employ security personnel, subject to city approval.

General Park Rules:

- **HOURS:** City Parks are open from one hour before sunrise to one hour after sunset, seven days a week.
- Loud music and/or noise will not be tolerated. Music must be kept at levels which do not disturb the reasonable peace and quiet of any citizen. If noise exceeds reasonable sound limits, the City of Mill City and the Linn County Sheriff's Office reserve the right to immediately terminate the music and/or Facility Use Permit.
- Kitchen facilities and park facilities are provided for the user's convenience. The user is responsible for its reasonable use and safekeeping. Any items from the Concession Building kitchen area must be cleaned and returned to their proper places.
- The person in charge (individual listed on the Facility Use Permit) shall accept responsibility for any theft, breakage, staining or damage to park facilities and reserved buildings.
- The City may require a "walk through" with City staff both prior to the use and after the facility use is complete.
- The City may require provision of portable toilets if the number of guests is expected to exceed 100, or if alcohol will be served as approved by City Council. The city will specify the number and location of portable toilets required, but supervision and expense for the portable toilets will be the responsibility of the person in charge of the event.

Insurance:

- For large events or events where the kitchen facility is rented, the City may require the user to provide combined single limit insurance coverage of up to \$500,000.00.
- If insurance coverage is required by the City, the user must provide the City with a Certificate of Insurance naming the City of Mill City as an additional named insured. The Certificate shall be provided to the City prior to the time a Facility Use Permit is issued.
- If an alcohol use is permitted by the City Council, the City will require the applicants to maintain "Host Liquor Liability Insurance" coverage in amount not less than \$500,000.

Security:

- The City may require the applicant to provide private security for dances, weddings, birthday parties, company parties, or any park event with expected attendance of 300 persons or more, and any other event the City Administrator or designee deems security is in the best interest of all parties concerned. City and City co-sponsored events may not require security provided City staff are present at the event.
- Security may be contracted from a private licensed/bonded firm as approved by the Linn County Sheriff's Office. Private licensed/bonded security firms shall be paid directly as established between the renter and the security firm.

CLEANING FEE/DEPOSIT: \$ _____

Receipt #: _____

NOTE: Users are responsible to comply with provisions of the attached "Rules and Regulations for Use of City of Mill City Facilities."

CITY OF MILL CITY FACILITY USE PERMIT

Applicant: _____

Address: _____

Address _____

Phone: _____

Person in Charge: _____

Address: _____

Driver's Lic. #: _____

City/State/Zip: _____

E-mail: _____

Phone: _____

E-mail: _____

Please identify all facilities to be rented & specify date and time requested:

Facility to: Concession Bldg River Shelter Main Park Shelter Kimmel Park
 Other: _____

Date(s) Requested: _____

Hours of Event (including set-up) _____ AM / PM to _____ AM/PM

Type of Event: _____ Activity will be (circle one): One Day Only Weekly Monthly.

Certificate of Insurance: Certificate of Insurance naming the City of Mill City as an "Additional Named Insured" is required. The Certificate of Insurance may be required for special events or large gatherings.

Certificate of Insurance indicating "Host Liquor Liability" in an amount not less than \$500,000.

Alcohol Usage: Alcohol beverages are prohibited in City Parks unless permission is granted by the City Council.

Special Terms or Conditions:

I hereby apply for a City of Mill City Facility Use Permit. I have read, I understand and agree to comply with all rules and regulations set forth by the City of Mill City. I further agree that I am of legal age and will be responsible for the care of the facility during its use. Further, I will be responsible for the repair of damage to equipment or the facility should any occur and for the replacement of any inventory or equipment lost or damaged during use of the facility for the activity for which I have accepted responsibility. I further understand that this permit is revocable at any time and that the permit is not transferable. I also understand that the City rules and regulations are subject to change without notice.

I hereby agree to reimburse and hold the City of Mill City harmless from any and all liability, claims, causes, actions, suits, loss, damage, or expense of any kind or description which may be claimed against or incurred by the agents or invitees and shall indemnify the City of Mill City against and hold the City of Mill City harmless from same, including attorney fees which may arise out of or be connected with or result from the use of the City's facility during the period of reservation.

I further agree that I shall abide by all federal, state, and municipal equal opportunity laws and regulations prohibiting discrimination.

Authorized Signature of Applicant

Date

Approved by City of Mill City

Date

DO NOT WRITE BELOW THIS LINE: CITY USE ONLY

Damage Noted: _____

Deposit Amount: \$ _____ Receipt No.: _____ Date Paid: _____ Amt. Deposit Refunded: _____
Rental Amount: \$ _____ Receipt No.: _____ Date Paid: _____ Date Deposit Refunded: _____

In accordance with federal law the City of Mill City prohibits discrimination on the basis of race, color, national origin, sex, age or disability. To file a complaint write the USDA Office of Civil Rights, Washington D. C., or call 202-720-5964 (Voice & TDD).

City of Independence
ADM 1.03 – Parks Regulations and Reservations Policy

ADOPTED: 2004

Updated: September, 2010

Updated: March, 2015

Updated: October, 2020

1.03.01 **Purpose.** This administrative policy establishes regulations for the use of City Parks and guidelines for reserving parks for groups.

1.03.02 **Scope.** This policy applies to all organizations/businesses/individuals wishing to reserve the use of City Parks for private use. City-wide events (Independence Days, Hop Festival, etc.) shall have first priority.

1.03.03 **Policy.**

A. PARK REGULATIONS

City parks are provided for everyone's use and enjoyment. Please have the pride and responsibility to protect and conserve the plants, animals, facilities and tranquillity of the parks.

1. Parks are open from 8:00 a.m. to dusk.
2. No alcoholic beverages allowed in the parks.
3. No smoking allowed in the parks (other than City designated smoking area(s) in Riverview Park).
4. Pets must be on a leash and in the care, custody and control of their owners at all times.
5. Vehicles must be parked in areas designated for such purpose only.
6. Please help keep our parks clean. Ensure all waste is properly disposed of.
7. The proposed activity or use of the park cannot unreasonably interfere with or detract from the public's general enjoyment of the park.

B. PARK RESERVATION POLICY

1. All reservations for group usage of city parks shall be made through City Hall. Reservations cannot be made for more than one year in advance, and all fees must be paid at the time the reservation is made. *Please refer to the Independence Municipal Code § 26-374 "Park Operating Policy" for all rental conditions.* Groups may request park use for more than one weekend per year; however, the City reserves the right for exclusive use of Riverview Park for other events, possibly reversing prior use approval. The City will attempt to make timely notice in such cases.
2. All reservations will be approved by the City Manager, or designee, on a "first-come, first-served basis", provided all above criteria has been met. Appeals and special requests can be directed to the City Manager.
3. The specific portions of Riverview Park that can be reserved are (see attached map):
 - a) Upper Plaza;
 - b) Amphitheater;

- c) Picnic Area 1 or 2; or
- d) Entire Park

4. All reservation forms must be signed by a designated person from the group who will be responsible for the group's actions while using the park, and for the condition of the park after the scheduled event. A detailed description of all the activities planned for the event in the park must be provided on the application. **Reservation is not confirmed until reservation form and fees are received at City Hall and all required signature approvals have been obtained.**

5. Park Fees (per day):

Civic/Not for Profit:	\$20.00 non-refundable fee, plus \$50.00 refundable deposit*
Private:	\$35.00 non-refundable fee, plus \$50.00 refundable deposit*
Commercial:	\$60.00 non-refundable fee, plus \$500.00 refundable deposit*

*The park must be left in a clean condition. All trash generated from the event must be bagged and removed from the park at the conclusion of the event. Otherwise, a portion of the refundable deposit will be forfeited.

Fees for larger events that use the amphitheater will be assessed a fee based on the following attendance schedule:

0 – 74	\$100.00 non-refundable fee + \$50 refundable deposit*
75 – 299	\$150.00 non-refundable fee + \$500.00 refundable deposit*
300 – 599	\$300.00 non-refundable fee + \$500.00 refundable deposit*
600 – 999	\$450.00 non-refundable fee + \$750.00 refundable deposit*
1,000+	\$600.00 non-refundable fee + \$750.00 refundable deposit*

*All large events must use rented dumpsters to deposit their trash and leave the park clean and undamaged in order to receive the full refundable deposit back at the conclusion of the event.

Note: Groups wishing to reserve the park for more than one weekend shall pay an additional \$50.00 fee per day for each weekend reserved.

If an entry fee is charged for an event, the organizer will pay to the City of Independence one dollar (\$1.00) per ticket sold or provided in any manner to an event attendee.

6. Events with expected participants of over 75 will be required to:

a. Provide "1 1/2-yard" trash dumpsters:

Group size:	75 – 250	1 dumpster
	250 – 500	2 dumpsters
	500 – 750	3 dumpsters
	750 – 1000	4 dumpsters

b. Provide extra portable restroom facilities:

Required: 1 portable unit per each 100 people

c. Provide to the City at least one month prior to event:

- Proof of insurance
- An approved security plan
- A ground set-up plan
- Proof of dumpster(s) ordered
- Proof of portable restrooms ordered
- Proof of Security Service Contract*

*Depending on the size, type, and nature of the event, the City may require the applicant to provide outside security service on-site at their own cost. The number of security personnel required will be determined by the City.

d. If there will be food (cooking) booths at the event, all vendors must adhere to the Regulations of the Environmental Health Codes. Permits are required through the Polk County Health Department. Cardboard must be placed under all cooking equipment to protect the concrete surface from grease and oil stains.

e. In the event that any of the requirements above are not fulfilled and City services are required as a result, the applicant will be billed for the City related services. Failure of applicant to meet this obligation within 30 days of billing will be cause for cancellation of future privileges, as well as legal action.

7. The stage has a separate rental agreement and is not included in the rental agreement of any other area of Riverview Park including the amphitheater.
8. The sound system and sound technicians are not included in the park rental fee of the amphitheater, stage, or any other area of the park.
9. It is understood that the City cannot provide a guarantee to the applicant that there will not be any form of construction in Riverview Park on the date of their event. In case of construction needs, every effort will be made to schedule construction around the park events.

Chapter 5.10 PUBLIC EVENTS

Sections:

- [**5.10.010 Short title – Purpose.**](#)
- [**5.10.020 Definitions.**](#)
- [**5.10.030 Permit required.**](#)
- [**5.10.040 Citywide events.**](#)
- [**5.10.050 Permit application requirements – Review.**](#)
- [**5.10.060 Fees – Deposit.**](#)
- [**5.10.070 General requirements.**](#)
- [**5.10.080 No vested rights or privileges.**](#)
- [**5.10.090 Permit denial, suspension, and revocation – Appeals – Penalties.**](#)
- [**5.10.100 Administration.**](#)

Prior legislation: Code 2002 §§ 5.06.010 – 5.06.190, Ords. 265, 265A, 306, 354, 381, 419, 465 and 470.

5.10.010 Short title – Purpose.

The ordinance codified in this chapter may be referred to as the “public events ordinance” and will be cited and referred to herein as “this chapter.” The purposes of this chapter include, without limitation, the following: (1) to provide a permit system for public events and the special use of public property, parks, streets, rights-of-way, sidewalks, trails, and/or bikeways; (2) to charge fee(s) to recover costs of administering such a permit; and (3) to adopt regulations to protect property, public safety, health, and welfare, and control the use of streets and other public facilities and venues in city. [Ord. [500](#) § 2, 2020].

5.10.020 Definitions.

Unless the context requires otherwise, when used in this chapter the following terms and phrases have the meanings assigned to them below, whether or not such terms are capitalized:

“Applicant” means the person applying for a permit to conduct a public event within city.

“Application fee” means a nonrefundable fee required for processing an application for a public event permit.

“Attendee(s)” means any person located within, along, and/or near a public event, whether or not that person pays a fee to participate in the public event; provided, however, “attendee(s)” does not include the applicant(s), organizer(s), organizer’s employees, agents, and/or representatives, and/or transient merchant(s) or vendor(s) participating in the public event.

“City” has the meaning assigned to such term in the recitals.

“City’s representative(s)” means, individually and collectively, each present and future officer, employee, agent, contractor, and/or representative of city.

“Citywide event” means a public event designated as a citywide event as described under SMC [5.10.040](#).

“Council” means the then-appointed Sisters city council.

“County” means Deschutes County.

“District(s)” means, individually and collectively, Sisters School District No. 6, Sisters–Camp Sherman rural fire protection district, and Sisters park and recreation district.

“EMS” means emergency medical services.

“Large public event” means a public event that is anticipated to involve or attract 251 or more attendees.

“Manager” means city’s then-appointed city manager and/or his or her designee(s).

“Medium public event” means a public event that is anticipated to involve or attract 76 or more attendees but no more than 250 attendees.

“OLCC” means the Oregon Liquor Control Commission.

“Organizer(s)” means any person who conducts, promotes, allows, stages, and/or sponsors a public event, including, without limitation, the owner, lessee, and/or possessor of real property upon which a public event may be sited, hosted, operated, conducted, and/or used.

“Parade” means a procession of persons using the public right-of-way consisting of 15 or more persons or five or more vehicles and requiring closure, blocking, and/or detours of street right-of-way. For purposes of this chapter, “parade” does not include funeral processions.

“Permit” means the permission granted by city under this chapter to operate, engage, conduct, and/or carry on a public event within city.

“Permit fee(s)” means the permit fees described under SMC [5.10.060](#).

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

“Public event(s)” means any non-city-organized activity, assembly, gathering, and/or event, including, without limitation, entertainment, recreation, sale of goods or services, and/or other common purpose to be undertaken by a person or organization, that (a) is anticipated to involve or attract 25 or more attendees, (b) is reasonably expected to place additional demand on public services, and/or (c) affects the ordinary use of public property (e.g., public streets and/or other rights-of-way, trails, bike paths, sidewalks, etc.). For purposes of this chapter, “public event(s)” includes, without limitation, celebrations, parades, exhibitions, sports competitions, fairs, festivals, and block parties; provided, however, “public event(s)” does not include, without limitation, demonstrations and other lawful assemblies, which may include, without limitation, private social gatherings that will make no use of city property and/or right-of-way other than for lawful parking.

“Small public event(s)” means a public event that is anticipated to involve or attract 25 or more attendees but no more than 75 attendees.

“Vehicle(s)” means any device in, upon, and/or by which any person or property is or may be transported or drawn upon a public highway, including, without limitation, bicycles and vehicles that are propelled or powered by any means. [Ord. [500](#) § 3, 2020].

5.10.030 Permit required.

(1) Permit. Except as otherwise exempted under subsection (2) of this section, no person may establish, maintain, and/or operate a public event within city without first applying for and obtaining a permit and paying all applicable permit and other fees in accordance with this chapter. No person with actual, present, supervisory control of any public event for which a permit is required under this chapter may permit, direct, and/or allow the operation or continuation of such public event at any time when there is not then in full force and effect a permit issued pursuant to and in accordance with the provisions of this chapter. City may require that other licenses or permits be obtained if the public event will include other activities requiring permits or licenses under applicable city laws, ordinances, and/or regulations. The need for other licenses or permits will be determined by city during the application review process.

(2) Exemptions. A permit will not be required for the following public event(s):

- (a) A public event conducted on any district and/or county property if (i) no significant public health, safety, and/or welfare concerns are present, (ii) no additional demand on police services and/or other city services is anticipated, and (iii) the public event will not affect the ordinary use of public property (e.g., public streets and/or other rights-of-way, trails, bike paths, sidewalks, etc.).
- (b) A public event conducted entirely on private property if (i) no significant public health, safety, and/or welfare concerns are present, (ii) no additional demand on police services and/or other city services is anticipated, and (iii) the public event will not affect the ordinary use of public property (e.g., public streets and/or other rights-of-way, trails, bike paths, sidewalks, etc.).
- (c) Any other public event the manager reasonably determines is exempt from the permit requirements imposed under this chapter; provided, however, the manager's exemption under this subsection may be granted only for certain limited private events, including, without limitation, family gatherings, weddings, and birthday parties, in which (i) no significant public health, safety, and/or welfare concerns are present, (ii) no additional demand on police services and/or other city services is anticipated, and (iii) the public event will not affect the ordinary use of public property (e.g., public streets and/or other rights-of-way, trails, bike paths, sidewalks, etc.). The manager's decision to exempt a particular public event will not set any precedent or bind future decisions of the manager.

[Ord. 500 § 4, 2020].

5.10.040 Citywide events.

(1) Citywide Event Designation. No person may establish, maintain, and/or operate a citywide event within city without first applying for and obtaining the citywide event designation. Subject to the provisions of this chapter, the manager will review and evaluate any application for a citywide event designation. In evaluating an application for the designation, the manager may consider such factors, criteria, and characteristics of the proposed event the manager deems necessary or appropriate to determine whether a proposed public event is a citywide event, including, without limitation, that the event can be viewed by the public outside of the immediate event footprint or boundaries, and/or the estimated amount of total city staff hours and/or police officer hours to be assigned to the event is anticipated to exceed 20 hours. Notwithstanding the immediately preceding sentence, no public event will be designated as a citywide event unless (a) the event is expected to draw a significant citywide and/or regional crowd with no fewer than 2,000 attendees, and (b) the event is a recurring event held in city for at least three of the last five years. A public event that otherwise satisfies the requirements of the immediately preceding sentence must apply for and obtain the citywide event designation in accordance with this section. The manager is authorized to make an investigation of the public event and will review the application and conduct whatever investigation the manager deems necessary or appropriate to determine whether the application is complete, the statements made therein are true and accurate, and whether the public event qualifies for

the citywide event designation. The manager's decision on any given matter will not set any precedent nor bind future decisions of the manager. City will maintain an annual calendar listing the date(s) of each designated citywide event. Subject to the provisions of this section, designated citywide events have precedence over public events proposing to be conducted during the citywide event. As of the effective date of the ordinance codified in this chapter, the following are designated citywide events: (a) the Sisters Outdoor Quilt Show; (b) the Sisters Harvest Faire; (c) the Sisters Folk Festival; and (d) the Sisters Rodeo Parade.

(2) **Citywide Event Regulations.** Notwithstanding anything contained in this section to the contrary, (a) each citywide event will be conducted in compliance with all applicable provisions of this chapter, including, without limitation, the general requirements contained in SMC [5.10.070](#), and (b) no more than one citywide event will be permitted and/or conducted per month during the period commencing June 1st and ending September 30th of each calendar year. In addition to and not in lieu of all other applicable requirements under this section, no public event may be held, operated, conducted, and/or carried on during any day during which a citywide event occurs in city. During each citywide event, the organizer will designate an event manager to act as an on-site representative responsible for ensuring the citywide event is conducted in accordance with this section. The event manager will be available on site and at the phone number provided in the permit application while the citywide event is occurring.

(3) **Annual Application.** A person or organizer desiring to conduct a designated citywide event within city must first apply for and obtain a permit and pay all applicable application, permit, and other fees in accordance with this chapter. Except as provided in subsection (4) of this section, city will not review and evaluate any permit application for a public event proposing to be conducted during a designated citywide event. Notwithstanding the time periods contained in SMC [5.10.050](#)(1), an application for a citywide event permit must be (a) submitted not less than 90 days prior to the proposed event, and (b) approved by city not less than 30 days prior to the proposed event. Failure to submit an application not less than 90 days prior to the proposed event and/or receive approval not less than 30 days prior to the proposed event may, in city's sole discretion, result in revocation of the citywide event designation for the applicable calendar year.

(4) **Effect of Revocation of Designation.** Upon revocation of the citywide event designation, city will, on a first-come, first-served basis, review and evaluate any timely submitted permit applications for public events proposing to be conducted during the revoked citywide event. The decision to revoke the citywide event designation is not appealable. [Ord. [520](#) § 2 (Exh. A), 2021; Ord. [511](#) §§ 3, 4, 2021; Ord. [500](#) § 5, 2020].

5.10.050 Permit application requirements – Review.

(1) **Application Requirements.** Each person or organizer desiring to conduct a public event for which a permit is required under this chapter must apply for a permit to operate, engage, conduct, and/or carry on the public event on such application forms and in such manner as the manager may then prescribe. Subject to the provisions of this chapter, an application for a permit must be submitted not less than 30 days prior to a proposed large public event and approved by city not less than 14 days prior to the proposed large public event. An application for a permit must be submitted to city not less than 14 days prior to a proposed medium public event and/or small public event and approved by city not less than seven days prior to the proposed medium public event and/or small public event. Each application will be evaluated on its own merits; subject to the provisions of this section, there will be no presumption that a public event occurring annually or otherwise periodically will qualify for a permit. The application must be accompanied by the then-applicable application fee and all other fees required under this chapter. The

application must be filed with the manager and, in addition to all other information reasonably requested by the manager, must include, without limitation, the following information:

- (a) A description of the proposed public event, including, without limitation, (i) the name and type of public event, (ii) the proposed date(s) and time(s) of the public event, (iii) a description and map indicating the proposed location(s) of the public event, (iv) the sponsoring organization(s), and (v) the number of reasonably anticipated attendees;
- (b) The names, addresses, and contact information of the applicant and each person acting as an organizer for the public event;
- (c) A traffic control plan that addresses likely traffic impacts that may result from the proposed public event and, if the public event is in any way mobile and/or uses streets, roads, sidewalks, bike paths, trails, and/or rights-of-way, a description and map indicating the proposed route through city;
- (d) If the public event includes a road closure and/or requires use of traffic control equipment, the traffic control plan will identify the roads proposing to be closed, vehicle traffic flow, including any detours or lane closures, and all required traffic control equipment;
- (e) Whether food and/or alcoholic beverages are expected to be sold, served, and/or otherwise made available or consumed by attendees;
- (f) If alcoholic beverages will be available at other than regularly licensed and permanently located establishments, an applicant will be required to provide a security plan for alcohol monitoring;
- (g) If food will be available at other than regularly licensed and permanently located establishments, the name(s) of food vendors who will be participating in the public event;
- (h) Evidence that the applicant has obtained (or will obtain) all applicable federal, state, and/or local licenses, certificates, registrations, and/or permits required for the public event (and the identification of such licenses, certificates, registrations, and/or permits), including, without limitation, approval from the OLCC, if applicable;
- (i) If the public event requires use of city water, the time(s) and date(s) that such service needs to be turned on and off;
- (j) For any citywide event, the names, addresses, and contact information of the person(s) acting as the designated event manager (on-site representative);
- (k) Identification of each transient merchant participating in the public event, including, without limitation, (i) each transient merchant's name, contact information, and type of business and/or activity to be conducted during the public event, and (ii) such other information the manager deems necessary or appropriate;
- (l) If required under subsection (2)(a) of this section, public safety plan and security plan addressing the requirements of subsection (2)(a) of this section;
- (m) Any other information that the manager deems necessary or appropriate to enable city to review the application and determine whether the public event qualifies for issuance of a permit, including, without limitation, verification of the identity of the applicant or authorized agent submitting the application on behalf of the applicant; and

(n) Tents and other temporary structures erected on city park lawns and other public places shall not be maintained in excess of a total of four days from May 1st through September 30th or seven days from October 1st through April 30th.

(2) Public Safety – Sanitation – Insurance.

(a) Public Safety. An applicant for a permit for a large public event and/or citywide event must submit plans for public safety (including applicable fire safety) and on-site EMS for the public event to the manager. If required by city, private security and on-site EMS must be retained to reasonably ensure that all attendees, volunteers, vendors, contractors, guests, and/or invitees behave in a lawful and civilized manner and have adequate on-site EMS available. The applicant's proposed private security and on-site EMS plans will be subject to the manager's approval. Security personnel will be properly trained, state certified, licensed, bonded, insured, uniformed, and unarmed. EMS personnel will be properly trained and, if required by city, approved by the Sisters–Camp Sherman rural fire protection district. An applicant may, in city's sole discretion, be required to submit additional background information, including, without limitation, names of security and EMS personnel.

(b) Sanitation. A permit may be issued only after adequate waste disposal facilities have been identified and obtained by the applicant. Adequate waste disposal facilities will be as determined by the manager.

(c) Amplification Systems. Applicants will ensure that amplifying equipment will be located and operated so as to ensure that noise levels of the public event location will comply with the provisions contained in Chapter [8.16](#) SMC, including, without limitation, applicable noise levels.

(d) Insurance. Permit applicants must obtain and maintain public event liability insurance concerning the public event with limits of not less than \$1,000,000 combined single limit for coverage of bodily injury and property damage, and \$2,000,000 in the aggregate. If alcohol will be served at the public event, liquor liability insurance will also be obtained and maintained by the applicant with minimum limits approved by the manager. Each liability insurance will (i) be the primary insurance policy for all covered losses, (ii) name city and city's representatives as additional insureds, and (iii) apply to, and provide coverage for, all injuries, claims, demands, actions, suits, proceedings, damages, liabilities, losses, costs, and expenses of any kind, including, without limitation, bodily injury and property damage, arising out of the public event. The liability insurance policy(ies) (and endorsements) required under this subsection will be in form and content satisfactory to city and will be provided to city for inspection at the time the application is submitted. Notwithstanding anything contained in this chapter to the contrary, the minimum insurance required under this section (i) will provide coverage in amounts sufficient to meet the minimum tort claim liability limits under applicable law, (ii) may be adjusted at any time and from time to time through council resolution or manager determination, and (iii) may be adjusted, waived, and/or modified by the manager for small public events and/or medium public events.

(3) Manager Review. Any application for a permit required under this chapter will be reviewed by the manager. The manager may approve, approve with conditions, or deny an application for a permit. The manager's approval of an application for a permit (or any part thereof) is not a guaranty, representation, and/or warranty of the correctness or suitability of the public event (including, without limitation, the public safety and/or EMS plans for the public event). The manager is authorized to make an investigation of the public event and will review the application and conduct whatever investigation the manager deems necessary or appropriate to determine whether the application is complete, the statements made therein are true and accurate, and whether the public event complies with this chapter and all applicable federal,

state, and/or local laws, regulations, and/or ordinances. No permit will be knowingly issued to any person concerning a public event that is prohibited by federal, state, and/or local laws, regulations, and/or ordinances. If the manager determines it necessary or appropriate, the manager may (a) impose any additional conditions, including, without limitation, any conditions necessary to preserve and/or protect city property and/or the right-of-way, and/or (b) waive and/or modify procedural and/or substantive conditions and/or requirements under this chapter. Notwithstanding this broad authority, the manager will act reasonably, in compliance with applicable federal, state, and local laws, regulations, and ordinances, and in a manner the manager reasonably believes is in city's best interests. The manager's decision on any given matter will not set any precedent nor bind future decisions of the manager. [Ord. [520](#) § 2 (Exh. A), 2021; Ord. [500](#) § 6, 2020].

5.10.060 Fees – Deposit.

(1) Permit Fee. The public event permit fee will be determined by council resolution. The permit fee may be increased or decreased at any time and from time to time by council resolution. The permit fee imposed under this chapter will be in addition to, and not in lieu of, any other city license and/or permit fees, charges, and/or taxes.

(2) Other Fees. The amount of any other fees and charges, including, without limitation, the application fee, equipment rental fees, and/or any utility service fees and charges, will be determined by council resolution. The fees and charges identified in the immediately preceding sentence may be increased or decreased at any time and from time to time by council resolution.

(3) Deposit. If an applicant has previously violated any provision of this chapter and/or any other city laws, regulations, and/or ordinances, city may require a deposit, in an amount determined by the manager, prior to issuing a permit. The deposit will be in addition to, and not in lieu of, any other license and/or permit fees, charges, and/or taxes imposed by city, including, without limitation, the application and permit fees. [Ord. [500](#) § 7, 2015].

5.10.070 General requirements.

(1) Hours of Operation – Duration of Public Event. No public event will be conducted in city during the hours of 10:00 p.m. and 7:00 a.m. without the manager's prior written approval. Hours of operation will be approved at the time the permit is issued. Each person issued a permit will be permitted to begin setting up for the day's event at 7:00 a.m. or at such other time authorized by the manager. Subject to the provisions of this chapter, a permit will be valid and effective for a period not to exceed four consecutive days in any seven-day period (which four-day period excludes the 24 hours after the conclusion of the public event for cleanup under subsection (3) of this section). No public event permit will be approved (and no public event will be conducted) during any day of a designated citywide event.

(2) Participation – Exclusive Use. No person will participate in a public event which that person (a) knows is required to have a permit under this chapter, and (b) knows or should know that the required permit was not obtained. No person will unreasonably interfere with a public event conducted pursuant to a permit issued under this chapter and/or any person, vehicle, and/or animal participating or used in such public event. Except as expressly provided otherwise in a permit, a permit does not grant a permit holder exclusive use of city property and/or right-of-way. No person will erect any temporary improvement, including, without limitation, fences, barriers, and/or tents, without the manager's prior written approval. Nothing contained in this chapter will be construed as imposing on city an obligation to otherwise secure any city property designated for exclusive use in a public event permit.

(3) Cleanup. All city property and rights-of-way will be cleaned of rubbish and debris, returning it to their previous pre-event condition, within 24 hours after the conclusion of the public event. If a person fails to

keep and maintain the public event location(s) in a clean condition, city may perform (or contract with another to perform) such cleanup as city deems necessary or appropriate, at the expense of the permit holder. Any costs or expenses incurred by city to perform a permit holder's maintenance and cleanup obligations will be payable by the permit holder immediately upon city's demand.

(4) **Release – Indemnification.** Nothing contained in this chapter will be construed as imposing on city and/or its officials or employees any liability or responsibility for any injury, damage, and/or destruction to person or property caused or in any way connected to the public event. City and city's representatives will not be deemed to have assumed any liability and/or responsibility by reasons of inspections performed, the issuance of any permit, and/or the approval of any use of the right-of-way. By accepting a permit issued under this chapter, each sponsor, organizer, and person issued a permit under this chapter will, on a joint and several basis, release, defend, indemnify, and hold harmless city and city's representatives for, from, and against all injuries, claims, demands, actions, suits, proceedings, damages, liabilities, losses, costs, and expenses of any kind whatsoever, including, without limitation, attorney fees and costs, arising out of or resulting from, whether directly or indirectly, the following: (a) the acts or omissions of the permit holder and/or its affiliates, officers, directors, shareholders, managers, members, employees, agents, representatives, vendors, attendees, and/or contractors in the establishment, maintenance, operation, attendance, and/or participation in the public event; and/or (b) permit holder's failure to comply with the requirements of this chapter.

(5) **Compliance with Laws.** Each public event, including, without limitation, a public event exempted under SMC [5.10.030](#)(2), must be conducted in accordance with all applicable federal, state, and local laws, regulations, and/or ordinances, including, without limitation, the Americans with Disabilities Act of 1990 (and the rules and regulations promulgated thereunder), and any ordinances, codes, rules, and/or regulations promulgated by city. The issuance of a permit does not authorize a public event to operate in violation of any applicable federal, state, and/or local laws, regulations, and/or ordinances. Issuance of a permit by city is not evidence that the applicant and/or public event is in compliance with, or exempt from, any applicable federal, state, and/or local laws, regulations, and/or ordinances. Issuance of a permit will not be construed to constitute permission to engage in any activity prohibited by federal, state, and/or local laws, regulations, and/or ordinances, or a waiver of any other regulatory or license requirement imposed under applicable federal, state, and/or local laws, regulations, and/or ordinances.

(6) **Transient Merchants.** Each person or organizer desiring to conduct a public event must submit a list (in such form and substance prescribed by city) identifying each transient merchant participating in the public event and containing the information required under SMC [5.10.050](#)(1)(k). The applicant must submit at least a preliminary list of any transient merchants participating in the public event (including, without limitation, the total number of proposed transient merchants even if specific transient merchants are not yet known) contemporaneously with the permit application required under this chapter and the applicant will provide a final list not less than 72 hours prior to the proposed public event (including, without limitation, identification of any additions and/or removals from the preliminary list), which shall not exceed the total number of transient merchants approved by city. Notwithstanding anything contained in this chapter to the contrary, each transient merchant participating in a public event will be subject to and comply with all applicable provisions contained in Chapter [5.35](#) SMC.

(7) **City Parks.** Each public event will be conducted subject to and in accordance with all applicable rules and regulations concerning the use of city's parks and/or city property. No medium public event, large public event, and/or citywide public event may be held, conducted, operated, and/or carried on at, on, and/or about Creekside Park. No large public event and/or citywide event may be held, conducted,

operated, and/or carried on at any city park within 10 days following the last day of a designated citywide event that was held, conducted, operated, and/or carried on at such park.

(8) Road Closure – Traffic Control. No request for a road closure in connection with a public event will be approved unless the public event traffic control plan identifies alternate routes, safety measures, and appropriate traffic control measures. Each traffic control plan will comply with all applicable laws, including, without limitation, all applicable federal, state, and local laws, regulations, codes, ordinances, and directives (including the Manual on Uniform Traffic Control Devices and/or the ODOT Temporary Traffic Control Handbook). Any road closure in connection with a public event will be conducted in such a manner intended to minimize any obstruction and/or disruption to traffic circulation (the organizer will provide adequate traffic control) and the organizer will ensure that the closure does not obstruct and/or prevent necessary police and fire emergency routes. Each sponsor, organizer, and person issued a permit will be responsible for all costs and expenses of a road closure, including, without limitation, any costs and expenses incurred by city to assist with and/or facilitate the road closure. Notwithstanding anything contained in this chapter to the contrary, city will not permit any closure(s) of city-owned and/or controlled roads in connection with a public event between the period commencing on the Friday immediately preceding Memorial Day and ending on the Monday of Labor Day weekend. The prohibition contained in the immediately preceding sentence does not apply to parades permitted under this chapter or any citywide public event. [Ord. [520](#) § 2 (Exh. A), 2021; Ord. [500](#) § 8, 2020].

5.10.080 No vested rights or privileges.

Nothing contained in this chapter may be construed as vesting any right or privilege in a permit or permit holder or a contract obligation on the part of city. [Ord. [500](#) § 9, 2020].

5.10.090 Permit denial, suspension, and revocation – Appeals – Penalties.

(1) Grounds for Denial, Suspension, Revocation. The manager may deny, suspend, and/or revoke a permit for any of the following: (a) the application is incomplete and/or fails to meet the requirements under this chapter; (b) fraud, misrepresentation, and/or false statement(s) contained in the application for a permit and/or willful withholding of information or incomplete disclosure concerning any matter required to be furnished in connection with any such application for a permit; (c) fraud, misrepresentation, and/or false statement(s) made in the course of carrying on the public event; (d) a violation of this chapter and/or the terms and conditions imposed under the permit; (e) conducting the permitted public event in an unlawful manner and/or in such a manner as to present an immediate danger to the health, safety, and/or general welfare of persons or property; (f) if denial, suspension, or revocation is necessary to prevent the loss, damage, and/or destruction of public property, and/or to preserve the public health, safety, and/or welfare; (g) failure to comply with any applicable federal, state, and/or local law, regulation, and/or ordinance, and/or any agreement with city; (h) failure to comply with any city application, license and/or permit requirements; and/or (i) failure to make any required utility payments or pay any other required fee or expense. After revocation, the permit holder may not conduct the public event or, if the public event has commenced, will immediately cause the public event to be terminated in a safe, proper manner.

(2) Investigation. If city receives complaints about any public event, the applicable permit may be reviewed by the manager.

(3) Notice of Denial, Revocation, or Suspension. The manager must provide to the applicant or permit holder notice of any permit denial, suspension, and/or revocation and the reasons thereof within a reasonable period of time after the manager's determination. All notices must be in writing and must be delivered to the applicant or permit holder at the address set forth in the permit application. Any notice will be deemed delivered upon actual receipt if delivered personally, via email or facsimile (with electronic

confirmation of delivery), or an overnight delivery service, or at the end of the third business day after the date deposited in the United States mail, postage prepaid, certified, return receipt requested. If the violation ends prior to the manager's notice of a permit denial, suspension, and/or revocation, the manager may discontinue any revocation proceedings. The notice will inform the applicant or permit holder of its appeal rights under this chapter.

(4) Appeal. A decision to deny, suspend, and/or revoke a permit may be appealed by delivering written notice of appeal to the manager within 10 days of the notice of denial, suspension, and/or revocation. Failure to file notice of appeal within the aforementioned 10-day appeal period is deemed a waiver of all rights to object to a permit denial, suspension, and/or revocation determination. Unless the manager has declared that immediate danger to the health, safety, and/or general welfare of persons or property exists, the manager's decision to revoke or suspend is stayed pending appeal. The manager will transmit the notice of appeal together with the file of the appealed matter to the council. Upon receipt of the notice and file, the council will fix a time and place for hearing the appeal. The council will give the appellant not less than 10 days' prior written notice of the time and place of hearing the appealed matter. The council will hear and determine the appeal on the basis of the written statement and any additional evidence the council considers appropriate or relevant, including any information provided by the manager. At the hearing, the appellant may present testimony and oral argument, personally or through legal counsel, and any additional evidence; provided, however, the rules of evidence as used by courts of law do not apply. The decision of the council is final and conclusive.

(5) Violation – Infractions. City may maintain an action in a court of competent jurisdiction to enforce the provisions of this chapter. Violation of or failure to comply with any provision of this chapter is punishable upon conviction by a fine not less than \$100.00 and not to exceed \$1,500 per violation, per day. City will be entitled to collect from any person violating or otherwise failing to comply with this chapter city's reasonable attorney fees and other fees, costs, and expenses incurred by city to enforce this chapter. Each violation, and each day that a violation continues, constitutes a separate civil infraction. The remedies available under this chapter are not exclusive of any other remedies available under any applicable federal, state, and/or local laws, regulations, and/or ordinances. It is within city's discretion to seek cumulative remedies for a violation of this chapter. [Ord. [520](#) § 2 (Exh. A), 2021; Ord. [500](#) § 10, 2020].

5.10.100 Administration.

The manager is responsible for the administration of this chapter. The manager may establish reasonable rules and regulations necessary or appropriate to carry out the purpose and intent of this chapter. Violations of any rules and/or regulations established by the manager pursuant to this chapter will be subject to the penalties described in this chapter. No person may violate or fail to comply with any rule or regulation established by the manager or willfully make any false or misleading statement to the manager regarding information relevant to the issuance of a permit. [Ord. [500](#) § 11, 2020].

[Mobile Version](#)

Public Events Fact Sheet

520 E. Cascade Avenue | PO Box 39 - Sisters, Or 97759 | ph. (541) 549-6022 | www.ci.sisters.or.us



Where can I locate information about public event application requirements? The public event application, supporting documents, and other information can be located on the City website at www.ci.sisters.or.us/publicworks/page/public-events

What is the governing document for public events? Standard requirements and penalties pertaining to public events in the incorporated City limits can be found in [Ordinance 500](#). Ordinance 500 was passed by City council in January 2020 and can be found on the City website in [Chapter 5.10](#) of the Municipal Code.

What is a public event? Public event(s) means any non-City organized activity, assembly, gathering, and/or event, including, without limitation, entertainment, recreation, sale of goods or services, and/or other common purpose to be undertaken by a person or organization, that:

1. Is anticipated to involve or attract 25 or more attendees
2. Is reasonably expected to place additional demand on public services, and/or
3. Affects the ordinary use of public property (e.g., public streets and/or other rights-of-way, trails, bike paths, sidewalks, etc.).

For purposes of Ordinance 500 "public event(s)" includes, without limitation, celebrations, parades, exhibitions, sports competitions, fairs, festivals, and block parties; provided, however, "public event(s)" does not include, without limitation, demonstrations and other lawful assemblies, which may include, without limitation, private social gatherings that will make no use of City property and/or right-of-way other than for lawful parking.

What are the application requirements for a public event? Each person or organizer desiring to conduct a public event for which a permit is required must apply for a permit to operate, engage, conduct, and/or carry on the public event on the public event permit application.

Large Event - An application for a permit must be submitted not less than 90 days prior to a proposed large public event and approved by City not less than 30 days prior to the proposed large public event.

Medium & Small Events - An application for a permit must be submitted to City not less than 60 days prior to a proposed medium public event and/or small public event and approved by City not less than 30 days prior to the proposed medium public event and/or small public event.

Each application will be evaluated on its own merits. There will be no presumption that a public event occurring annually or otherwise periodically will qualify for a permit. The application must be accompanied by the then applicable application fee and all other fees required under Ordinance 500.

The application must be filed with the city and, in addition to all other information reasonably requested by the manager, must include, without limitation, the following information:

(a) An event narrative or description of the proposed public event, including, without limitation:

1. the name and type of public event
2. the proposed date(s) and time(s) of the public event
3. a description and map indicating the proposed location(s) and event set-up

4. the sponsoring organization(s)
5. the number of reasonably anticipated attendees

(b) The names, addresses, and contact information of the applicant and each person acting as an organizer for the public event(s).

(c) A traffic control plan for large or City wide public event that addresses likely traffic and parking impacts that may result from the proposed public event and, if the public event is in any way mobile and/or uses streets, roads, sidewalks, bike paths, trails, and/or rights-of-way, a description and map indicating the proposed route through City.

(d) If the public event includes a road closure and/or requires use of traffic control equipment, the traffic control plan will identify the roads proposing to be closed, vehicle traffic flow, including any detours or lane closures, and all required traffic control equipment.

(e) Whether food and/or alcoholic beverages are expected to be sold, served, and/or otherwise made available or consumed by attendees.

(f) If alcoholic beverages will be available at other than regularly licensed and permanently located establishments, an applicant will be required to provide a security plan for alcohol monitoring.

(g) If food will be available at other than regularly licensed and permanently located establishments, the name(s) of food vendors who will be participating in the public event.

(h) Evidence that the applicant has obtained (or will obtain) all applicable federal, state, and/or local licenses, certificates, registrations, and/or permits required for the public event (and the identification of such licenses, certificates, registrations, and/or permits), including, without limitation, approval from the OLCC, if applicable;

(i) If the public event requires use of City water, the time(s) and date(s) that such service need to be turned on and off.

(j) For any City-wide event, the names, addresses, and contact information of the person(s) acting as the designated event manager (on-site representative).

(k) Identification of each transient merchant participating in the public event, including, without limitation:

1. each transient merchant's name, contact information, and type of business and/or activity to be conducted during the public event, and
2. such other information the manager deems necessary or appropriate

(l) If required under Section 6.2(a) of Ordinance 500, public safety plan and security plan addressing the requirements of Section 6.2(a); and

(m) Any other information that the manager deems necessary or appropriate to enable City to review the application and determine whether the public event qualifies for issuance of a permit, including, without limitation, verification of the identity of the applicant or authorized agent submitting the application on behalf of the applicant.

What events are exempt? A permit will not be required for the following public event(s):

- (a) A public event conducted on any district (Sisters School District No.6, Sisters-Camp Sherman Fire Protection District, and Sisters Park and Recreation District) and/or county property if:
 - 1. no significant public health, safety, and/or welfare concerns are present,
 - 2. no additional demand on police services and/or other City services is anticipated, and
 - 3. the public event will not affect the ordinary use of public property (e.g., public streets and/or other rights-of-way, trails, bike paths, sidewalks, etc.).
- (b) A public event conducted entirely on private property if:
 - 1. no significant public health, safety, and/or welfare concerns are present,
 - 2. no additional demand on police services and/or other City services is anticipated, and
 - 3. the public event will not affect the ordinary use of public property (e.g., public streets and/or other rights-of-way, trails, bike paths, sidewalks, etc.).

What is the required event narrative and site plan? The event narrative is a summary that describes the event in more detail. It typically includes type of event, purpose, audience or attendees, type of support is needed (i.e. power, picnic tables, irrigation on/off dates, do sprinklers need to be identified & marked if your event is a race, etc.). The site plan is a rendering of how you will arrange the site.

Am I required to carry insurance coverage? Yes. Permit applicants must obtain and maintain public event liability insurance concerning the public event with limits of not less than \$1,000,000.00 combined single limit for coverage of bodily injury and property damage, and \$2,000,000.00 in the aggregate. If alcohol will be served at the public event, liquor liability insurance will also be obtained and maintained by the applicant with minimum limits approved by the manager.

The minimum insurance required will (a) provide coverage in amounts sufficient to meet the minimum tort claim liability limits under applicable law, (b) may be adjusted at any time and from time to time through council resolution or manager determination, and (c) may be adjusted, waived, and/or modified by the manager for small public events and/or medium public events.

Are there public safety issues I need to consider outside of the traffic control plan? Yes. An applicant for a permit for a large public event and/or City-wide event must submit plans for public safety (including applicable fire safety) and on-site EMS for the public event. If required by City, private security and on-site EMS must be retained to reasonably ensure that all attendees, volunteers, vendors, contractors, guests, and/or invitees behave in a lawful and civilized manner and have adequate on-site EMS available. If applicable, flagging shall be required as a condition of approval.

Do I receive exclusive right to a public park or other City property if I obtain a public event permit? No. Except as expressly provided otherwise in a permit, a permit does not grant a permit holder exclusive use of City property and/or right-of-way. No person will erect any temporary improvement, including, without limitation, fences, barriers, and/or tents, without the manager's prior written approval.

Am I responsible for cleaning up my venue site? Yes. All City property and rights-of-way will be cleaned of rubbish and debris, returning it to its previous pre-event condition, within 24 hours after the conclusion of the public event. If a person fails to keep and maintain the public event location(s) in a clean condition, City may perform (or contract with another to perform) such clean-up as City deems necessary or

appropriate, at the expense of the permit holder. Any costs or expenses incurred by City to perform a permit holder's maintenance and clean-up obligations will be payable by the permit holder immediately upon City's demand.

How does the deposit work? The deposit sum will vary depending on size of event and number of days. They are as follows:

- **Small Event** (25-75 Attendees) is a \$100.00 deposit for the first day and \$50.00 for each additional day.
- **Medium Event** (76-250 Attendees) is a \$200.00 deposit for the first day and \$100.00 for each additional day.
- **Large Event** (251 or More Attendees) is a \$500.00 deposit for the first day and \$300.00 for each additional day.
- **City Wide Event** is a \$2,000.00 deposit for the first day and \$300.00 for each additional day.

The permit fee imposed under Ordinance 500 will be in addition to, and not in lieu of, any other City license and/or permit fee, and/or taxes.

A site inspection will be completed after the event. Any damage will be assessed with other Public Works fees for labor and equipment. The Finance Department will issue an invoice for an amount still owed to the City or any funds to be returned if there is a balance due to the applicant. Deposits are typically returned within 60 days if any additional cost is not assessed.

How are application fees calculated? Fees are calculated based on a time and materials basis. Fees for labor and equipment are on Page 2 of the Public Event Permit Application. Additional factors that will contribute are Transient Merchant fees, or Alcohol Consumption Permit fees.

Who arranges or sets up my picnic tables, traffic barricades, or traffic cones? You do. Public Works crew will ensure the number requested is dropped off. The applicant is responsible for placement of equipment per your site plan.

It's the day of my event. What do I need to do? You will need to meet a representative of the Public Works crew in advance of your event if access to power or mechanical equipment is needed for your event. **Note:** It is important that you keep your agreed to meeting time. All Public Works time and labor will be billed regardless. You will also need to stay on site if access is given to power and mechanical room.

Who do I call the day of my event if I have questions? You will need to call the Public Works "on-call" number located at the bottom of the issued work order that you will receive a copy of if you have questions about equipment.

What noise or sound issues should I consider? Applicants will ensure that amplifying equipment will be located and operated to ensure that noise levels of the public event location will comply with the provisions contained in [Chapter 8.16](#) of the Municipal Code, including, without limitation, applicable noise levels.

Who needs to apply for the Alcohol Consumption Permit? Any event where alcohol will be served and/or distributed. In most cases your caterer applies for the [permit](#). The applicant and/or the caterer shall check with Oregon Liquor Control Commission (OLCC) for any other needed licenses.

Do I need to pay a Transient Merchant Fee for my event? Only if your event includes transient merchants. Each person or organizer desiring to conduct a public event must submit a list identifying each transient merchant participating in the public event. The applicant must submit the list contemporaneously with the permit application required under [Ordinance 500](#); provided, however, the applicant will notify City in writing of any modifications to the list not less than 72 hours prior to the proposed public event, including, without limitation, the addition (and/or removal) of any transient merchants participating in the public event.

What is a City-Wide Event? Subject to the provisions of Ordinance 500, the manager will review and evaluate any application for City-wide event designation. In evaluating an application for the designation, the manager may consider such factors, criteria, and characteristics of the proposed event the manager deems necessary or appropriate to determine whether a proposed public event is a City-wide event, including, without limitation, that the event can be viewed by the public outside of the immediate event footprint or boundaries, and/or the estimated amount of total City staff hours and/or police officer hours to be assigned to the event is anticipated to exceed 20 hours.

Notwithstanding the immediately preceding sentence, no public event will be designated as a City-wide event unless:

- (a) the event is expected to draw a significant Citywide and/or regional crowd with not less than 2,000 attendees, and
- (b) the event is a recurring event held in City for at least three of the last five years.

A public event that otherwise satisfies the requirements of the immediately preceding sentence must apply for and obtain the City-wide event designation in accordance with this Section 5 of Ordinance 500.

City will maintain an annual calendar listing the date(s) of each designated City-wide event. Subject to the provisions of Ordinance 500, designated City-wide events have precedence over public events proposing to be conducted during the City-wide event. As of the effective date of Ordinance 500, the following are designated City-wide events:

1. Sisters Outdoor Quilt Show-July (typically second weekend of the month)
2. Sisters Harvest Faire-October (generally the second weekend of the month)
3. Sisters Folk Festival-September (typically the second weekend of the month)

City-Wide Event Regulations. Notwithstanding anything contained in Ordinance 500 to the contrary:

- (a) each City-wide event will be conducted in compliance with all applicable provisions of Ordinance 500, including, without limitation, the general requirements contained in Section 8, and
- (b) no more than one City-wide event will be permitted and/or conducted per month during a calendar year. In addition to and not in lieu of all other applicable requirements under Ordinance 500, no public event may be held, operated, conducted, and/or carried on during any day during which a City-wide event occurs in City.

During each City-wide event, the organizer will designate an event manager to act as an on-site representative responsible for ensuring the City-wide event is conducted in accordance with Ordinance 500. The event manager will be available on-site and at the phone number provided in the permit application while the City-wide event is occurring.

New Regulations Effective January 1, 2021

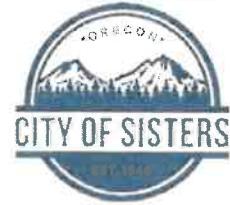
How long can I rent a park venue and have my event tent stay up? Subject to the provisions of Ordinance 500, a permit will be valid and effective for a period not to exceed four (4) consecutive days in any seven-day period. No public event permit will be approved (and no public event will be conducted) during any day of a designated City-wide event.

Are there other issues relating to parks coming in January 2021? Yes. No medium public event, large public event, and/or city-wide public event may be held, conducted, operated, and/or carried on at, on, and/or about Creekside Park. No large public event and/or city-wide event may be held, conducted, operated, and/or carried on at any city park within ten (10) days following the last day of a designated city-wide event that was held, conducted, operated, and/or carried on at such park.

What are the rules regarding road closures for my public event if needed? City will not permit any closure(s) of City-owned and/or controlled roads in connection with a public event between the period commencing on the Friday immediately preceding Memorial Day and ending on the Monday of Labor Day weekend.

Public Event: Applicant Permit Checklist

520 E. Cascade Avenue | PO Box 39 - Sisters, Or 97759 | ph. (541) 549-6022 | www.ci.sisters.or.us



Use this checklist to confirm you are submitting a complete permit application. Check each section that applies and note N/A for those that do not. Return the checklist with the application.

- Complete [Public Event Application](#):** (Required)
- Event Narrative:** (Required) Provide a description of the proposed public event and a map indicating the proposed location(s) and event set-up. See the attached public events fact sheet for more information.
- Site Plan or Map:** (Required) and **Traffic Plan** (If applicable)
Show distance on site plan and map if setbacks apply for:
 - Whychus Creek set-back: [Municipal Code Chapter 5.10](#)
 - Cascade Ave. set-back: [Municipal Code Chapter 5.10](#)
- Initial deposit:** (Required) - See page two of public event application
- Insurance Certificate Naming the City of Sisters as Additional Insured:** (Required) – Permit applicants must obtain and maintain public event liability insurance concerning the public event with limits of not less than \$1,000,000.00 combined single limit for coverage of bodily injury and property damage, and \$2,000,000.00 in the aggregate.
- Public Safety:** An applicant for a permit for a large public event and/or city-wide event must submit plans for public safety after consulting with the Deschutes County Public Health Department, Sheriff's Office, and Sisters-Camp Sherman Rural Fire District. Include applicable fire safety and on-site Emergency Medical Services plans.
- Alcohol Consumption:** If alcoholic beverages are available and/or distributed at other than regularly licensed and permanently located establishments, an applicant will be required to provide a security plan for alcohol monitoring, an [Alcohol Consumption Permit](#), all applicable Oregon Liquor Control Commission (OLCC) licenses and proof of liquor liability insurance.
- Noise Permit:** (If applicable to the event) Applicants shall submit a [Noise Permit](#) if noise levels are expected to exceed limits in [Chapter 8.16](#). Applicant will ensure that amplifying equipment will be located and operated to ensure that noise levels will comply with the provisions contained in [Chapter 8.16 of the Sisters Municipal Code](#).
- Transient Merchant Fee:** (If applicable to the event) A list identifying each transient merchant participating in the public event, including, without limitation: each transient merchant's name, contact information, and type of business and/or activity to be conducted during the public event, and such other information the manager deems necessary or appropriate.

NOTE: Incomplete Public Event Permit Applications Cannot be Accepted, and Will be Returned.

If you have any questions or need assistance completing your Public Event Permit Application, contact Troy Rayburn at trayburn@ci.sisters.or.us

Public Event Application

520 E. Cascade Avenue | PO Box 39 - Sisters, Or 97759 | ph. (541) 549-6022 | www.ci.sisters.or.us



APPLICATION TYPE

SMALL EVENT <u>25-75 ATTENDEES</u>	MEDIUM EVENT <u>76-250 ATTENDEES</u>	LARGE EVENT <u>251+ ATTENDEES</u>	CITY WIDE EVENT <u>SEE FACT SHEET</u>
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ORGANIZATION INFORMATION

Organization Name: _____
Applicant (First, Last): _____
Mailing Address: _____
Email Address: _____ Cell #: _____ Alt #: _____

EVENT INFORMATION

Description of Event: _____
Event Location: _____
Date(s) of Event: _____
Time(s) of Event: _____ Attendance: _____

LIABILITY

The applicant must be at least 21 years of age and must assume financial responsibility for payment of fees, set-up and clean up, and any damages to equipment and/or property which may be incurred. Abuse of facilities or violation of regulations shall result in subsequent denial of use of parks/facilities. Applicant must provide adequate supervision of scheduled event. The City of Sisters is not responsible for the security of personal items of the applicant or attendees/guests of the event. The City of Sisters reserves the right to deny use of facilities to the applicant. Parking allowed only in designated area, unless other arrangements have been made.

WAIVER

I, and/or the organization I represent understand that any violation of these agreements or City Code will result in forfeiture of event fee, immediate termination of event, and jeopardize future use of City of Sisters' facilities. User agrees to indemnify, defend, and save and hold City of Sisters, its affiliates and their respective directors, officers, and employees, and agents of the City of Sisters harmless from and against any claims (including without limitation, third party claims for personal injury or real or personal property damage), actions, administrative proceedings, judgments, damages, punitive damages, penalties, fines, cost, liabilities, (including sums paid in settlement of claims), interest, or losses, including reasonable attorney's and paralegal's fees and expenses (including without limitation, any such fees and expenses incurred in enforcing this agreement or City Code, or collecting any sums due hereunder, costs, consultants' fees, together with all other costs and expenses of any kind or nature that arise directly or indirectly from the use of the facilities by user).

As a condition of use of the City of Sisters' facilities, the applicant agrees that it will not discriminate or permit discrimination at or in relation to applicant's event against any person on the basis of race, color, creed, national origin, age gender or disability.

Applicant Signature _____ Title _____ Date _____

DEPOSIT

Public Event Application

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Event Size:

Small Event (25-75)

Deposit Rate (1 st Day)	\$ 100.00	\$ _____
# of additional Days	_____	
Each Additional Day	\$ 50.00	\$ _____
Total Small Event		\$ _____

Medium Event (75-250)

Deposit Rate (1 st Day)	\$ 200.00	\$ _____
# of additional Days	_____	
Each Additional Day	\$ 100.00	\$ _____
Total Medium Event		\$ _____

Large Event (251 or More)

Deposit Rate (1 st Day)	\$ 500.00	\$ _____
# of additional Days	_____	
Each Additional Day	\$ 300.00	\$ _____
Total Large Event		\$ _____

City Wide Event

Deposit Rate (1 st Day)	\$2,000.00	\$ _____
# of additional Days	_____	
Each Additional Day	\$ 300.00	\$ _____
Total City-wide Event		\$ _____

DEPOSIT AMOUNT DUE (FROM ABOVE) AT TIME OF APPLICATION SUBMITTAL \$_____

*The City has estimated the cost of processing a small, medium, large, and City-wide events. After completion of the event the actual costs will be determined (see fee schedule below), and any remaining deposit balance will be refunded, or any additional cost will be assessed for applicant to pay forthwith, including all staff labor associated with the event. Initial_____

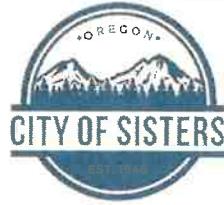
EVENT FEE SCHEDULE*
(USE FOR ESTIMATING PURPOSES ONLY)

Alcohol Consumption Permit (each/per day)	\$ 10.00	Estimated Qty_____
Beer Garden Fee	\$250.00	Estimated Qty_____
Transient Merchant Fee (each/per event)	\$ 20.00	Estimated Qty_____
Event Ahead Sign (each/per day)	\$ 10.00	Estimated Qty_____
Traffic Cones (each/per day)	\$ 2.50	Estimated Qty_____
Type II Barricade (each/per day)	\$ 5.00	Estimated Qty_____
Type III Barricade (each/per day)	\$ 10.00	Estimated Qty_____
Picnic Tables (each/per day)	\$ 10.00	Estimated Qty_____
Portable Power Box (each/per day)	\$ 30.00	Estimated Qty_____
20 Amp Electric (per circuit/per day)	\$ 10.00	Estimated Qty_____
50 Amp Electric (per circuit/per day)	\$ 25.00	Estimated Qty_____
Applicant's Event Tent (each/per day)	\$100.00	Estimated Qty_____
Public Works Hourly Labor (per employee)	\$ 40.00	
Public Works Hourly Overtime Labor (per employee)	\$ 60.00	
Administrative Hourly Labor (per employee)	\$ 60.00	

* Labor charges will be incurred for delivery and pick up of rental equipment Initial_____

Public Event Application

520 E. Cascade Avenue | PO Box 39 - Sisters, Or 97759 | ph. (541) 549-6022 | www.ci.sisters.or.us



THIS PAGE IS FOR OFFICIAL USE ONLY

PERMIT SUBMITTALS

Transient Merchant List	Yes _____	N/A _____
City Wide Event Manager	Yes _____	N/A _____
Name of Event Manager	_____	
Traffic Control Plan	Yes _____	N/A _____
EMS/Public Safety Plan	Yes _____	N/A _____
Road Closure	Yes	N/A

Public Works Director Signature: _____ Date _____

Oregon Department of Transportation Signature: _____ Date _____

Deschutes County Department of Public Health: _____ Date _____

Deschutes County Sheriff's Office Signature: _____ Date _____

Sisters-Camp Sherman Fire Department Signature: _____ Date _____

Conditions of Approval: _____

INSURANCE WAIVER

Applicant has obtained and submitted Liability Insurance in the amount and for the purpose required by the City of Sisters. Certification of Insurance is attached.

Staff Signature: _____ Date: _____

APPROVAI

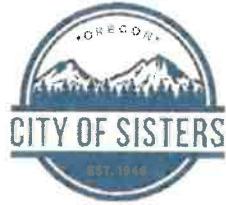
PERMIT FOR PUBLIC EVENT: Permission for the above-named applicant to conduct the Public Event specified herein is hereby granted:

City Manager _____ **Date** _____

Application Received Date: _____ Staff Initials _____
Payment Received Date: _____ Payment Type: _____ Staff Initials _____
Emailed Deschutes County Sheriff's Office: _____ Staff Initials _____
Emailed Sisters-Camp Sherman Fire Department: _____ Staff Initials _____
Application Approved Date: _____ Staff Initials _____
Updated Event Calendar Date: _____ Staff Initials _____
Permit Number: _____
Deposit Released Date: _____ Public Works Director Signature _____
Invoiced (if applicable) _____

Noise Permit

520 E. Cascade Avenue | PO Box 39 - Sisters, Or 97759 | ph. (541) 549-6022 | www.ci.sisters.or.us



Applicant Name: _____

Applicant Organization or Business: _____

Applicant Email: _____

Applicant Mailing Address: _____

Phone Number: _____

Event Name/Description: _____

Event Location: _____

Event Start Date: _____ Event End Date: _____

Event Start Time: _____ Event End Time: _____

Person Responsible at This Event While Noise is Generated: _____

Phone Number: _____

Reason Noise Permit is Being Sought: _____

Noise Control Measures: _____

Expected Maximum Noise Level: _____

Type & Date of Required Notice: _____

Mail Newspaper Hand Delivered Posting at Location

This permit is issued pursuant and subject to Sisters Municipal Code Section 8.16. If the noise is creating a disturbance, the Deschutes County Sheriff's deputy may require the volume be lowered to a level that complies with the city code or may revoke this permit. Applicant agrees to immediately comply with any such directive from the Sheriff's Office.

Signature: _____ Date: _____

For Official Use Only

Grant Grant with Conditions Deny

City Manager

Date

Copies to File and Sheriff's Department

Alcohol Consumption Permit

520 E. Cascade Avenue | PO Box 39 - Sisters, Or 97759 | ph. (541) 549-6022 | www.ci.sisters.or.us



The City of Sisters Authorizes:

Name _____

D.O.B. _____

Street Address _____

City _____

State _____

Zip _____

Driver's License Number _____

Telephone Number _____

To Serve Alcohol at the:

Location _____

Type of Event _____

Date of Event _____

Hours of Event: _____
From _____ To _____

RESPONSIBILITY STATEMENT:

User agrees to indemnify, defend, and save and hold City of Sisters, its affiliates and their respective directors, officers, and employees, and agents of the City of Sisters harmless from and against any claims (including, without limitation, third party claims for personal injury or real or personal property damages), actions, administrative proceedings, judgments, damages, punitive damages, penalties, fines, cost, liabilities, (including, sums paid in settlement of claims), interest, or losses, including reasonable attorney's and paralegal's fees and expenses (including without limitation, any such fees and expenses incurred in enforcing this Agreement or collecting any sums due hereunder), costs consultant's fees and experts' fees, together with all other costs and expenses of any kind or nature that arise directly or indirectly from the use of the Facilities by User.

Signature _____ Date _____

Approval for the above-named applicant is hereby granted.

City Manager

Date

For Office Use Only

Received: _____ Fee Paid: _____

TOWN OF BUTTE FALLS

SPECIAL EVENTS

POLICY

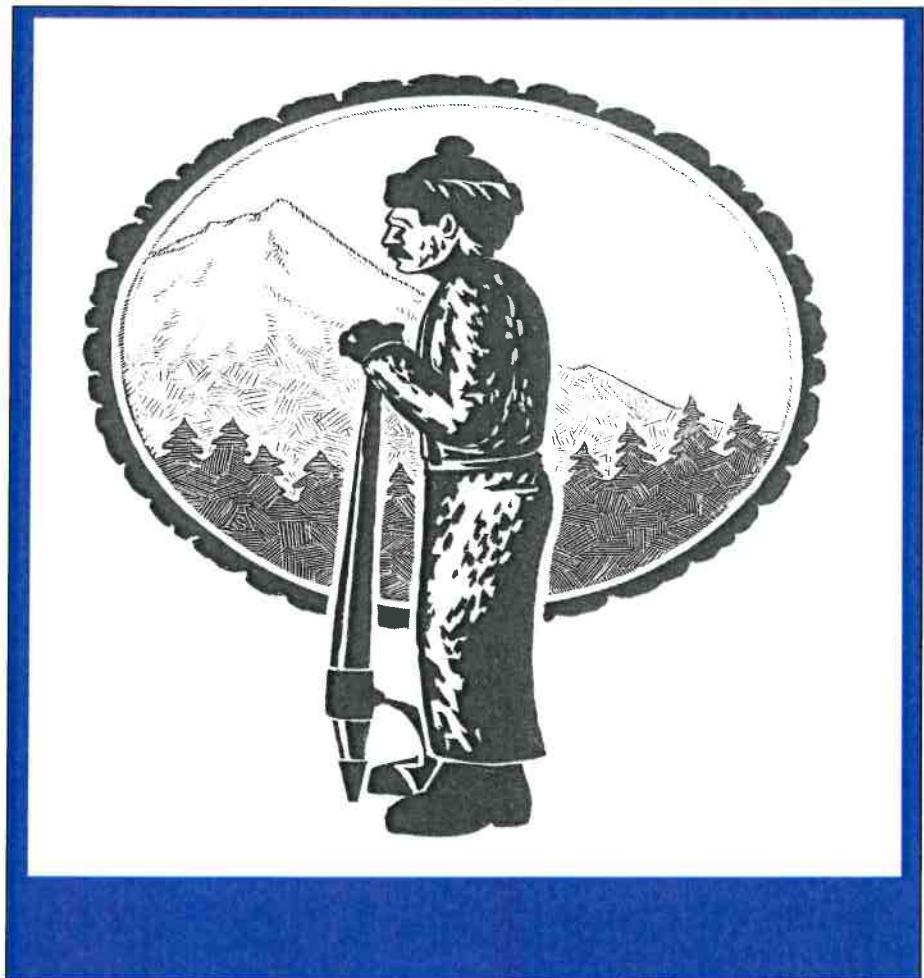


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I) Purpose

It is the purpose of this document to establish a process for permitting special events conducted on city streets, public property, parks or facilities. It is recognized that these special events enhance the Town of Butte Falls lifestyle and provide benefits to the citizens through the creation of unique venues for expression and entertainment that are not normally provided as a part of governmental services. Additionally, it is recognized that Tax-exempt Non-profit Organizations that benefit the community are central to the quality of life in Butte Falls and that they often develop through their special events the resources to provide essential services to the citizens of the Town of Butte Falls. It is further intended to provide coordinated policies for the regulation of certain activities to be conducted in conjunction with special events, to ensure the health and safety of patrons of special events, to prohibit illegal activity from occurring within special event venues, and to protect the rights and interests granted a special event permit holder. It is further intended to create a mechanism for cost recovery and revenue sharing for special events without having an adverse effect on those events that contribute economically and socially to the community. It is also the intent of the Town of Butte Falls to protect the rights of its citizens to engage in protected free speech expression activities and yet allow for the least restrictive and reasonable, time, place and manner regulation of those activities within the overall context of rationally regulating special events that have an impact upon public facilities and services.

II) Definitions

As used in this policy:

“Special Event” means an activity that meets any one of the following definitions:

- (a) Any organized formation, parade, procession or assembly which may include animals, vehicles or any combination thereof, which is to assemble or travel in unison on any street which does not comply with normal or usual traffic regulations or controls.
- (b) Any organized assemblage anticipated to include 100 or more persons at any one time, or over the duration of the event, on any public property, public park or facility which is to gather for a common purpose under the direction and control of a person, organization or company.
- (c) Any other organized activity conducted by a person, organization or company for a common or collective use, purpose or benefit which involves the use of, or has an impact on a public property, park or facility that requires city services beyond those conveyed in the course of normal and usual town operation.
- (d) Any other organized activity conducted by a person, organization or company that proposes to utilize any public property, park or facility in a manner inconsistent with the design and normal and usual function of such property, park or facility.
- (e) Any organized activity conducted by a person, organization or company on any public property, park or facility that plans to sell alcoholic beverages.
- (f) Any organized activity conducted by a person, organization or company on any public property, park or facility that plans to charge an admission fee.
- (g) Examples of special events include, but are not limited to, concerts, parades, circuses, fairs, festivals, community events, mass participation sports (such as, marathons and running events, bicycle races or tours, etc.).

“Commercial Special Event” means any special event organized and conducted by any person, organization or company that does not qualify as a Tax-exempt Non-profit Organization or governmental agency.

“Non-Commercial Special Event” means any special event organized and conducted by a person, organization or company that qualifies as a Tax-exempt Non-profit Organization.

“Town-Sponsored Special Event” means any special event directly organized and conducted by the Town of Butte Falls or any special event organized by a Non-Commercial Event Organizer that the town has elected to support through appropriation of funds within the town’s budget.

“Town-Sanctioned Special Event” means any special event approved to receive funding through the Town-Sanctioned Special Event Grant Program.

“Event Organizer” means any person, organization or company, who conducts, managers, promotes, organizes, aids or solicits attendance at a special event.

“Fees” means charges to event organizers for town services, venue usage and permits.

“Town Services” means those services provided by the town that are required and/or necessary for event production.

“Cost Recover” means direct payment by an event organizer to the town in compensation for the direct costs of town services incurred during the special event.

“Special Event Permit” means a permit issued by the town which authorizes the use of a public property, park or facility for a special event.

“Special Event Venue or Event Venue” means that area for which a special event permit has been issued.

“Street” means a way or place of whatever nature, publicly maintained and open to use of the public for purposes of vehicular travel.

“Tax-exempt Non-profit Organization” means an organization that is exempted from payment of income taxes by federal or state law.

“Vendor” means any person who sells or offers to sell any goods, food, or beverages within a special event revenue.

“Gross Revenues” means the sum of all revenues received by an event organizer for a special event, including, but not limited to, cash receipts, licensing, sponsorships, advertising and similar revenues, and concessions.

III) Delegation of Town Council Authority

The town council delegates any or all functions under this policy to the city recorder's office, unless otherwise specified.

IV) Application for Permits

A) Special Event Permit Required

- 1) For any person, organization or company to conduct, promote, manage, aid, or solicit attendance at a special event, the person, organization or company shall obtain a special event permit from the Town of Butte Falls.
- 2) The Town is authorized to:
 - Issue permits for special events occurring within the city limits pursuant to the procedures established by the town.
 - Is authorized to determine the special event venue.
 - Set reasonable boundaries for the special event venue, balancing the special event requirements and public health, safety, and welfare.

B) Exemptions to Special Event Permit Requirements

- 1) The following activities are exempt from the special event permit requirement:
 - funeral processions by a licensed mortuary; or,
 - athletic contests and their related activities,
 - Town of Butte Falls' games, practices and or other activities; or,
 - Private activities conducted entirely within the Town's city limits.
 - All activities conducted at The Landing.
- 2) Although not required to obtain a special event permit, an event organizer of an activity exempted pursuant to Item 1 above, is required to comply with all regulations established by the town for the intended public property, park or facility; contact and coordinate the use of the public property, park or facility with the authorized managing town agency; and comply with regulations governing public safety or health.

C) Application Deadlines

Any person, organization or company seeking the issuance of a special event permit shall apply by filing a completed special event permit application with the town not less than sixty (60) calendar days, nor more than two (2) years, before the proposed special event date(s).

D) Application Fee

No special event permit application shall be considered unless or until the applicant shall have paid a \$20.00 application fee. No refund of the application fee will be made unless the applicant is denied approval of a special event permit or the event venue is altered or changed in such a manner as to make the proposed event venue unsuitable for the proposed event. The town is not responsible for any costs incurred by the event organizer if such site changes and/or alterations do occur.

E) When Application is Deemed Fully Executed

A special event permit application is deemed fully executed when the applicant has provided all of the information required and requested on the special event permit application and the town has approved the application.

F) Indemnification and Reimbursement Agreement

No special event permit application shall be granted unless the applicant has executed an agreement with the town, on a form prescribed by the town, in which the applicant promises and covenants to reimburse the town for any costs incurred by the town; and to indemnify the town and hold it harmless from any liability to any person resulting from any damage or injury occurring in the connection with the permitted special event caused by the action of the permittee, the event organizer, its officers, employees or agents or any person under their control insofar as permitted by law.

G) Payment of Town Services

Unless otherwise indicated by the town, the town will invoice the event organizer following the conclusion of the event for the cost of town services provided for the event. The event organizer must pay all invoices within thirty (30) calendar days; thereafter, applicable late fees will apply.

H) Security Deposit

The town may require an event organizer to prepay, in the form of a security deposit, a portion or all of the estimated costs of town services for the proposed special event. The applicant will be notified of the security deposit requirement at the time of official response from the town to the special event permit application. A security deposit must be paid no later than twenty (20) calendar days prior to the start of the proposed special event. The town reserves the right to revoke a special event permit for non-payment of a required security deposit. A security deposit may be required at the town's discretion when:

- The event organizer has never before hosted a special event within the Town of Butte Falls.
- The event organizer is not a resident of Butte Falls or is not a business located within Butte Falls.
- The person applying as the event organizer is not doing so on behalf of a legal corporation.
- The town believes there may be some reason it will have difficulty being reimbursed for its costs after the special event.

I) Insurance

The applicant shall procure and maintain at all times during its use of the event venue, insurance in such amounts and with such coverage as shall reasonably be required by the town and shall name the "Town of Butte Falls, its officers, officials, employees and agents" as an additional insured thereunder. The Town of Butte Falls City Recorder based upon the nature of the activity and the risk involved, shall determine the amounts and type of insurance required. The applicant shall provide the town with a certificate from an insurer evidencing such coverage no later than fifteen (15) calendar days prior to applicant's use of the event venue. The certificate shall also provide that the insurer shall give the town reasonable advance notice of the insurer's intent to cancel the insurance coverage provided.

J) Permits Not Transferable

No special event permit or conditional approval may be transferred.

K) Order

Special event permit applications shall be considered and processed in order of receipt by the town. The use of a particular public event venue or part thereof shall be allocated in order of receipt of fully completed applications accompanied by the application fee.

L) Amendment or Revision of Application

Any amendment or revision of a special event permit application shall for purposes of determining its order of priority, relate back to the original filing date. However, the time in which the town shall grant or deny the application for the permit and serve notice of such granting or denial shall be computed from the date of the amendment or revision. No amendment or revision of a special event permit application, except those related solely to minor venue layout changes or other minor event logistics, will be accepted within sixty (60) calendar days from the start of the proposed special event.

M) Conditional Approval

Special event permit applications which require insurance approval(s), security deposit payment or permits from other governmental entities, or compliance with other terms or conditions, will be reviewed and, if the application otherwise conforms to all other requirements, a conditional approval will be issued. If, within the time prescribed by the town, any required fee or security deposit is not paid, or an insurance certificate evidencing the requisite insurance is not filed with the town, or approval or permit of other governmental entities has not been received, or the other terms and conditions have not been met, the conditional approval will automatically expire, the application for permit will be deemed denied. In such instances, the town will make no refund of the application fee.

N) Special Event Permit Application Review

All special event permit applications are subject to review by the town. Event organizers may be requested to meet with town representatives to review event plans, layout and all other event logistics prior to the official decision and notification of approval or denial of the Event's application.

O) Written Notice of Approval or Denial

Applicant will be notified within thirty (30) calendar days of the date on which a special event permit application is fully completed and filed with the town of approval or denial. However, the City may extend the period of review for an additional fifteen (15) days by issuance of a written notice of extension.

P) Notice of Extended Review or Denial of Permit

Written notice of denial or notice of extension shall be served on the applicant by personal delivery, or by United States mail to the name and address set forth on the application for permit.

Q) Contents of Notice; Grounds for Denial

Notice of denial of a special event permit application shall clearly set forth the grounds upon which the permit was denied and, where feasible, shall contain a proposal by the town for measures by which the applicant may supply additional information or amend their original application to accommodate permit approval. In the event a fully executed prior application for the same time and/or venue has been received, and a permit has been or will be granted, the town shall propose an alternative venue, if available for the same time, or an alternative time, if available for the same venue.

To the extent permitted by law, the town may deny a special event permit application if the applicant or the person on whose behalf the application was made has on a prior occasion made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of a prior special event permit issued on behalf of the applicant.

The town may also deny a special event permit application on any of the following grounds:

- 1) An application (including required attachments and submissions) is not fully completed.
- 2) An applicant has not tendered the required application fee or has not tendered the required user fee, indemnification agreement, insurance certificate, or security deposit within the deadlines prescribed by the town.
- 3) An application contains a material falsehood or misrepresentation.
- 4) An applicant is legally incompetent to contract or to sue and be sued.
- 5) An applicant or person on whose behalf the application was made has on prior occasion damaged a public property, park or facility and has not paid in full for such damage, or has other outstanding and unpaid debts to the town.
- 6) A special event permit application for the same time and venue has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular public property.
- 7) The use or activity intended by the applicant would violate the terms of the town's special event exclusivity granted a prior applicant that has been or will be granted approval.
- 8) The applicant requests use of an event venue that is unavailable based on first come, first serve.
- 9) The proposed use or activity would conflict with previously planned programs, projects, activities or events organized and conducted by the town.
- 10) The proposed use or activity is prohibited by or unsuitable for the uses of the event venue.
- 11) The proposed use or activity would present an unreasonable danger to the health or safety of the applicant, or other users of the public property, park or facility, of town personnel, or of the public.
- 12) An applicant has not complied or cannot comply with applicable licensure requirements, fees, taxes, ordinances or regulations of the town.
- 13) The proposed use or activity is prohibited by law, by town ordinance, or by the regulations of the venue's governing public agency.
- 14) Due to limited resources and personnel capacity, the town is not able to provide the required or requested resources and/or personnel for the proposed special event, or has committed those resources and/or personnel within a similar time frame to a prior applicant.
- 15) The proposed use or activity will substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route.
- 16) The proposed use or activity would cause an unresolvable conflict with construction or development in the public right-of-way or at a public facility.
- 17) The proposed use or activity will have unmitigated adverse impact upon residential or business access and traffic circulation in the vicinity of the event venue.
- 18) An applicant has not provided sufficient off-site parking or shuttle service, or both, required to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the event.

R) Written Estimate of Town Services Costs

Within forty five (45) calendar days of the date on which a special event permit application is fully completed and filed with the town, the event organizer will be provided an estimate of the costs of town services and an outline of the scope of those town services to be scheduled and employed at the event. The estimated cost of town services will be based on information provided by the event organizer and the best estimates of town staff. The actual costs may vary based on unforeseen factors prior to and during the event and/or changes and deviations from the information within the original special event permit application.

S) Written Post-Event Review

Within 60 (sixty) calendar days from the completion of a special event, the town will provide the event organizer a written review of items and/or concerns related to their event that may negatively influence the event organizer's ability to obtain future special event permits. This review is intended to provide the event organizer ample opportunity to address, plan and implement corrective measures prior to filing for a future special event permit.

V) Procedures for Review

A) Review by Town

- 1) An event organizer may within seven (7) calendar days of official notification by the town, file a written appeal to the Mayor if:
 - A special event permit application has been denied.
 - A specific town requirement or restriction outlined in an approved or conditionally approved special event permit is considered to be unreasonable. This does not include requests by event organizers that fees for town services be waived or discounted.
- 2) The Mayor shall have seven (7) calendar days from the date on which the appeal was received in which to notify the applicant that the appeal has been affirmed, modified or reversed.
- 3) Such notice shall be deemed served upon the applicant or permittee when it is personally delivered or sent by United States mail to the name and address set forth on the application permit.

B) Form of Appeal

Any appeal filed pursuant to this policy shall state succinctly the grounds upon which it is asserted that the determination should be modified or reversed and shall be accompanied by copies of the special event permit application, the written notice of the determination of the original application or request, and any other papers or documentation material to the determination.

VI) Issuance of Town Services for Special Events

- 1) The town may provide services for a commercial or non-commercial special event, if provisions are made with the event organizer for cost recovery or revenue sharing, or both.
- 2) The town may provide services in direct support of a town-sanctioned special event. Such support will be in the form of relief from all or a portion of town service costs.
- 3) The town may provide services in direct support of a town-sponsored special event, if the funds to offset town service costs are within budget limitations of the town and if the Mayor finds that a public purpose will be served. (See Addendum)

VII) Use of Town Logo or Name

Prior authorization from the Town of Butte Falls City Hall is required for an event organizer to use the words, "The Town of Butte Falls" or a facsimile of the official logo of the Town of Butte Falls, in the title and/or promotional materials of a special event.

VIII) Revocation of Special Event Permit

- 1) A special event permit may be revoked if the town determines:
 - a) An event cannot be conducted without violating the standards or conditions of the special event permit.
 - b) An event is being conducted in violation of any condition of the special event permit.
 - c) An event poses a threat to public health or safety.
 - d) An event organizer or any person associated with the event has failed to obtain any other permit required pursuant to this policy.
 - e) A special event permit was issued in error or contrary to law.
- 2) Except as provided in Item (3) below, notices of revocation shall be in writing and specifically set forth the reasons for such action.
- 3) If there is an emergency requiring immediate revocation of a special event permit, the town may notify the permit holder verbally.
- 4) An appeal from a revocation shall be handled in the same manner and under the same time requirements as denials of special event permit applications.

IX) Cost Recovery for Special Events

- 1) The town shall charge all special events for the actual cost of town services. However, the cost of town services for town sponsored and town sanctioned special events may be fully or partially paid for by town provided funding.
- 2) Whenever a special event is conducted without a special event permit when one is required, or an event is conducted in violation of the terms of an issued special event permit, the event organizer shall be responsible for, and the town shall charge the event organizer for the cost of all town services.

X) Revenue Sharing for Special Events

- 1) An event organizer of a commercial or non-commercial special event may pay the town a negotiated percentage of gross revenues, a flat fee, a combination of percentage of gross revenues and a flat fee, or any other revenue sharing agreement the town council deems to be in the best interests of the town.
- 2) Cost recovery under Section IX, shall not be required of a commercial or non-commercial special event where payment for such services has been negotiated by the town council within a Revenue Sharing agreement with the town.
- 3) The town council shall retain the right to determine when the town elects to enter into a Revenue Sharing agreement with a special event.
- 4) To apply for a Revenue Sharing agreement with the town, an event organizer must indicate this on their special event permit application, and subsequently provide all requested information pertaining to the event and organization.
- 5) All applicable deadlines related to submitting a special event permit application, town notification and response to applications (see Section IV) are extended by thirty (30) calendar days for special events applying for a Revenue Sharing agreement.
- 6) An event organizer of a special event who has entered into a Revenue Sharing agreement with the town shall make payment and provide a final financial statement audited by a certified public accountant to the town no later than thirty (30) calendar days after the Event for the fees and revenues to be paid to the town.

XI) Effect of Receipt of Donations on Status of tax-exempt Non-Profit Organizations

A tax exempt non-profit organization sponsoring a non-commercial special event may acknowledge the receipt of cash or in-kind services or goods, donations, prizes or other consideration from for-profit organizations without causing the event to be considered a commercial special event. Such acknowledgment may include use of the name, trademark, service mark or logo of such a for-profit organization in the name or title of the event or the prominent appearance of the same in advertising or on collateral material associated with the event.

XII) Town Authorized to Adopt Rules and Regulations

The town is authorized to promulgate additional rules and regulations that are consistent with and that further the terms and requirements set forth by the town and the provisions of law that pertain to the conduct and operation of special events.

XIII) Enforcement Authority

The town is authorized to administer and enforce the provisions of this policy. Town personnel may exercise any enforcement powers as set forth and permitted by law.

XIV) Other Permits and Licenses

- 1) The issuance of a special event permit does not relieve any event organizer or person from the obligation to obtain any other permit or license required pursuant to City Code.

2) The issuance of any other permit or license issued pursuant to City Code does not relieve any event organizer from the obligation to obtain a special event permit pursuant to this policy.

XV) Venues for Commercial Special Events

Commercial special events are permitted at all public event venues.

XVI) Special Event Exclusivity

The town will provide exclusivity to each event organizer that is granted a special event permit. This exclusivity will provide sole use of the special event venue on the approved dates as outlined in the approved special event permit. Furthermore, no other similar special event will be approved for the same event venue for 15 days prior to the start of the approved initial event, or for 15 days after the last day of the approved event. Similar special events are considered to be events that contain nearly identical themes, activities and/or programs to such a degree that the public would likely confuse the two events and that the hosting of the two events would likely reduce the attendance and/or participation of the initial special event. The town reserves the right to determine when this exclusivity should be enacted and applied, unless both parties are in agreement.

XVII) Special Event Right of First Refusal

An event organizer will be granted the first option for the same or similar date (e.g. third Saturday in a specific month) during the following year for hosting a similar event.

- 1) This right of first refusal will expire sixty (60) from the conclusion of the initial special event; and,
- 2) Is not transferable to another event organizer.

XVIII) Alcoholic Beverages at Special Events

The following guidelines are for all special events that include serving of alcoholic beverages. The purpose of this policy is to:

- Ensure public safety
- Prevent under-age possession of alcohol
- Prevent under-age consumption
- Ensure adequate observation to help prevent intoxication
- Ensure compliance with Oregon Liquor Control Committee regulations

- 1) Serving and consumption of beer and/or wine only, is permitted at special events held on the following town-owned event venues
 - a) *Street dances*
 - b) *4th of July*
 - c) *Firemen's Benefit*
 - d) *Wine/beer tasting event*
 - e) *All City Council approved events*
- 2) Any special event held on town property serving beer and/or wine shall have a defined area for serving and consuming beer and/or wine. This defined area, referred to as a beer/wine garden, may include a portion of or the entire event venue.
- 3) The event organizer must obtain the appropriate license from the Oregon Liquor Control Committee.
- 4) All beer/wine gardens will have Town of Butte Falls law enforcement officers present during the serving and consuming of beer and/or wine. The town will determine the number of law enforcement personnel required.
- 5) The town authorizes Oregon Liquor Control Commission to conduct on its behalf, Alcohol Beverage Control training seminars on a “as requested” or “regularly scheduled” basis for

all special event organizers planning to sell beer and/or wine at an event. This training is mandatory for event organizers and their key event supervisors. All beer and/or wine serving locations must have at least one trained event supervisor present during the sale and serving of beer and/or wine.

- 6) All special events approved to sell beer and/or wine must provide, prior to the event, training for the front line event staff and volunteers responsible for selling and serving beer and/or wine.
- 7) All event volunteers and staff members engaged in any aspect of serving beer and/or wine (which includes but is not limited to checking ID's, arm banding, ticket sales, serving and monitoring) are prohibited from consuming alcohol during the event. This includes any server who completes their shift and is requested to return to duty.
- 8) The applicant of the liquor license, or the event supervisor in charge, must be present at the event venue during the entire event. The town requires that every event organizer clearly display the name or names of their event's event supervisor(s) in the beer/wine garden during the entire event.
- 9) The event organizer is solely responsibility for assuring that the beer/wine garden is properly supervised and that its event staff has been properly trained to serve such beverages as well as understands that it is against the law in the State of Oregon to sell alcoholic beverages to anyone who is less than twenty-one years of age, to anyone that the server knows, or has reason to believe, is intoxicated, or to anyone who has been forbidden to possess alcohol by a court of competent jurisdiction. The event organizer is responsible for advising the servers that they could face criminal charges for serving alcohol to any above-described person.
- 10) The event organizer must implement a system of identification and distribution as approved by the Oregon Liquor Control Committee that effectively monitors the consumption of each event attendee.
- 11) Serving of beer and/or wine shall not extend beyond 11:00 pm for any special event.
- 12) The Town of Butte Falls reserves the right to deny, cease or restrict, in any manner deemed appropriate, either prior to or during a special event the serving or consumption of beer and/or wine. Factors governing this decision will include:
 - Proposed event venue layout & site plan
 - Number of proposed beer and/or wine serving locations
 - Anticipated and/or actual number of event attendees
 - Nature of the event
 - History of the event
 - Duration of the event
 - The event organizer's ability to provide sufficient event staff
 - Ability of the event staff to monitor and control under-age consumption
 - Concern for public safety
 - Evidence of non-compliance with Oregon Liquor Control Committee

ADDENDUM

Town-Sponsored Special Events

A) Purpose

It is the purpose of listing the town-sponsored special event criteria to clearly outline the elements required and desired by the town for this designation. It is further intended to provide a tool that special events organizer can use to seek such designation. In order to be granted this status a special event and its event organizer must clearly display over an extended period of time; a) a high level of community support; b) a positive community contribution; c) stable financial administration and management; and d) the ability to effectively host a special event within the guidelines set by the town. In awarding town-sponsored status and its associated funding, the Town of Butte Falls acknowledges that such special events greatly enhance the quality of life for citizens of Butte Falls and provide benefits to citizens through the creation of unique venues for expression and entertainment that are not normally provided as a part of governmental services.

These approved town-sponsored special events are on going, year by year.

- 1) 4th of July
- 2) Halloween Celebration
- 3) Santa Night
- 4) City Wide Yard Sale
- 5) Firemen's Benefit
- 6) Christmas Bazaar

B) Town-Sponsored Special Events Criteria

- 1) Must be approved by Butte Falls Town Council for town-sponsored status.
- 2) The event organizer must obtain a Town of Butte Falls special event permit.
- 3) The event organizer must submit a post-event report to the town within 30 days from the end of the event.

Passed and Approved by the Town Council of Butte Falls, Oregon on this 21st day of March 2017.

Name on file at city hall
Linda Spencer, Mayor

ATTEST:

Name on file at city hall
Lori Paxton, City Recorder

CITY OF ROSEBURG PARKS RULES AND REGULATIONS

The following City of Roseburg Parks Rules and Regulations, adopted by the Roseburg City Council on March 14, 2022, via Resolution No. 2022-04, shall be observed within the public parks of the City of Roseburg, Oregon effective March 15, 2022. As used herein, the words "public park" shall mean and include all property now or hereafter owned and/or controlled by the City of Roseburg, Oregon, and operated as a park or an area of City beautification available for the use of the public.

1. GENERAL RULES OF CONDUCT IN CITY PARKS The following rules and regulations for the conduct of persons using the public parks of the City of Roseburg, Oregon are hereby established and shall be observed and enforced within said public parks:

- 1.1** No person shall build any fire within any public park except as permitted in a stove or fireplace designed and provided therefore.
- 1.2** No overnight camping will be permitted in any park or part thereof without prior approval by the Public Works Director.
- 1.3** No person may erect signs, markers or inscriptions of any type within a public park, except in a specifically designated area, without permission from the Public Works Director. The following activities are prohibited in all public parks unless specifically authorized by the Public Works Director:
 - 1.3.1** The distribution of any circular, notice, leaflet, pamphlet or written or printed information of any kind.
 - 1.3.2** The solicitation of, or engagement in, the sale of any merchandise or service, the operation of any concessions or catering, within any public park without a permit from the Public Works Director.
- 1.4** Smoking or other use of tobacco products is prohibited on all public park property. "Smoking" as used herein shall include: electronic smoking devices, tobacco, marijuana, bidis, cigarettes, cigarillos, cigars, clove cigarettes, nicotine vaporizers, nicotine liquids, hookahs, kreteks, pipes, chew, snuff, smokeless tobacco and any burning or smoldering substance in any form. "Electronic smoking device" as used herein includes an electronic or battery operated device that delivers vapors for inhalation. Electronic smoking devices includes every variation and type of such devices whether they are manufactured, distributed, marketed or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. City-owned Stewart Park Golf Course is excluded.

- 1.5 No person shall permit any domestic animal owned by, or in the custody of the person, to run at large within any park or enter any pond, fountain or stream thereof, and all domestic animals within any public park shall be kept in control at all times on a leash not more than eight (8) feet in length (Happy Tails Dog Park excluded). Also, no person shall tease, annoy or injure any animal within any park facility including ponds, streams or fountains. No person shall ride or drive any horse or other livestock, or permit any horse or other livestock, to go upon any portion of a public park at any time except as authorized by City.
- 1.6 No person shall be permitted within a public park between dusk and dawn with the following exceptions:
 - 1.6.1 As permitted for special occasion upon application and approval by the Public Works Director.
 - 1.6.2 Organized events that the City has approved such as Music on the Half Shell, Legion Baseball, Little League activities at Gaddis Park, scheduled softball leagues and tournaments.
 - 1.6.3 Events sponsored by Umpqua Valley Art Association and Umpqua Actors Community Theater, held at the Arts Center and the Betty Long Unruh Theater.
- 1.7 No person shall swim, wade, bathe or operate a watercraft of any kind in any area of a public park except in those areas so designated.
- 1.8 No person shall operate any public address or loudspeaker system, or operate a radio or other electronic audio device, in any public park in a manner that constitutes a noise disturbance. For purposes of this section, a "noise disturbance" means any sound which annoys or disturbs a reasonable person of normal sensitivities, but does not include sounds arising from and consistent with any activity approved by City sponsorship or for which a permit has been issued by the Public Works Director.
- 1.9 Car washes and garage/yard sales are prohibited on public park property.
- 1.10 No person shall interfere with or disrupt any activity in a public park which has been authorized by City permit.
- 1.11 Except for park maintenance, public utility and other vehicles judged necessary by the Public Works Director for the construction and maintenance of City parks and utilities therein, no motorized vehicle, of any type, shall be operated, stopped, parked or left standing in a public park, other than on roads, designated trails and parking areas, specified

for that type of vehicle use. The Public Works Director may impose reasonable conditions on park use when exempt vehicles are required within a park. Electric assist bicycles are considered bicycles and are permitted on multi-use pathways in City parks if the electrically driven bicycle has a motor that does not exceed 750 watts and has functional pedals.

- 1.12 No person shall operate a motorized vehicle, or a bicycle, skateboard, roller-skates, roller blades, or any other type of vehicle, in any public park in a manner that endangers, or would be likely to endanger any person or damage any property. The speed limit on all multi-use paths is 15 miles per hour.
- 1.13 Persons desiring to use park property to picket or protest activities authorized by City permit shall be allowed to occupy the sidewalks and bicycle / pedestrian pathway abutting Stewart Parkway only. If the number of people using the designated area is ten (10) or more, the activity must also comply with City parade regulations.
- 1.14 The playing or practicing of golf is prohibited in any City park other than Stewart Park Golf Course, unless authorized by the Public Works Director.
- 1.15 Any activity that is not authorized by a City permit which is incompatible with or disrupts the general public use of park property is prohibited.

2. RULES SPECIFIC TO SPECIAL EVENTS (NOT SPONSORED BY THE CITY)

In addition to the General Park Rules & Regulations, Persons issued a Parks & Recreation Special Event Permit are responsible for seeing that the following rules and/or regulations are followed, met and adhered to:

- 2.1 A special event is defined as gatherings/events that involve a large group of people (compared to the usual occupancy of the site), and
 - Are advertised to the public and do not occur regularly on the site, or
 - Impact or use city streets (including curb or parking lane) sidewalks, and public right-of-way, or
 - Use of City facilities or property such as city buildings, parks, parking lots, etc.

Examples of special events include: concerts, festivals, parades, markets, carnivals, street fairs, runs/walks, bike races, church services, volunteer work group events, etc.

- 2.2 All special events in parks require a permit. Permit applications must be submitted to the Public Works Department at least two weeks prior to the

date of the event. Payment of all fees/deposits is due at the time of application.

- 2.3** Permittee must submit a list of all vendors (those taking part in the solicitation of, or engagement in, the sale of any merchandise or service, or in the operation of any concessions) to be approved by the Public Works Director. All vendors who wish to sell food or products in conjunction with a special event must also enter into a separate agreement with the City per Section 1.3.2.
- 2.4** Mobile vendors/food trucks to be utilized in conjunction with special events shall comply with all rules specific to those businesses as outlined in Section 5.
- 2.5** At least one week prior to the event, Permittee shall provide the City with proof of General Liability Insurance as outlined in Section 6.
- 2.6** The sales, dispensing and/or consumption of alcoholic beverages during special events is prohibited without a special occasion liquor license obtained from the Oregon Liquor Control Commission **and** approved by the City Manager. The license shall be presented to the City *thirty* days prior to the event to allow sufficient processing time.
- 2.7** Permittee must pay a permit deposit at least two weeks prior to the date of the event to cover the cost of City services such as police, parks and public works crews if these services are required. The amount of the deposit will be determined on an event by event basis. A final accounting for these services will be done by the City within 10 days following the event, at which time the Permittee will be reimbursed for any over payment or billed for costs in excess of the amount deposited.
- 2.8** Permittee must provide, at its own expense, all traffic control and security needed throughout the duration of the event. The minimum traffic control and security will be determined by the City on an event by event basis. Vehicles parked in/around the Legion Field area must keep out of the fire lanes and not be double parked.
- 2.9** For crowds over 1,000 Permittee must:
 - Provide additional trash containers at a general rate of one (1) trash can per every 50 people (over 1,000).
 - Utilize recycling stations.

- Provide an adequate number of portable toilets to meet crowd demands.

2.10 The decibel level of any sound produced as part of or as a result of the event shall be limited to 95 decibels.

2.11 Permittee shall be held liable and responsible for any damage beyond normal wear and tear upon the facilities used during the event. Climbing on the band shell structure for any reason is strictly prohibited.

2.12 Due to limited availability of parking space, if Permittee anticipates an extra-large crowd, Permittee is encouraged to provide shuttle bus service to the park.

2.13 All events must conclude no later than 9:30 PM unless approved by the Public Works Director.

3. RULES SPECIFIC TO CITY SKATEBOARD PARK FACILITY. In addition to the Park Rules & Regulations, the following rules apply to the City Skateboard Park:

- 3.1** No motorized vehicles shall be operated in the skateboard park.
- 3.2** No pets shall be allowed in the skateboard park.
- 3.3** Bicycles are allowed from dawn until noon on Sunday, Tuesday, and Thursday only. This time is for bicycles exclusively. Skateboards shall not be used in the park during the bicycle time.

4. RULES SPECIFIC TO INFLATABLE STRUCTURES IN CITY PARKS.

- 4.1** Persons planning to have an inflatable must first obtain a Park Permit for the use of the park.
- 4.2** Permittee shall provide the City with proof of General Liability Insurance as outlined in Section 6.
- 4.3** Inflatables must be freestanding and weighted. Stakes are prohibited.
- 4.4** Inflatables may not be tied to trees, tables or other park amenities.

- 4.5 Inflatables must be under adult supervision at all times.
- 4.6 Between June 1st and August 31st, inflatables are limited to a maximum of 2 hours. For the remainder of the year, inflatables are limited to a maximum of 4 hours.
- 4.7 Permittee shall pay a permit deposit and shall be held liable and responsible for any damage beyond normal wear and tear upon the facility used.

5. RULES SPECIFIC TO MOBILE VENDORS/FOOD TRUCKS IN CITY PARKS

- 5.1 Mobile vendors/Food trucks may be allowed in conjunction with permitted special events only. Mobile Vendors/Food Trucks must be approved by the Public Works Director. If denied, a written appeal must be filed within five (5) days after the date of the notice of the action. The written appeal filed with the City Manager must state the basis for the appeal. The decision of the City Manager shall be final.
- 5.2 Mobile vendors/food trucks must have a valid City Business Registration/License.
- 5.3 Mobile vendors/food trucks must comply with the General Liability Insurance requirements as outlined in Section 6.
- 5.4 Vendor shall park in designated area only. Obstructing or parking in a public travel lane, fire lane, bike lane, or blocking access to any driveway access, walkway, fire hydrants, parking facilities, or loading zone is prohibited.
- 5.5 Drive-up windows are prohibited.
- 5.6 All tables, chairs, trash bins, wash stations, etc. shall be removed from the site when the vendor vacates the site.
- 5.7 The vendor shall not place any signage in the park or adjacent right-of-way except which is directly affixed to the vending unit.
- 5.8 No vendor permitted under this section shall sell, consume, or distribute alcoholic beverages.

6. INSURANCE REQUIREMENTS

General Liability Insurance. Permittee shall maintain a broad form general liability insurance policy with coverage of not less than

\$2,000,000 combined single limit per occurrence, with aggregate of \$4,000,000, for bodily injury, personal injury, or property damage with an insurance carrier licensed to do business in the State of Oregon. Such policy shall contain a contractual liability endorsement to cover indemnification obligations under any agreement or permit subject to this rule and shall entitle the City to not less than thirty (30) days written notice of any material change, non-renewal, or cancellation.

The policy shall also contain an endorsement naming the City as an additional insured, in a form satisfactory to the City, and expressly provide that the interest of the City shall not be affected by the Permittee's breach of policy provision. Such policy must be maintained in full force and effect for the duration of this permit. Failure to do so shall be cause for immediate termination of this permit by the City. Claims made policies will not be accepted. Evidence of this coverage may be requested by the City, however, not requesting the proof does not eliminate the requirement that the coverage be in force.

7. PENALTY FOR VIOLATION A violation of these rules and regulations constitutes a violation under Roseburg Municipal Code Chapter 1.06 and may also constitute an offense under Roseburg Municipal Code Chapter 7.02. Penalties for such violations are set forth in Roseburg Municipal Code Chapter 1.06. The City reserves the right to exclude and/or ban, from any and all park facilities, any person who has been found guilty of violating any of these rules and regulations or who has vandalized, damaged or taken park property or facilities, or attempted to do so.

ADDENDUM - B
OUTDOOR EVENT
(Site and/or Transportation Map Required – See Addendum F)

ACTIVITY INFORMATION		
Provide DETAILED information below regarding your event: (attach additional pages if necessary)		
Activity:		
STREET CLOSURES		
List all streets that you propose to close and provide a Site/Transportation Map clearly showing which streets will be affected and where barricades, signs and traffic control personnel will be stationed:		
Street Name <hr/> <hr/> <hr/> <hr/>	Closing Date and Time <hr/> <hr/> <hr/> <hr/>	Opening Date and Time: <hr/> <hr/> <hr/> <hr/>
The applicant is responsible for pick up, installation and return of barricades to City Public Works Fulton Shop, 425 NE Fulton Street. There is a \$25 fee to use City barricades. To make arrangements, contact Public Works at 541-492-6730.		
Do you intend to use a city-owned parking lot or parking garage? <input type="checkbox"/> YES <input type="checkbox"/> NO		
If YES, specify location and complete Addendum E: _____		
Is a County or State street affected by your event? <input type="checkbox"/> YES <input type="checkbox"/> NO		
If yes, contact the appropriate agency: <ul style="list-style-type: none">• Douglas County Public Works: 541-440-4208• Oregon Department of Transportation (ODOT): 541-957-3500		
FOOD – REQUIREMENTS		
Will food be served as part of this event? <input type="checkbox"/> YES <input type="checkbox"/> NO		
If YES: <ul style="list-style-type: none">• Obtain a Food Handler's License from Douglas County – 541-440-3571• Contact Roseburg Fire Department for an inspection if food is cooked or fire is used – 541-492-6700 (There is an annual Fire Inspection Booth Fee)		
ALCOHOL – OLCC AND CITY REQUIREMENTS		
Will alcoholic beverages be available as part of this event? <input type="checkbox"/> YES <input type="checkbox"/> NO		
If YES, attach a map and complete the questions below. Applicant will need to submit an OLCC Temporary Sales Permit that requires City approval before returning the form to OLCC. There is a \$10 fee when on City property. The application must be received a minimum of seven (7) days prior to the event.		

Indicate below the arrangements you have made for the following:

Dispensing:

Security:

Confinement:

APPLICANT OBLIGATIONS:

Alcohol sold, dispensed and consumed at the event must be **limited to beer and wine** and authorized by an OLCC Temporary Sales Permit.

Applicant is responsible for obtaining all additional permits, licenses and insurance certificates required prior to the issuance of this Event Permit:

Alcohol may only be served by individuals who possess a current valid OLCC Server's Permit, or charitable or non-profit organizations with proof of having a Registry Number issued by the Secretary of State and an OLCC Temporary Sales Permit, may use volunteer servers who have received training from the applicant and signed the OLCC brochure provided for such volunteer services.

Applicant agrees to promptly clean up all paper or debris caused by applicant's use of the area and understands that if such clean-up is not promptly and sufficiently undertaken, the City may do the cleaning itself and charge the applicant for the actual time and expense incurred.

ENTERTAINMENT

Will live entertainment or music be part of this event? YES NO

If YES, provide the performance start and end times

Date of Performance	Start Time	End Time:

Will the entertainment or music include amplification: YES NO

If YES, complete a **Loudspeaker Permit Application (Addendum C), including the \$20 fee.**

Note: Amplification is only allowed between 7:00am and 10:00pm. Maximum sound level is 95 decibels. Any misuse or abuse of the amplification authorization will result in immediate revocation of the permit.

ADDITIONAL INFORMATION

Do you anticipate attendance of 100 or more people? YES NO

If YES, please describe any arrangements which have been made with respect to each of the following:

- Additional Electrical Wiring
- Restroom Facilities
- Security
- Litter Control/Trash Removal (utilization of permanent City of Roseburg trash receptacles is not acceptable removal of trash)

- ✓ Person or entity providing trash related services _____
- ✓ Number of trash receptacles _____
- ✓ Location of trash receptacles _____
- ✓ Schedule for emptying trash receptacles _____
- ✓ Plans for cleaning up debris not placed in trash receptacles _____

- Parking

PARK USE

Does your event involve the use of a City park? YES NO

Which Park: _____

If YES, you must contact the City of Roseburg Parks Division at 541-492-6730 to reserve park facilities.

INSURANCE

Event applicant shall maintain in force for the duration of the event a Commercial General Liability insurance policy written on an occurrence basis with limits not less than \$2,000,000 per occurrence and \$4,000,000 in the aggregate for bodily injury or property damage. If alcohol is being served, the insurance coverage shall include liquor liability.

The following language must be included in the "Description of Operations/Location."

"The City of Roseburg, its Officers, Agents and Employees are included as additional insured in regard to Liability arising out of the operations of the named insured per Policy Provisions in regard to the [Event Name] on [Date(s) of Event]."

CERTIFICATE HOLDER:	HOLD HARMLESS
<i>City of Roseburg 900 SE Douglas Ave Roseburg, OR 97470</i>	Applicant shall defend, indemnify and hold harmless, the City of Roseburg, its officials, employees and volunteers from and against any and all claims, suits, actions or liabilities for injury or death of any person, or for loss or damage to property, which arises out of or in connection with the Applicant's activity or event, including use of any premises, or from any activity, work or things done, permitted, or suffered by Applicant in connection with the applicant's activity or event, including use of any premises, except only such injury or damage as shall have been occasioned by the sole negligence of the City of Roseburg.
Face Amount of Policy:	Policy Holder (s):
Additional Insured:	

SIGNATURE

By signing and dating below, the applicant certifies that they understand and will comply with all of the requirements described in this application. Please note that we require a **minimum of 5 business days** to process the application. Incomplete or missing information will delay the review process.

Applicant's Name: (Please Print)	Date:
Applicant's Signature:	Phone Number:

Payment must be submitted with application, payable to: City of Roseburg

Mailing Address: City of Roseburg, Administration, 900 SE Douglas Ave., Roseburg, OR 97470

APPROVALS

POLICE CHIEF OR DESIGNEE: _____ DATE: _____
Conditions of Approval: _____

FIRE CHIEF OR DESIGNEE: _____ DATE: _____
Conditions of Approval: _____

COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE: _____ DATE: _____
Conditions of Approval: _____

PUBLIC WORKS DIRECTOR OR DESIGNEE: _____ DATE: _____
Conditions of Approval: _____

CITY RECORDER OR DESIGNEE: _____ DATE: _____
Conditions of Approval: _____

FOR OFFICE USE ONLY

Payment Received: Amount: _____	Date: _____	By: _____
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ADDENDUM - C
CONCERT/LOUDSPEAKER PERMIT
~ ~ \$20.00 Fee ~ ~

LOUDSPEAKER

Is the loudspeaker: MOBILE STATIONARY

Amplification is only allowed between 7:00am and 10:00pm, within the Park System from 9:00am and 9:30pm.
Maximum sound level is 95 decibels.

Any misuse or abuse of the amplification authorization will result in immediate revocation of the permit.

NOTE: This permit is only a supplement. Permittee must complete all other applicable permit applications/addenda.

SIGNATURE

By signing and dating below, the applicant certifies that they understand and will comply with all of the requirements described in this application. Please note that we require a minimum of 5 business days to process the application. Incomplete or missing information will delay the review process.

Applicant's Name:
(Please Print)

Date:

Applicant's Signature:

Phone Number:

Payment must be submitted with application, payable to: City of Roseburg

Mailing Address: City of Roseburg, Administration, 900 SE Douglas Ave., Roseburg, OR 97470

APPROVALS

POLICE CHIEF OR DESIGNEE: _____ DATE: _____
Conditions of Approval: _____

CITY MANAGER OR DESIGNEE: _____ DATE: _____
Conditions of Approval: _____

FOR OFFICE USE ONLY

Payment Received: Amount: _____ Date: _____ By: _____



**CITY OF ROSEBURG
PARKS & RECREATION DIVISION
PERMIT**



NOTE: AS A COURTESY TO OTHER PERMITTEES, PLEASE BE PREPARED TO LEAVE THE PAVILION AT YOUR SCHEDULED TIME. PLEASE HAVE PERMIT AVAILABLE ON-SITE AS PROOF OF RESERVED USE.

PART I - EVENT INFORMATION

ACTIVITY: _____

EVENT DATE: _____ DAY Choose your Day START TIME 9:00 am _____

EXPECTED ATTENDANCE: _____ END TIME 12:00 pm _____

FACILITY/LOCATION DESIRED: Choose location

IS EVENT OPEN TO PUBLIC? YES NO If yes, proof of liability insurance is required

WILL YOU AMPLIFY SOUND? YES NO If yes, a Loud Speaker permit is required

WILL YOU HAVE AN INFLATABLE STRUCTURE? YES NO If yes, proof of liability insurance is required

WILL ADMISSION FEES OR DONATIONS BE COLLECTED? YES NO

If yes, prior approval is required from Public Works Director

UTILITIES REQUIRED? YES NO IF YES: WATER ELECTRICITY

WILL YOU HAVE CONCESSIONAIRES? (A concessionaire is anyone distributing items for a fee or donation) YES NO

NOTES TO MAINTENANCE CREW _____

PART II - PERMITTEE INFORMATION

Organization: _____

Contact Person: _____

Day /Home Phone: _____ Cell Phone: _____

Mailing Address: _____ City: _____

State: _____ Zip: _____ Email: _____

PART III - PERMIT(S) ISSUED Stewart Park Pavilion Stewart Park Small Pavilion Gaddis Park Pavilion
PAVILIONS/GAZEBO(S): (all = \$150/\$180) (\$50/\$60) (\$75/\$90)
(Please circle) (half = \$75/\$90)

Sunshine Park Pavilions Other: _____
(North = \$75/\$90) (\$25/\$30)
(South = \$75/\$90) _____
\$ _____ per day x _____ # of days = \$ _____

BANDSHELL: Entire Bandshell: Number of days _____ @ \$250/\$300 per day = \$ _____
*Platform Only: Number of days _____ @ \$125/\$150 per day = \$ _____
(Rate available during the "off-season" when the cover is down)
Deposit: Refundable cleaning deposit \$ _____ 50.00

SPECIAL EVENT: Number of days _____ @ \$125/\$150 per day = \$ _____
Deposit: Refundable cleaning deposit \$ _____ 25.00

LOUDSPEAKER: \$20 per day x _____ # of days = \$ _____
(Copy to Police Department)

CONCESSIONAIRE: Food Concessionaires must have all required County Health Department permits.

\$20.00 (self-contained) or \$30.00 (with utilities) per day x _____ # of days = \$ _____

TOTAL AMOUNT DUE (with Refundable Deposit Included) \$ _____

NO ALCOHOL ALLOWED IN ANY PARK UNLESS APPROVAL FROM CITY MANAGER.
ALL CITY OF ROSEBURG PARKS ARE SMOKE AND TOBACCO FREE

By signing this permit, I certify on behalf of myself and my group to comply with all the Roseburg Parks & Recreation Rules and Regulations and the Policy & Procedures governing this permit.

Permittee Signature _____ Date _____

Initials of City Staff issuing permit _____

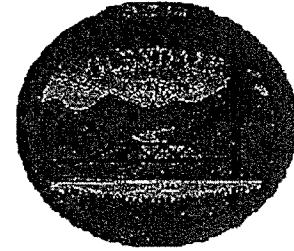
ACCOUNT NO. PRK-FEE 100-40-10-321120 RECEIPT NO. _____ BY _____ TOTAL FEE PAID: \$ _____

City of Glendale

Application for Special Event Permit

Glendale City Ordinance 05-2006

All applications must be approved before a permit can be issued



Answer ONLY those questions that relate to your event. (Print or type)

APPLICATION INFORMATION

Dates(s) of Event	Today's Date	
Applicant Name E-mail Address	Day Phone	Fax Phone
Organization Is this a registered Non-Profit organization? Yes / No	Registration No:	
Address		
City	State	ZIP
Person in charge of event (If different than Applicant)	Phone	
Address		
City	State	ZIP
Insurance Co. Name:	Policy #:	Effective Dates:

Event Name / Purpose

Type of Event Fair Festival Parade Block Party Other

Event Location (s)

Attach a map showing the setup for all booths, activities and events.

Estimated number of participants	Estimated number of spectators		
Number of Stages To be used	Dimensions	Location	Number of Generators to be used
	Dimensions	Location	

Description of sound amplification equipment

Description of foods(s) and beverage(s) to be sold and/or served

All transient food and beverage vendors must be licensed in compliance with City ordinance 05-2006. If food is served, compliance with ORS Chapter 624 - Food Service Facilities is required. Call Douglas Co. Health Dept. at 440-3571. If alcohol is served/sold, an OLCC Special Event license is required.

# Food & Beverage Booths	# Hot/Cooking # Cold	Alcoholic Beverages Yes / No Describe	# of Booths _____	Number of Generators to be used
--------------------------	-------------------------	--	-------------------	---------------------------------

Any Fenced/Controlled Access Area (e.g. Beer Garden) Yes / No	Estimated Dimensions	Describe Security Arrangements
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Identify what will be in the Fenced/Controlled Access Area	Serving Booth(s) #	Table(s) #
	Chair(s) #	Other

CITY IMPACT REQUIREMENTS

EVENT INFORMATION (cont.)

# Game Booths	# Merchandise Booths	# Display / Info Booths	# Activities	# Other Describe
Description of merchandise to be sold	<i>All transient merchandise, activity and game vendors must be licensed in compliance with City ordinance 05-2006</i>			
Describe Activities				
Will event include:	A Carnival Yes / No	A Circus Yes / No	A Parade Yes / No	Other Yes / No Describe:
Parade Assembly Area				
Parade Disbanding Area				
Parade Route				
<i>Attach a map or sketch outlining the route or streets included if more than one street is involved.</i>				
Reviewing Stands Yes / No If Yes, list location(s)				

Set-up /Assembly	Date Time	Event Start	Date Time	Event End	Date Time	Disbanding / Take-down	Date Time
Parking restrictions requested							
Complete or partial street closures requested. State reason(s) for closure requests.							
Streets to be closed							
		between			and		
		between			and		
		between			and		
Time of Closure		from			am/pm until		
Will event require use of City resources?		City Water Yes / No		City Restrooms Yes / No		Waste Receptacles Yes / No	
		City Electric Power Yes / No		Street Barricades & Signs Yes / No			

I, the undersigned representative, have read the attached rules and regulations with reference to this application and am duly authorized by the organization to submit this application on its behalf. The information contained herein is complete and accurate.

Signed _____ Date _____

Title _____ Driver's License No. _____

Email Address _____

Submit your completed application to:

Glendale City Hall – Special Events
124 Third Street, Glendale, OR 97442
Phone: 832-2106
FAX: 832-3221

Faxed applications must be followed up by the original and the non-refundable processing fee within five (5) working days of the faxed copy.

1. It shall be the policy of the City to allow certain uses of city-owned property where the City Council has determined that the proposed use would not have an adverse impact on City operations or the general public.
2. The City Council, in permitting such use, may establish any conditions they deem appropriate.
3. Use of City property by public bodies, including all boards, committees and commissions of the City and other governmental entities, must, of course, be given priority.
4. Subject to the prior and superior rights of public bodies, any person, association or organization may apply for use of City property. All requests will be considered on a "first-come" basis.
5. All City property shall be returned to original condition, including the replacement of equipment and the disposal of trash.
6. Special Event Permit Request submission deadlines are as follows:
Small Event – two weeks prior to event (e.g. block parties, garage sales,)
Medium/Large Events – 45 days prior to event

The applicant may also be required to obtain, or ensure that vendors obtain, other permits or approvals as currently required from the City or other governmental entities as well as other public and private property owners.

HOLD HARMLESS: All licensees for use of City-owned property, including rights-of-way, shall be required to furnish evidence of liability insurance providing primary coverage in an amount that is not less than the City's tort liability limits established by the Oregon Legislature naming the City as an additional insured. The liability insurance shall apply to, and provide coverage for, any and all claims for bodily injury and property damage arising from or caused by the use for which the license is granted and shall be primary coverage. In lieu of meeting the insurance requirement of this section, any governmental entity may enter into an agreement with the City to indemnify and hold the City harmless in the event of any damage or injury resulting from the use.

1. A \$50 non-refundable processing fee is required at the time you submit your application. This fee may be waived for City-based non-profit or charitable organizations registered with the State of Oregon.
2. A site plan of your event must be included with your application identifying impacted streets, location of stages, booths, activities, events, portable toilets, etc.
3. A certificate of insurance must be filed with the City of Glendale ten (10) working days before the event. The certificate must show that the applicant has in full force and effect a policy or policies of insurance issued by an insurer approved by the City of Glendale.

The certificates of insurance shall include City of Glendale, its officers, agents and employees as an additional insured on the policy.

4. All debris and trash must be removed from an event site immediately after the event. Failure to do so may require the City to call upon the Public Works Department. All expenses will be the responsibility of the event applicant.
5. Amplified sound shall not exceed a level of amplification permitted under the Noise Ordinance 01-2004.
6. All streets shall be accessibly maintained to all emergency equipment at all times. A minimum twenty (20) foot wide fire lane must be maintained. Only readily removable barricades shall be used to close the streets.
7. The Glendale Rural Fire District may inspect food booths that contain heat generating appliances. All pertinent codes and rules apply.
8. Events which involve the preparation and distribution of food must comply with State and County laws and regulations relative to Food Service Facilities.
9. Pyrotechnics (fireworks) and bonfires require a special permit by the Glendale Rural Fire District.
10. Selling/serving alcoholic beverages without a permit from the State of Oregon OLCC is illegal.
11. Any disturbance or annoyance of residents within the immediate vicinity will be cause for the Douglas County Sheriff's Department to take appropriate action.
12. The applicant(s) shall assume and reimburse the City for any and all costs and expenses determined by the City to be unusual or extraordinary and related to the event for which the permit is sought including, but not limited to:
 - a. The cost of providing, erecting and moving barricades and signs.
 - b. The cost of providing and moving garbage and waste receptacles.
 - c. The cost of repairing or replacing damaged City property.
 - d. The cost of event venue cleanup.
 - e. The cost of City personnel whom the City has required to work overtime.

The City may require, as a condition to issuance of a permit, that a sum be deposited to meet such costs.

I, the undersigned representative, have read the attached rules and regulations with reference to this application and am duly authorized by the organization to submit this application on its behalf. The information contained herein is complete and accurate.

Signed _____ Date _____

Title _____ Driver's License No. _____

Email Address _____

Approved By: _____

Submit your completed application to:

Glendale City Hall – Special Events
124 Third Street, Glendale, OR 97442
Phone: 832-2106
FAX: 832-3221

Faxed applications must be followed up by the original and the non-refundable processing fee within five (5) working days of the faxed copy.

Chapter 15.08 - DANGEROUS BUILDINGS AND STRUCTURES

Sections:*Footnotes:*

--- (1) ---

Editor's note— Ord. No. 390, § 1, adopted Oct. 4, 2016, amended Ch. 15.08 in its entirety to read as herein set out. Former Ch. 15.08, §§ 15.08.010—15.08.040, pertained to dangerous buildings, and derived from Ord. No. 70, §§ 1—5, 1962.

15.08.010 - Purpose.

- A. This chapter is to provide a method (cumulative with and in addition to any other remedies available to the city by law) whereby buildings or structures which from any cause endanger the life, limb, health, property, safety or welfare of the general public or the building's occupants such that they should be required to be repaired, vacated or demolished.
- B. This chapter does not create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms hereof.

(Ord. No. 390, § 1, 10-4-2016)

15.08.015 - Scope.

This chapter shall apply to all "dangerous buildings and structures" as herein defined as they are now in existence or which may hereafter become dangerous buildings or dangerous structures in the city.

(Ord. No. 390, § 1, 10-4-2016)

15.08.020 - Definitions.

For the purpose of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the building code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's 3rd New International Dictionary of the English Language (Unabridged, copyrighted 1986) shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

- A. Building official is the Linn County Building Official or designee. The building official is responsible to enforce state building codes and this chapter inside the city limits of the City of Mill City, in both Linn and Marion Counties.
- B. Building Code has the meaning given by the terms of ORS 455.010 to "state building code" and includes all specialty codes as defined in ORS 455.010.
- C. City means the City of Mill City, Oregon.
- D. City recorder means the City Recorder for the City of Mill City, Oregon or designee.

E. Dangerous building or dangerous structure is any building or structure having one or more of the condition: defects hereinafter described provided that such condition(s) or defect(s) exist the extent that the building can reasonably believe the life, health, property or safety of the public or the building's or structure's occupants endangered:

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half times the working stress or stresses allowed in the current applicable structural specialty codes as defined in ORS Chapter 455 for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.
5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings.
7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. Whenever the building or structure, or any portion thereof, because of:
 - a. Dilapidation, deterioration or decay;
 - b. Faulty construction;
 - c. The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;
 - d. The deterioration, decay or inadequacy of its foundation; or
 - e. Any other cause, is likely to partially or completely collapse.
9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the

base.

11. Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become:
 - a. An attractive nuisance to children;
 - b. A harbor for vagrants and/or criminals; or
 - c. A place so as to enable persons to resort thereto for the purpose of committing unlawful acts.
13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, (as specified in the appropriately adopted building code) or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.
14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than fifty (50) percent, or in any supporting part, member or portion less than sixty-six (66) percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the county public health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(Ord. No. 390, § 1, 10-4-2016)

15.08.025 - Alternations, additions and repairs.

All buildings or structures required to be repaired under the provisions of this chapter shall be subject to the provisions of Chapter 34 of the Oregon Structural Specialty Codes as they currently exist or may hereafter be amended and adopted by the state.

(Ord. No. 390, § 1, 10-4-2016)

15.08.030 - Administration.

The building official is hereby authorized to enforce the provisions of this chapter. The building official shall have the power to render interpretations of this chapter and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this chapter.

(Ord. No. 390, § 1, 10-4-2016)

15.08.035 - Inspections.

The building official and others such as the Fire Marshal, Linn County Health Department officials and Marion County Health Department officials are authorized to make such inspections and take such other actions as may be required to enforce the provisions of this chapter, including (but not limited to) the issuance of stop work or similar abatement orders.

(Ord. No. 390, § 1, 10-4-2016)

15.08.040 - Right of entry.

- A. When necessary to make an inspection to enforce the requirements imposed by the terms of this chapter (or when the building official has reasonable cause to believe there exists in a building or upon a premises a condition contrary to or in violation of this chapter making the building or premises unsafe, dangerous or hazardous) the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this chapter, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested.
- B. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

(Ord. No. 390, § 1, 10-4-2016)

15.08.045 - Dangerous buildings declared to be public nuisances—Abatement.

All buildings or portions thereof determined after inspection by the building official to be dangerous as defined in this chapter are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this chapter.

(Ord. No. 390, § 1, 10-4-2016)

15.08.050 - Violations.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this chapter.

(Ord. No. 390, § 1, 10-4-2016)

15.08.055 - Inspections of work.

All buildings or structures within the scope of this chapter and all construction or work for which a permit is required shall be subject to inspection by the building official consistent with and in the manner provided by this chapter and the currently adopted building code, including the Oregon Structural Specialty Codes, and other relevant provisions of municipal, county or state law.

(Ord. No. 390, § 1, 10-4-2016)

15.08.060 - Commencement of proceedings.

When the building official has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, the building official or city recorder has the authority to commence proceedings to effect the repair, vacation or demolition thereof.

(Ord. No. 390, § 1, 10-4-2016)

15.08.065 - Notice and order.

The building official or the city recorder shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:

- A. The street address and a description sufficient for identification of the premises upon which the building is located.
- B. A statement that the building official has found the building dangerous with a brief factual description of the conditions found to render the building dangerous.
- C. A statement of the action(s) required to be taken by the building official:
 1. If the building must be repaired, the notice and order shall require all required permits be secured therefore and the work physically commenced within such time (not to exceed sixty (60) days from the date of the order) and completed within such time as the building official shall determine reasonable under all of the circumstances.
 2. If the building must be vacated, the order shall require that the building or structure be vacated within a time certain from the date of the order as determined by the building official to be reasonable.

3. If the building or structure is to be demolished, the order shall require that the building be vacated within the time as the building official determines reasonable (not to exceed sixty (60) days from the date of the order) all required permits be secured therefore within sixty (60) days of the date of the order; and that the building be completed within such time as the building official determines reasonable thereafter.
- D. Statement advising that if any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the building official:
 1. Will order the building vacated and posted to prevent further occupancy until the work is completed; and
 2. May proceed to cause the work to be done and charge the costs thereof against the property or its owner.
- E. Statements advising:
 1. That any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official or city recorder to the city's hearings officer provided the appeal is made in writing as provided in this chapter and filed with the city recorder within fourteen (14) days from the date of service of such notice and order; and
 2. That failure to appeal will constitute a waiver of all right to a hearing and determination of the matter.

(Ord. No. 390, § 1, 10-4-2016)

15.08.070 - Service of notice and order.

The notice and order (and any amended or supplemental notice and order) shall be served upon the record owner and posted on the property with a copy thereof being served on each of the following (if known to the city or disclosed from official public records):

- A. The holder of any mortgage or deed of trust or other lien or encumbrance of record;
- B. The owner or holder of any lease of record; and
- C. The holder of any other estate or legal interest of record in or to the building or the land on which it is located.

The failure to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

(Ord. No. 390, § 1, 10-4-2016)

15.08.075 - Method of service.

Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, to each such person at their address as it appears in the Linn County or Marion County tax records or as otherwise known to the city. If no address of such person appears or is known to the city, then a copy of the notice and order shall be mailed (addressed to such person) at

the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

(Ord. No. 390, § 1, 10-4-2016)

15.08.080 - Proof of service.

Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the city.

(Ord. No. 390, § 1, 10-4-2016)

15.08.085 - Repair, vacation and demolition.

- A. Any building or structure declared a dangerous building or structure under this chapter shall be made to comply with one of the following:
 1. The building or structure shall be repaired in accordance with the current building code or other specialty codes applicable to the type of substandard conditions requiring repair; or
 2. The building or structure shall be demolished consistent with subsection (D) below.
- B. If the building or structure does not constitute an immediate danger to the life, limb, property or safety of the public it may be vacated, secured and maintained against entry.
- C. If the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or the building's occupants, it shall be ordered vacated, secured and maintained against entry.
- D. If a building or structure is found to be or becomes dangerous and if (in the opinion of the building official) the building or structure is not, under current circumstances likely to be repaired so as to be habitable within one hundred twenty (120) days, it may be ordered demolished by the building official with the cost thereof borne by the owners. In the event the building official determines that a building is to be demolished, the building official shall make a written order which includes the circumstances supporting demolition. The order shall be served on all persons entitled to notice under Section 15.08.070 and is subject to a twenty-one-day appeal consistent with the provisions of Section 15.08.100.

(Ord. No. 390, § 1, 10-4-2016)

15.08.090 - Notice to vacate—Posting.

Every notice to vacate shall, in addition to being served shall be posted at or upon each exit of the building and shall be in substantially the following form:

DO NOT ENTER
UNSAFE TO OCCUPY

It is unlawful to occupy this building or to remove or deface this notice.

Building Official

(Ord. No. 390, § 1, 10-4-2016)

15.08.095 - Compliance with notice to vacate.

- A. Whenever such notice is posted, the building official shall include a notification thereof in the notice and order issued under Section 15.08.065 reciting the emergency and specifying the conditions which necessitate the posting.
- B. No person shall remain in or enter any building which has been so posted except that entry may be made to repair, demolish or remove such building under permit.
- C. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and all lawful requirements been met.

(Ord. No. 390, § 1, 10-4-2016)

15.08.100 - Form of appeal.

- A. Any person entitled to service under Section 15.08.070 may appeal from any notice and order or any action of the building official under this chapter by filing with the city recorder a written appeal containing:
 1. A heading in the words: "Before the City of Mill City, Oregon."
 2. A listing of the names of all appellants participating in the appeal along with a brief statement setting forth the legal interest of each appellant in the building or the land involved in the notice and order.
 3. A brief statement concerning the basis for the appeal together with any material fact(s) claimed to support those contentions and why the protested order or action should be reversed, modified or otherwise set aside.
 4. The signatures of all parties named as appellants and their official mailing addresses.
 5. The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.
- B. The appeal shall be filed within fourteen (14) days of the date of service of the building official's order or action; however, if the building or structure is in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted in accordance with Section 15.08.090, such appeal shall be filed not later than ten (10) days from the date of the service of the notice and order of the building official.

(Ord. No. 390, § 1, 10-4-2016)

15.08.105 - Scheduling appeal for hearing.

As soon as practicable after receiving the written appeal, the city shall fix a date, time and place for the hearing of the appeal. Such date shall not be less than ten (10) nor more than sixty (60) days from the date the appeal was filed with the city recorder. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant by the city either by causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

(Ord. No. 390, § 1, 10-4-2016)

15.08.110 - Effect of failure to appeal.

Failure of any person to file an appeal in accordance with the provisions of Section 15.08.100 shall constitute a waiver of the right to a hearing and adjudication of the notice and order or any portion thereof.

(Ord. No. 390, § 1, 10-4-2016)

15.08.115 - Scope of appeal hearing; stay of order.

- A. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.
- B. Except for vacation orders made pursuant to Section 15.08.085, enforcement of any notice and order of the building official issued under this chapter shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

(Ord. No. 390, § 1, 10-4-2016)

15.08.120 - Form of notice of hearing to appellant.

The notice to the appellant(s) shall be substantially in the following form:

"You are hereby notified that a hearing will be held before the Hearings Officer for the City of Mill City at 444 1st Avenue, Mill City, Oregon on the day of _____, 20____ at the hour given on the notice and order served upon you for alleged violation(s) of Chapter 15.08 (Dangerous Buildings) of the Mill City Municipal Code. You may be present at the hearing. You may be, but need not be, represented by counsel. You may present relevant evidence and be given full opportunity to examine all witnesses."

(Ord. No. 390, § 1, 10-4-2016)

15.08.125 - Record.

A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the court.

(Ord. No. 390, § 1, 10-4-2016)

15.08.130 - Conduct of hearings.

Hearings need not be conducted according to the technical rules relating to evidence and witnesses. Oral evidence shall be taken on oath or affirmation. Hearsay evidence may be used for the purpose of supplementing or explaining direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in Oregon. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in Oregon. Irrelevant and unduly repetitious evidence shall be excluded.

(Ord. No. 390, § 1, 10-4-2016)

15.08.135 - Rights of parties.

The city and the appellant(s) shall be able:

- A. To call and examine witnesses on matters relevant to the issues of the hearing;
- B. To introduce documentary and physical evidence;
- C. To cross-examine opposing witnesses;
- D. To rebut evidence; and
- E. To be represented by anyone lawfully permitted to do so.

(Ord. No. 390, § 1, 10-4-2016)

15.08.140 - Official notice.

In reaching a decision, official notice may be taken (either before or after submission of the case for decision) of any fact which may be judicially noticeable by Oregon courts. Parties present at the hearing shall be informed of the matters to be noticed which is to be noted in the record. Parties present at the hearing shall be given a reasonable opportunity to refute the noticed matters by evidence or by written or oral presentation of authority.

(Ord. No. 390, § 1, 10-4-2016)

15.08.145 - Inspection of the premises.

The hearings officer may inspect any building or structure involved in an appeal during the course of the hearing provided that: notice of such inspection shall be given the parties before the inspection is made; the parties are given an opportunity to be present during the inspection; and, the hearings officer shall state for the record after said inspection the material facts observed and the conclusions drawn therefrom.

(Ord. No. 390, § 1, 10-4-2016)

15.08.150 - Form of decision; judicial review.

With appeals heard by the hearings officer, the hearings officer shall within a reasonable time (not to exceed ninety (90) days from the date the hearing is closed) prepare a written decision which shall contain findings of fact, a determination of the issues presented and the requirements, if any, to be complied with. The effective date of the decision shall be as stated therein. A copy of the decision shall be delivered to the city and appellant by regular mail, postage prepaid. Judicial review of the hearings officer's decision shall be by way of writ of review as provided for in ORS 34.010 to ORS 34.100.

(Ord. No. 390, § 1, 10-4-2016)

15.08.155 - Enforcement of orders.

After any order of the building official or hearings officer made pursuant to this chapter has become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. If, the person to whom such order is directed fails neglects or refuses to comply with said order, the building official may take any and all actions deemed by him, in consultation with the city recorder and city attorney to be appropriate including the filing of supplementary enforcement or compliance action(s) in a court of competent jurisdiction.

(Ord. No. 390, § 1, 10-4-2016)

15.08.160 - Failure to commence work.

Whenever the required repair or demolition is not commenced within thirty (30) days after any final notice and order issued under this chapter becomes effective:

- A. The building official shall cause the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading:

DANGEROUS BUILDING
DO NOT OCCUPY

It is unlawful to occupy this building or to remove or deface this notice.

Building Official
City of Mill City, Oregon

- B. No person shall occupy any building which has been posted as specified in this section. No person shall remove or deface any such notice so posted until the repairs, demolition or removal ordered by the building official have been completed and a certificate of occupancy issued pursuant to the provisions of the building code.
- C. The building official may in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building dangerous as set forth in the notice and order; or, if the notice and order required demolition, to cause the building to be sold and demolished or demolished and the materials, rubble and debris therefrom removed and

the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner provide for the collective of assessment or nuisance liens under state statute or city code. Any surplus realized from the sale of any such building or from the demolition thereof, over and above the cost of demolition, administrative costs and of cleaning the lot shall be paid over to the person or persons lawfully entitled thereto.

(Ord. No. 390, § 1, 10-4-2016)

15.08.165 - Interference with repair or demolition work prohibited.

No person shall obstruct, impede or interfere with any officer, employee, contractor or authorized representative of this jurisdiction or with any person who owns or holds any estate or interest in any building which has been ordered repaired, vacated or demolished under the provisions of this chapter; or with any person to whom such building has been lawfully sold pursuant to the provisions of this chapter, whenever such officer, employee, contractor or authorized representative of the city, person having an interest or estate in such building or structure, or purchaser is engaged in the work of repairing, vacating and repairing, or demolishing any such building, pursuant to the provisions of this chapter, or in performing any necessary act preliminary to or incidental to such work or authorized or directed pursuant to this chapter.

(Ord. No. 390, § 1, 10-4-2016)

Chapter 15.10 - DERELICT BUILDINGS AND STRUCTURES

Sections:

15.10.010 - Purpose.

The purpose of this chapter is to establish an enforcement program to address the problem of derelict, abandoned, and vacant buildings or structures within the city in order to protect the public health, safety, and welfare of the community through the required maintenance of unkempt, unsightly, unsafe, unsanitary, and otherwise improperly maintained structures.

The program is intended to protect the city from blight, deterioration, and decay as a result of properties in a condition or state that potentially would have an adverse effect on the value, utility, and habitability of property within the city. In addition to the obvious hazards which these conditions pose to the public health, safety, and welfare, they specifically cause damage to adjoining and nearby properties. A property which is merely unkempt or vacant for long periods may reduce the value of adjoining and nearby property, and the habitability and economic well-being of the city may be materially and adversely affected.

The goals of this chapter are as follows:

- A. To supplement the city nuisance ordinance and further define as public nuisances those conditions which constitute visual blight and which could result in conditions which are harmful or deleterious to the public health, safety and welfare;

- B. To develop regulations that will promote the sound maintenance of buildings and structures, enhance the community appearance, and the social, economic, and environmental conditions of the community;
- C. To establish guidelines for the correction of property maintenance violations and nuisances that afford due process and procedural guarantees to affected property owners; and
- D. To support responsible environmental practices with the repair and reuse of existing structures in lieu of demolition of buildings that are able to be repaired.

(Ord. No. 390, § 2, 10-4-2016)

15.10.020 - Administration.

- A. Determination of whether a building or property is in violation of this chapter shall be made by the city recorder, or the city recorder's designee. The city recorder should consult with the building official, fire marshal, county public health officer, or any other agency as necessary, before making the determination to bring the matter before the city's derelict building committee.
 - 1. For a violation to have occurred under this chapter, one or more of the building maintenance standards specified in Section 15.10.040 (A—H) shall be out of compliance.
 - 2. Prior to proceeding with a notice of violation, the city recorder's determination shall be reviewed by the city's derelict building committee. The derelict building committee shall be comprised of one city councilor [building commissioner], one planning commission member and one citizen, all appointed by the mayor. If a majority of the committee agrees with the city recorder's determination, the city recorder will issue the notice of violation to the owner or person in charge of the property as set forth in Section 15.10.070. For the purposes of this chapter, the term "person in charge of property" has the meaning defined in Section 8.04.010.
- B. Buildings or structures determined a nuisance shall be subject to the necessary permits and requirements in accordance with the applicable Oregon Structural Specialty Codes. All construction or work for which a permit is required shall be subject to inspection by the building official.
- C. The city may take appropriate steps to gain entry into or upon the property to investigate and/or cause the removal of a nuisance.
- D. The city recorder will provide a report to the city council identifying the number of complaints received, the number of derelict building violations found and notices of violation issued, and the actions taken to resolve the violations.

(Ord. No. 390, § 2, 10-4-2016)

15.10.030 - Exceptions.

This chapter shall not apply to a building or structure that is actively undergoing construction or repair as indicated by a valid building permit and appearance that the person in charge is progressing diligently to complete the repair or construction. This exception does not apply to requirements relevant to public safety or health concerns.

(Ord. No. 390, § 2, 10-4-2016)

15.10.040 - Building maintenance standards.

No person in charge of a property shall maintain or permit to be maintained any property which does not comply with the requirements of this chapter and is deemed to be a nuisance and detrimental to the city. All property shall be maintained to the building code requirements in effect at the time of construction, alteration, or repair, and shall meet the requirements below. The building maintenance standards are listed as subsections (A) through (H) of this section.

A. Accessory Structures.

1. All accessory structures, including sheds, awnings, and other similar features, shall be maintained structurally safe and sound, and in good repair.
2. Accessory structures shall comply with maintenance standards in Section 15.10.040(B) through (H).

B. Roofs.

1. The roof shall be structurally sound, tight, and have no defects which might admit rain.
2. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building.
3. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions and shall channel rainwater into approved receivers.

C. Chimneys and Towers.

1. All chimneys, cooling towers, smoke stacks, towers, and similar appurtenances/attachments shall be maintained so as to be structurally safe and sound, and in good repair. They shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or back-up of noxious gases. They shall be reasonably plumb.
2. Loose bricks or blocks shall be re-bonded. Loose or missing mortar shall be replaced. Unused openings into the interior of the structure must be permanently sealed using approved materials.

D. Foundations and Structural Members.

1. Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration.
2. The supporting structural members in every structure shall be maintained so as to be structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

E. Exterior Walls and Exposed Surfaces.

1. Exterior wall and weather-exposed exterior surface or attachment shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building.
2. Exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, paint, or

other approved coating, and be maintained in good condition.

3. Exterior metal surfaces shall be protected from rust and corrosion of an extent that would substantially impair its ability to carry imposed loads.
4. Exterior brick, stone, masonry, or other veneer shall be maintained so as to be structurally sound and be adequately supported and tied back to its supporting structure.
5. Cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
6. Overhang extensions, including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.

F. Windows.

1. Each window shall be substantially weather-tight, shall be kept in sound condition and repair for its intended use.
2. Window sash shall be fully supplied with glass window panes, light transmitting ceramic and/or light-transmitting plastic panels as permitted in the Oregon Structural Specialty Code without open cracks and holes.
3. Window sash shall be in good condition and fit weather-tight within its frames.
4. Window frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering the structure.

G. Doors.

1. Exterior doors, including screen doors, cellar doors, and garage doors, door assemblies, and hardware shall be maintained in good condition, be weather-tight, and substantially exclude wind and rain from entering the structure.

H. Insect and Rodent Harborage.

1. Every dwelling shall be kept free from insect and rodent infestation, and where insects and rodents are found, they shall be promptly terminated. After extermination, proper precautions shall be taken to prevent re-infestation.

(Ord. No. 390, § 2, 10-4-2016)

15.10.050 - Vacant buildings.

In addition to the maintenance standards in Section 15.10.040, the person in charge of a vacant property and/or building shall comply with the following maintenance and security requirements:

- A. The building and/or property shall be secure so that it is not accessible to unauthorized persons, including, but not limited to, the closure and locking of windows and doors (walk through, sliding, and garage) and any other opening of such size that may allow a child to access the interior of a structure; chaining or padlocking gates, and repairing fencing.

- B. If the person in charge of the property or building does not reside or have a business office within fifty (50) miles of the city limits, the person in charge shall contract with or otherwise engage a person to provide property management to perform inspections to verify that all requirements of this chapter, enforcement notice, other applicable laws are being met.
- C. The property shall be posted with name and twenty-four-hour contact phone number of the owner, person in charge, or a local property management representative. The posting shall be no larger than eighteen (18) inches x twenty-four (24) inches and shall contain the words "THIS PROPERTY MANAGED BY . . ." The posting shall be secured to the exterior of the building or placed in a location on the property so it is visible from the street.

(Ord. No. 390, § 2, 10-4-2016)

15.10.060 - Violation options.

When an alleged complaint is reported to the city, the city recorder or designee shall prepare a statement of the facts and shall review the facts and circumstances surrounding the alleged complaint. The city recorder shall not proceed further with the matter if the city recorder determines that there is not sufficient evidence to support the allegation, or if the derelict building committee rules that the nuisance does not exist and is not a violation. If a nuisance is determined to exist by the derelict building committee, the city recorder may enforce this chapter by any of the following methods:

- A. Abatement by the owner;
- B. Voluntary correction agreement;
- C. Citation;
- D. Abatement by the city;
- E. Citation and abatement;
- F. Other enforcement remedies available at law or at equity.

(Ord. No. 390, § 2, 10-4-2016)

15.10.070 - Violation notice.

- A. Upon determination by the city recorder, and after consultation with the derelict building committee, that a nuisance as defined in Sections 15.10.040 or 15.10.050 exists, the city recorder shall forthwith cause a notice to be posted on the premises where the nuisance exists, directing the owner or person in charge of the property to abate such nuisance.
- B. At the time of posting, the city recorder shall cause a copy of such notice to be forwarded by registered or certified mail, postage prepaid, to the owner or person in charge of the property at the last known address of such owner or other person.
- C. The notice of violation shall contain:
 1. A description of the real property, by street address or otherwise, on which such nuisance exists;
 2. A statement explaining the different options for abatement by the owner, including the voluntary

correction agreement;

3. A direction to abate the nuisance by the date listed on the notice;
4. A description of the nuisance;
5. A statement that unless such nuisance is removed, the city may abate the nuisance and the cost of abatement shall be a lien against the property;
6. A statement that the owner or other person in charge of the property may appeal to the city by filing an appeal with the city recorder within twelve (12) business days of the mailing date of the notice of violation. The city's hearings officer, shall hear and determine the objections of the appeal.

D. Upon completion of the posting and mailing, the city recorder or designee posting and mailing the notice shall execute and file a certificate stating the date and place of such mailing and posting.

E. An error in the name or address of the owner or person in charge of the property or the use of a name other than that of the owner or other person shall not make the notice void and in such a case the posted notice shall be sufficient.

(Ord. No. 390, § 2, 10-4-2016)

15.10.080 - Procedure for enforcement.

The following are the general steps that should be conducted in the enforcement of derelict buildings. These procedures are intended as a guideline and strict adherence to this process is not required. Time lines may be shortened or lengthened depending on individual circumstances. These procedures do not prevent the use of other methods of enforcement that may be available to the city.

- A. Possible nuisance is identified by a city employee or through a complaint. Complaints may be made anonymously.
- B. The city recorder or designee verifies that the nuisance exists and is a violation. The city recorder or designee identifies property owner, person in charge, and/or person responsible for the violation.
- C. The city's derelict building committee evaluates the city recorder's determination and then either concurs or does not concur that the nuisance exists and is a violation. If a majority of the committee decides that a nuisance does not exist, then the city recorder will note that decision for the file and take no further action on the matter.
- D. If a majority of the derelict building committee determines a nuisance does exist, the city recorder shall cause a notice to be posted on the premises where the nuisance exists and send a notice of violation by regular mail to the property owner or others advising of the nuisance, citing the specific violation and the options for completing the work. Staff will provide the options for rectifying the nuisance, repair, rehabilitation or abatement.
- E. If the property owner enters into a voluntary correction agreement with the city, then the steps in Section 15.10.100 for voluntary correction agreement shall be followed.
- F. If the property owner does not enter into a voluntary correction agreement, then, after two weeks, the city recorder or designee verifies if the nuisance still exists. If a nuisance does not exist, the city

recorder will note that fact for the file and take no further action on the matter.

- G. If nuisance persists, a second notice of violation is sent by regular and certified mail with due date of additional two weeks, and advisement of possible fines.
- H. After two weeks, the city recorder verifies if nuisance still exists. If nuisance does not exist, the city recorder will note that fact for the file and take no further action on the matter.
- I. If nuisance still exists, the city may issue a complaint to the property owner to appear in municipal court as permitted under Section 15.10.110 or may request the council abate the nuisance in accordance with Sections 15.10.120 and 15.10.130 of this chapter.
- J. Each day the nuisance persists is a separate violation.
- K. If the nuisance still exists after fines imposed in accordance with Section 15.10.110 and the property owner's failure to comply with a municipal court order, the city may abate the nuisance in accordance with Sections 15.10.120 and 15.10.130 of this chapter and place a lien on the property for all of its costs incurred to abate the nuisance, including, but not limited to, attorney fees, and/or continue with other methods of enforcement available to the city.

(Ord. No. 390, § 2, 10-4-2016)

15.10.090 - Appeal to hearings officer and abatement by the owner.

- A. On the date listed on the notice to abate the nuisance as contained on the posting and mailing of the notice as provided in Section 15.10.070, the owner or person in charge of the property shall have removed the nuisance or show that no nuisance exists.
- B. The owner or person in charge protesting that no nuisance exists shall file with the city recorder an appeal which shall specify the basis for appeal. A notice of violation may be appealed to the city by filing an appeal with the city recorder within twelve (12) business days of the mailing date of the notice of violation.
- C. The appeal shall be referred to the city's hearings officer. The hearings officer will set a date and time to consider the appeal. At the time set for consideration of the appeal, the owner or other person may appear and be heard. The hearings officer will thereupon determine whether or not a nuisance in fact exists and upon such determination will issue a written notice of decision.
- D. If the hearings officer determines that a nuisance does in fact exist, the owner or other person shall, by a date as specified by the hearings officer's determination, abate such nuisance.
- E. The decision of the hearings officer is final.

(Ord. No. 390, § 2, 10-4-2016)

15.10.100 - Voluntary correction agreement.

- A. The city recorder is authorized to execute a voluntary correction agreement with the owner of a dwelling, building, structure or property for which the owner has been issued a notice of violation in accordance with Section 15.10.070.

B. A voluntary correction agreement is a contract between the City of Mill City and the property owner in which property owner agrees to abate the nuisance as described in the notice of violation. The voluntary correction agreement be in a form approved by the city and shall include:

1. The name and address of the owner of the property and any other person bound under the agreement.
2. The street address, assessor's map and tax lot number or other legal description sufficient to identify the premises.
3. A copy of the notice of violation or a description of the nuisance and conditions to be abated.
4. The corrective action to be taken and a date by which the corrective action must be completed. If a building permit is required, the agreement will state a date when the property owner, or his authorized representative, will submit a building permit application and plans meeting Linn County Building Department requirements.
5. A stipulation by the property owner that the illegal condition(s) identified in the notice of violation, complaint or order to exist and that the corrections specified in the voluntary correction agreement are appropriate and that the property owner agrees to make the corrections by the date and time specified. [Set by city recorder, in consultation with city attorney and/or building official.]
6. A stipulation by the property owner that the City of Mill City may abate the illegal condition(s) and recover costs and administrative fees as an assessment to the owner and a lien on the property pursuant to the city's nuisance abatement procedures in Chapter 8.04 of this code, in the event of a material breach of the voluntary correction agreement.
7. A stipulation by the property owner that the property owner will reimburse the city for all or an agreed upon portion of the city's enforcement costs and a statement of the costs and administrative fees to be paid, by whom and by what date.
8. A statement by the property owner that the city, its employees, contractors, agents and assigns, are permitted to enter the property at any reasonable time until the illegal condition is abated.
9. A statement that upon notification from the property owner that the work is complete, the city will inspect the premises, determine if the illegal conditions or nuisance no longer exists and issue a written notice to the property owner that the work is complete or if the city finds the corrective action is not complete and an illegal condition still exists.

C. The city recorder may, in his or her sole discretion, extend deadline(s) for correction if the property owner has been diligent and made substantial progress but has been unavoidably delayed.

D. The city recorder may determine that a material breach of a voluntary correction agreement has occurred and may further determine what shall be done to abate the illegal conditions which were the subject of the voluntary compliance agreement. The city recorder shall cause a notice of such determination of a material breach of a voluntary compliance agreement to be forwarded by registered or certified mail, postage prepaid, to the owner or person in charge of the property at the last known address of such owner or other person. A copy of the city recorder's determination will be provided to the derelict building committee. The city recorder's determination may be appealed to the city.

E. A written appeal of the city recorder's determination that a material breach has occurred may be filed at city within twenty-one (21) days of the mailing date of the notice. The hearings officer, after consultation with the attorney, will set a date and time to consider the appeal. The property owner may appear at the appeal hearing to be heard by the hearings officer. The hearings officer will thereupon determine whether or not a material breach exists and will issue a written notice of decision on the appeal. If the hearings officer determines that a material breach does in fact exist, the city may proceed with abatement of the nuisance under terms stipulated in the voluntary correction agreement. The decision of the hearings officer is final.

(Ord. No. 390, § 2, 10-4-2016)

15.10.110 - Penalties.

Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed five hundred dollars (\$500.00) per violation. Each day that a violation exists after due notice has been served shall be deemed a separate offense.

(Ord. No. 390, § 2, 10-4-2016)

15.10.120 - Abatement.

- A. If, within the time allowed, the nuisance has not been corrected by the owner or person in charge of the property, the council may cause the nuisance to be abated.
- B. The city official charged with abatement of such nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.
- C. The city recorder shall keep an accurate record of the expense incurred by the city in abating the nuisance and shall include therein a charge of twenty (20) percent of the expense for administrative overhead.

(Ord. No. 390, § 2, 10-4-2016)

15.10.130 - Assessment of abatement costs.

- A. The city recorder, by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property a notice stating:
 1. The total cost of abatement, including, but not limited to, the administrative overhead and outside consultant costs or legal fees;
 2. That the cost as indicated will be assessed to and become a lien against the property unless paid within thirty (30) days from the date of notice;
 3. That if the owner or person in charge of the property objects to the cost of the abatement as indicated, he/she may file a notice of objection with the city recorder not more than twelve (12) business days from the date of notice.
- B. The council, in regular course of business, shall hear and determine the objections to the cost to be assessed.

- C. The costs of abatement shall be paid in full within thirty (30) days from the date of the notice. In lieu of full payment within thirty (30) days of the notice, the city may enter into an installment payment agreement with the owner in charge of the property that provides for installment payments to the city for a period of up to five years for the amount of the outstanding balance due to the city, plus accrued interest. The agreement will include a payment schedule. The interest rate shall be the rate set forth in Section 3.08.110 of this code or such other interest rate established by the city council in the resolution adopted per subsection (D) of this section.
- D. If the costs of the abatement are not paid within thirty (30) days from the date of the notice, an assessment of the costs as stated or as determined by the council shall be made by resolution and shall thereupon be entered in the docket of city liens and, upon such entry being made, shall constitute a lien upon the property from which the nuisance was removed or abated.
- E. The lien shall be enforced in the same manner as liens for local improvements are enforced, as set forth in Chapter 3.08 of this code. The lien shall bear interest at the rate set forth in Section 3.08.110 of this code or such other interest rate established by the city council in the lien resolution adopted per subsection (D) of this section. Such interest shall accrue from the date of the entry of the lien in the lien docket.
- F. An error in the name of the owner or person in charge of the property shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

(Ord. No. 390, § 2, 10-4-2016)