



**TALENT CITY COUNCIL
REGULAR COUNCIL MEETING
TOWN HALL
February 17, 2016 – 6:45 P.M.**

Study Session, Regular Council & TURA meetings are being digitally recorded and will be available on the City website

The City Council of the City of Talent will meet in a Regular Council session at 6:45 P.M on Wednesday, February 17th in the Town Hall, 206 E. Main Street. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-535-1566, ext. 1012.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

REGULAR COUNCIL MEETING- 6:45 PM

Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the meeting place. Anyone commenting on a subject not on the agenda will be called upon during the “Citizens Heard on Non-agenda Items” section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.

1. Call to Order/Roll Call

2. Pledge of Allegiance

3. Mayor Announcements

3.1 State of the City

4. Public Hearings

Public hearings are conducted under a prescribed procedure depending on the topic. The presiding officer will conduct the hearing in accordance with those procedures which will allow for public input at the announced time.

4.1 None

5. Citizens Heard on Non-Agenda Items

Limited to 5 minutes or less per Mayoral discretion

6. Public Presentations

Items that do not require immediate Council action, such as presentations, discussion of potential future action items. Time limited to 15 minutes per presentation unless prior arrangements have been made.

6.1 None

7. Consent Agenda

The consent agenda consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately on request.

- 7.1 Approval of Regular Council Meeting Minutes for February 3, 2016.....Page 4-16**
- 7.2 Acknowledge receipt of Payables.....Page 17-19**
- 7.3 Approve TURA Financials and Annual Report.....(agenda report pending)**

8. Regular Agenda

Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. Action items are expected to result in motions, resolutions, orders, or ordinances.

- 8.1 Second Reading for Ordinance 16-910-O, An Ordinance that provides rules and regulations for the conduct and operation of the water system of the City of Talent and connection therewith – regulating and governing the use of water from said system – providing penalties for non-payment of water service and for violation of this Ordinance and repealing Ordinances 07-830-O and 07-831-O.....Page 21-44
- 8.2 Second Reading of Ordinance 16-911-O, and Ordinance amending Ordinance 458, Talent Zoning Code, adding Title 8, Chapter 3, Division L, Article 9, Traffic Impact Study, amending Title 8, Chapter 3, Division M, Article 1, Sections 150(B) and 160 (C) and amending Title 8, Chapter 3, Division L, Article 2, Sections 244 and 246, allowing the City to require a Transportation Impact Study when certain thresholds have been met.....Page 45
- 8.3 Second Reading of Ordinance 16-912-O, an Ordinance amending Ordinance No. 818, Talent Subdivision Code, amending title 8, Chapter 2, Section 260 allowing the City to require a transportation impact study when certain thresholds have been met.....Page 46
- 8.4 First Reading of Ordinance 16-914-O, An Ordinance providing for rules and regulations of public parks – defining and punishing certain offenses against the public general welfare. Repealing Ordinance 72-286-O.....Page 47-53
- 8.5 First Reading of Ordinance 16-915-O, an Ordinance establishing a program for the maintenance and operation of Talent city parks and imposing a surcharge for ongoing funding. Repealing Ordinance 05-795-O.....Page 54-63
- 8.6 First Reading of Ordinance 16-916-O, an Ordinance for the City of Talent’s flood damage prevention Ordinance and adoption of the most current versions of the flood insurance rate maps (FIRM) and flood insurance study. Repealing Ordinance 04-752-O.....Page 64-77
- 8.7 Approve Phase 2 of the Water Park.....Page 78
- 8.8 Approve Liquor License for Kindred Spirits.....Page 79-84
- 8.9 Approve Noise Permit for the Rogue Run.....Page 85

9. Information Items

- 9.1 None

10. City Manager & Other Department Reports

Items for discussion by the City Manager and Department Heads as needed.

11. Other Business

- 11.1

12. Mayor and Councilor - Committee Reports and Councilor Comments

- Rogue Valley Area Commission on Transportation – Mayor Stricker (alternate)
- Together for Talent Committee – Councilor Collins
- Metropolitan Planning Organization – Mayor Stricker & Councilor Cooke (alternate)
- Planning Commission – Councilor Wise & Councilor Abshire (alternate)
- Public Art Advisory Committee – Councilor McManus
- Parks Commission – Mayor Stricker
- Traffic Safety & Transportation Commission – Councilor Cooke
- Rogue Valley Council of Governments – Councilor McManus & Mayor Stricker (alternate)
- Talent Historical Society – Councilor Abshire
- Harvest Festival Committee – Councilor McManus
- Economic Development - Councilor Pederson & Councilor McManus
- Chamber – Councilor Pederson
- Talent Charter Review – Councilor Cooke

13. Adjournment

The City of Talent is an Equal Opportunity Provider

Note: This agenda and the entire agenda packet, including staff reports, referenced documents, resolutions and ordinances are posted on the City of Talent website (www.cityoftalent.org) in advance of each meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact TTY phone number 1-800-735-2900 for English and for Spanish please contact TTY phone number 1-800-735-3896.



**TALENT CITY COUNCIL
REGULAR COUNCIL MEETING DRAFT MINUTES
TOWN HALL
February 3, 2016 – 6:45 P.M.**

Study Session, Regular Council & TURA meetings are being digitally recorded and will be available on the City website

The City Council of the City of Talent will meet in a Regular Council session at 6:45 P.M on Wednesday, February 3, 2016 at 6:45 P.M. in the Town Hall, 206 E. Main Street. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-535-1566, ext. 1012.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

REGULAR COUNCIL MEETING- 6:45 PM

Anyone wishing to speak on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the meeting place. Anyone commenting on a subject not on the agenda will be called upon during the “Citizens Heard on Non-agenda Items” section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.

1. Call to Order/Roll Call

Members Present

Mayor Stricker

Councilor McManus

Councilor Cooke

Councilor Abshire

Councilor Pederson

Councilor Wise

Councilor Collins

Members Absent

2. Pledge of Allegiance

3. Mayor Announcements

- State of the City Feb. 17th.
- Volunteer Celebration at Community Center. March 3rd 6-8 PM.

4. Public Hearings

Public hearings are conducted under a prescribed procedure depending on the topic. The presiding officer will conduct the hearing in accordance with those procedures which will allow for public input at the announced time.

4.1 Zone Code Amendments

Community Development Director, Zac Moody gave a Staff Report.

Mayor Stricker opened the Public Hearing at 7:05 PM

Public input:

None.

Mayor Stricker closed the Public Hearing at 7:05 PM

Councilor Pederson moved to approve Ordinance 16-911-O, and ordinance amending Ordinance 458, Talent Zoning Code, adding Title 8, Chapter 3, Division L, Article 9, Traffic Impact Study, amending Title 8, Chapter 3, Division M, Article 1, Sections 150(B) and 160(C) and amending Title 8, Chapter 3, Division L, Article 2, Sections 244 and 246, allowing the City to require a Transportation Impact Study when certain thresholds have been met. Councilor Collins seconded. Mayor Stricker repeated the motion. Discussion: Councilor Pederson spoke in appreciation of the organization and approach of the Staff report keeping in mind what is best for the City. All Ayes. Motion passed unanimously.

Councilor Wise moved to approve Ordinance 16-912-O, and Ordinance amending Ordinance 818, Talent Subdivision Code, Title 8, Chapter 2, Section 260, allowing the City to require a Transportation Impact Study when certain thresholds have been met. Councilor Cooke seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

5. Citizens Heard on Non-Agenda Items

Limited to 5 minutes or less per Mayoral discretion

6. Public Presentations

Items that do not require immediate Council action, such as presentations, discussion of potential future action items. Time limited to 15 minutes per presentation unless prior arrangements have been made.

6.1 DOT by Art Anderson

Mr. Anderson presented a PowerPoint presentation (*see attached*).

Mayor Stricker spoke in concern regarding the agreement from 2002 and questioned why the project has taken so long. She also spoke in concern of the cost increase.

Mr. Anderson spoke that it took longer due to the waterline going in first which delayed the project at least a year.

Mayor Stricker gave a brief background and spoke in her concerns of paying more.

Mr. Anderson spoke that the cost increases are due to the structural integrity of the road.

Mayor Stricker spoke regarding the existing contract agreement and noted that it states the agency (City of Talent) will be limited to \$400,000 and the estimated is subject to change state should be responsible for any none participating costs and project costs beyond the estimate.

Council spoke to their concerns regarding the increased asking cost.

Mr. Anderson spoke to the importance of the project and that it will move forward. He also discussed the cost increase.

It was discussed to reevaluate the project.

Mayor Stricker suggested to Council to go back to the public with this issue.

Mr. Corrigan questioned if there was any MPO money. Mr. Anderson answered that there is a possibility.

It was decided to table the issue and work together to look for funding options for the project.

7. Consent Agenda

The consent agenda consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately on request.

7.1 Approval of Regular Council Meeting Minutes for January 20, 2016

Councilor Abshire moved to approve the Council Minutes for January 20, 2016. Councilor Pederson seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

7.2 Acknowledge receipt Parks Minutes for December 9, 2015

Councilor Cooke moved to approve the acknowledgement of the Parks Minutes for December 9, 2015. Councilor Collins seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

7.3 EOA Citizen Advisory Committee

Mr. Moody gave a brief Staff report.

Mayor Stricker spoke that appointments need to go through the Mayor's office due to policy.

Councilor Pederson was appointed to be on the EOA Citizen Advisory Committee. Councilor McManus was appointed as backup.

8. Regular Agenda

Citizens will be provided the opportunity to offer comments on action items after staff has given their report and if there is an applicant, after they have had the opportunity to speak. Action items are expected to result in motions, resolutions, orders, or ordinances.

8.1 Second Reading for Ordinance 16-913-O, an Ordinance prohibiting the use of disposable food service ware composed of polystyrene foam in the City of Talent.

Mr. Corrigan gave a brief Staff report.

Councilor Abshire moved to approve Ordinance 16-913-O, an Ordinance prohibiting the use of disposable food service ware composed of polystyrene foam in the City of Talent. Councilor Pederson seconded. Mayor Stricker repeated the motion. Discussion: None. All Ayes. Motion passed unanimously.

8.2 First Reading for Ordinance 16-910-O, An Ordinance that provides rules and regulations for the conduct and operation of the water system of the City of Talent and connection therewith – regulating and governing the use of water from said system – providing penalties for non-payment of water service and for violation of this Ordinance and repealing Ordinances 07-830-O and 07-831-O.

Mr. Corrigan gave a brief Staff report.

Councilor Pederson noted that there was a line in section 2 that stated “Ordinance” and should state “Resolution”.

Councilor Cooke moved to approve Ordinance 16-910-O, An Ordinance that provides rules and regulations for the conduct and operation of the water system of the City of Talent and connection therewith – regulating and governing the use of water from said system – providing penalties for non-payment of water service and for violation of this Ordinance and repealing Ordinances 07-830-O and 07-831-O. Councilor Abshire seconded. Mayor Stricker repeated the motion. Discussion: Councilor Pederson noted that motion be approved as amended. All Ayes. Motion passed unanimously.

8.3 Approval of Resolution 16-937-R, A Resolution establishing a fee schedule for the City of Talent Water Rates.

Mr. Corrigan gave a brief Staff report.

Councilor Collins moved to approve Resolution 16-937-R, A Resolution establishing a fee schedule for the City of Talent Water Rates. Councilor Abshire seconded. Mayor Stricker repeated the motion. Discussion: Councilor Wise spoke in concern of the water rate increase. Mr. Corrigan explained it had been discussed in numerous council meetings and citizens were notified. All Ayes. Motion passed unanimously.

9. Information Items

9.1 None

10. City Manager & Other Department Reports

Items for discussion by the City Manager and Department Heads as needed.

City Manager, Tom Corrigan gave City and Department reports:

- The Community Center grant may require a presentation to Council for Fair Housing.
- The TAP line was hit in Phoenix. It will be fixed.
- Draft Council Goals were sent out. The next Council Goals meeting is February 10th.
- Fire District 5 will be presenting their annual report to Council on March 2nd.
- Working on the water tank.
- Marijuana issues will be on the agenda in March.
- Foss road rumble strips are in.
- CERT classes are starting in April.
- Cantina Vida is opening next week.

11. Other Business

11.1 None.

12. Mayor and Councilor - Committee Reports and Councilor Comments

Rogue Valley Area Commission on Transportation – Mayor Stricker (alternate)
Together for Talent Committee – Councilor Collins
Metropolitan Planning Organization – Mayor Stricker & Councilor Cooke (alternate)
Planning Commission – Councilor Wise & Councilor Abshire (alternate)
Public Art Advisory Committee – Councilor McManus

Parks Commission – Mayor Stricker
Traffic Safety & Transportation Commission – Councilor Cooke
Rogue Valley Council of Governments – Councilor McManus & Mayor Stricker (alternate)
Talent Historical Society – Councilor Abshire
Harvest Festival Committee – Councilor McManus
Economic Development - Councilor Pederson & Council McManus
Chamber – Councilor Pederson
Talent Charter Review – Councilor Cooke

Councilor Abshire announced he attended the Planning Commission and discussed Code Amendments. He also announced the Historical Society is planning the Talent Tomato Sale.

Councilor Wise announced that the Planning Commission decided to not increase the Commission membership.

Councilor McManus announced he attended the Southern Oregon Business Conference and gave a brief overview.

Mayor Stricker announced she attended the Safe School Meeting and gave a brief update. She spoke that the concern of home growth of marijuana was discussed. She also announced she testified to the State regarding the ban on Senate Bill 15-33 to lift the ban inclusionary zoning.

Mayor Stricker spoke that she will be moving her office hours to Thursday from 11AM-1PM in order to attend MPO meetings.

Councilor Cook, Councilor Pederson and Councilor Collins had no announcements.

13. Adjournment

The Council Meeting adjourned at 8:55 PM

Respectfully submitted by:

City Recorder, Melissa Huhtala

Attest:

City Manager, Tom Corrigan

The City of Talent is an Equal Opportunity Provider

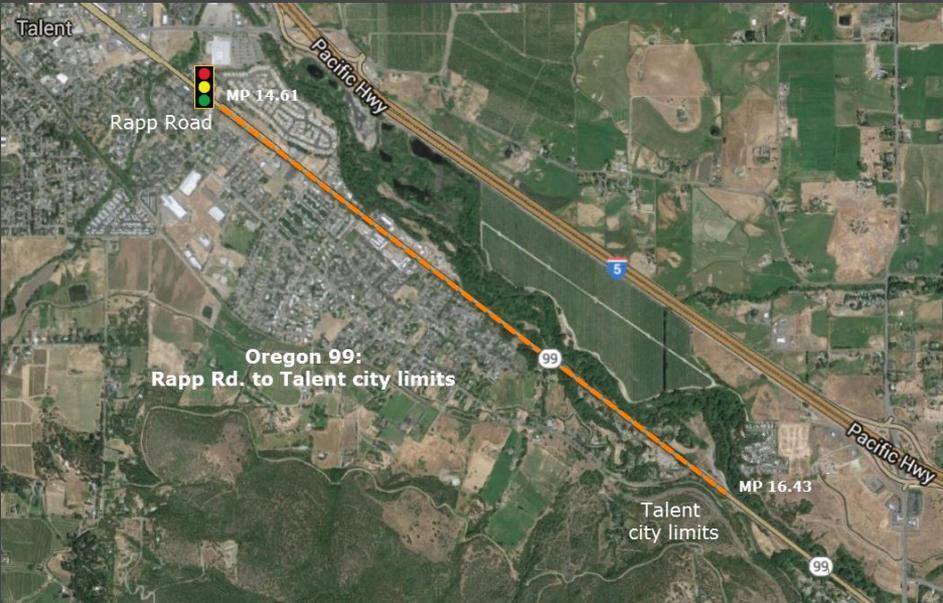
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Oregon 99: Rapp Rd. to S. Talent City Limits

Talent City Council

FEBRUARY 3, 2016



OREGON 99: RAPP RD. TO S. TALENT CITY LIMITS

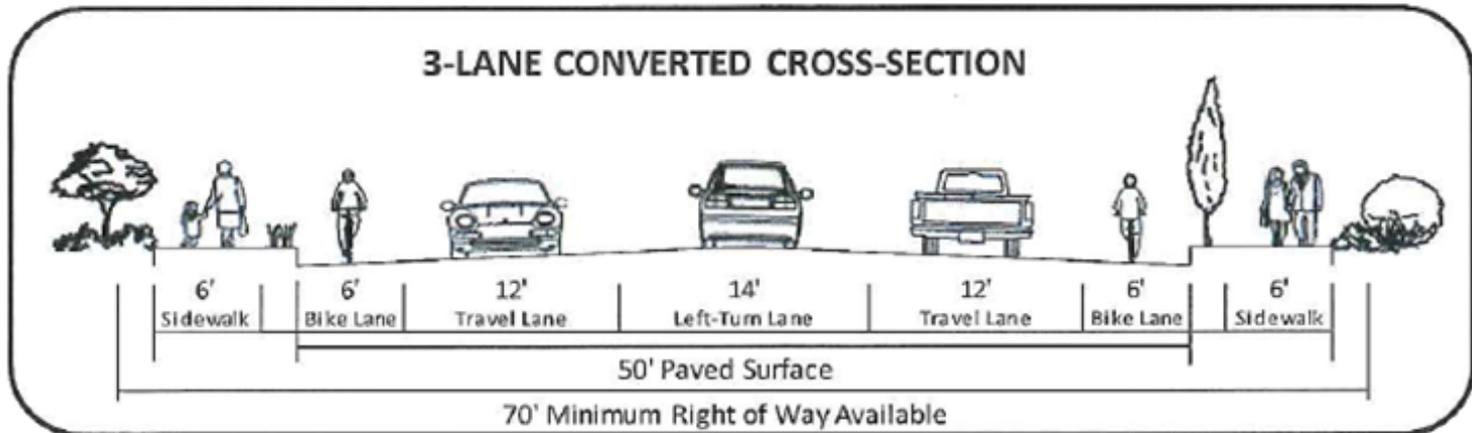
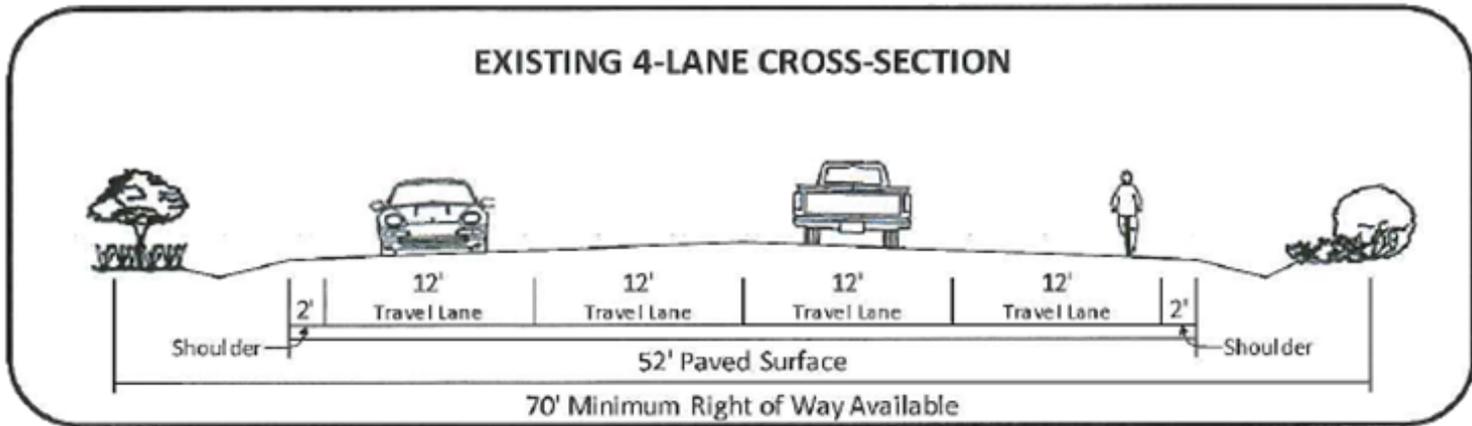
PROJECT SCOPE & TIMELINE



- PROJECT BUDGET: \$3.34 MILLION
- REVISED ESTIMATE: \$4.59 MILLION
- BIDS: MAR 2017
- CONSTRUCTION START: MAY 2017



OREGON 99: RAPP RD. TO S. TALENT CITY LIMITS



OREGON 99: RAPP RD. TO S. TALENT CITY LIMITS

PROJECT ISSUES

Additional \$300K needed from Talent for east sidewalks –

- Costs increased due to:
 - Need \$ for right of way for driveways vs. permit of entry
 - Existing asphalt is in poor shape; estimate doubled
 - Project never fully scoped before RVACT funding approval



Unanticipated Project Issues

THEN

Initial concept

- **Asphalt:**
Remove 2", back 2"
- **Property:**
Permit of Entry required
- **Design Costs:**
Estimate

NOW

Refined design

- **+\$882K**
Remove 3", back 5"
▶ additional 3" of mix
- **+\$193K**
Temp. & Perm. Easements
- **+\$170K**
Actual Detailed Design



\$300K requested from Talent

ODOT is providing an additional \$900K

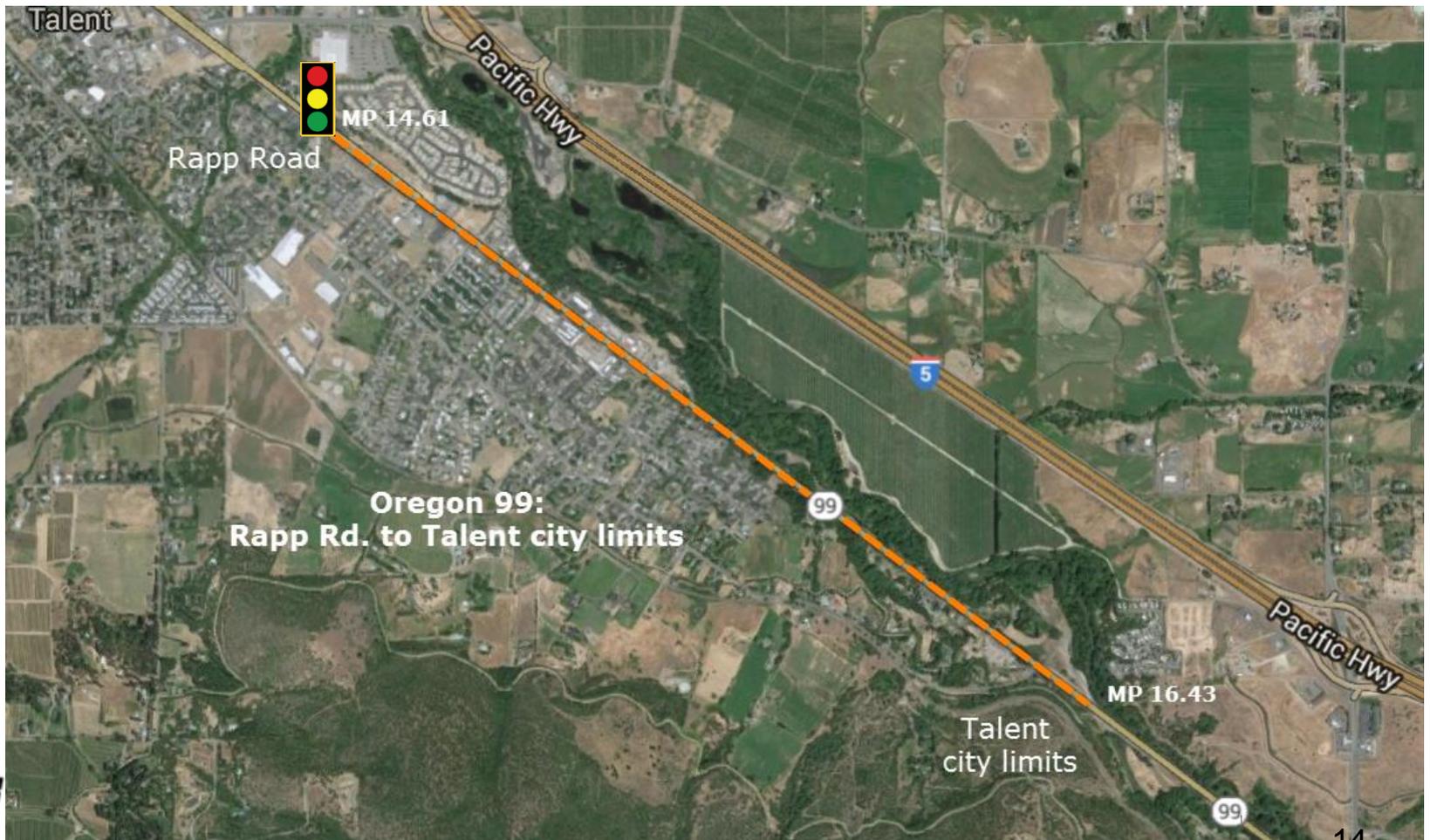
Project deficit is approximately \$1.2 million

Oregon 99: Rapp Rd. to South Talent City Limits

Phase	Budget	Estimated to Finish	Deficit
Preliminary Engineering	\$280,000	\$450,000	\$170,000
Right of Way	\$7,000	\$200,000	\$193,000
Construction	\$3,054,000	\$3,936,074	\$882,074
Total	\$3,341,000	\$4,586,074	\$1,245,074



OREGON 99: RAPP RD. TO S. TALENT CITY LIMITS



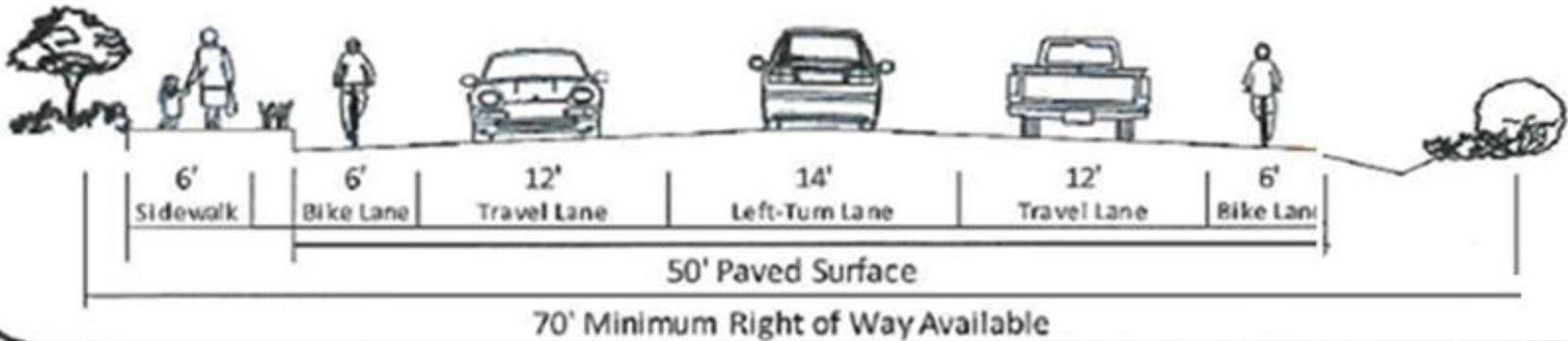


THANK YOU!



OREGON 99: RAPP RD. TO S. TALENT CITY LIMITS

3-LANE CONVERTED CROSS-SECTION





City Council Accounts Payable Report

January 1 – January 31, 2016

Meeting Date:	February 17, 2016	Primary Staff Contact:	Denise Woodman <i>djw</i>
Department:	Administration and Finance	E-Mail:	denise@cityoftalent.org
Approval:	Thomas J. Corrigan	Secondary Contact:	

Attached is the check register for January 1 – January 31, 2016 for your review. Miscellaneous reimbursements, Town Hall deposits and Utility Billing credit balance refunds (STMP...) were issued on January 29th, checks numbered 27844 through 27847. Check numbers 27153 to Central Oregon and Pacific Railroad and 27633 to Biomass One were canceled for corrections. Other expenditures for this period include:

- Emergency Communications of Southern Oregon – Quarterly emergency communications contract - \$20,263.67
- File On Q – Police software maintenance & support - \$907.50
- FX Designs – Fire signs for Community Center - \$109.95
- Galifco Oregon – Archive shelving - \$639.64
- Randy McMaster dba R&D Equipment Company – Public Works trash pump repair - \$449.14
- The Bank of New York Mellon. – LOCAP 2013B Bond interest payment - \$56,295.00
- Grabowski Paving – Asphalt patch at 251 Valley View, 1737 Lithia Way, and 604 Talent Avenue - \$960.00
- PacWest Machinery – Street Sweeper - \$196,500.00

If you see any items that you would like clarification on, please give me a call or send me an email.

Check Register - Summary-Supp.



Vendor : A1PAV001 To ZUMAR001
 Trans. Date : 01-Jul-2015 To 05-Feb-2016
 Check Date : 01-Jan-2016 To 31-Jan-2016
 Check No : All
 Batch No : All

Bank : Bank : 003 To 003
 Status : All
 Medium :
 M=Manual C=Computer R=Credit E=EFT-PAP T=EFT-File

Chq/Ref #	Check Date	Vendor	Vendor Name	Status	Batch	Medium	Amount
00315-0001	14-Jan-2016	ORDOJ002	OREGON DEPT OF JUSTICE	Issued	197	E	193.00
00315-0002	14-Jan-2016	ORPUB003	OREGON PUBLIC EMPLOYEES RETIREM	Issued	197	E	8114.73
00315-0003	14-Jan-2016	ORREV002	OREGON DEPARTMENT OF REVENUE	Issued	197	E	4609.27
00315-0004	14-Jan-2016	UNITE002	UNITED STATES TREASURY PR TAX EFT	Issued	197	E	14943.63
00316-0001	27-Jan-2016	ORDOJ002	OREGON DEPT OF JUSTICE	Cleared	200	E	193.00
00316-0002	27-Jan-2016	ORPUB003	OREGON PUBLIC EMPLOYEES RETIREM	Cleared	200	E	8001.82
00316-0003	27-Jan-2016	ORREV002	OREGON DEPARTMENT OF REVENUE	Cleared	200	E	4700.89
00316-0004	27-Jan-2016	OTEAM001	OREGON TEAMSTERS EMPLOYERS TRL	Issued	200	E	29087.04
00316-0005	27-Jan-2016	UNITE002	UNITED STATES TREASURY PR TAX EFT	Cleared	200	E	15414.89
	29-Jan-2016	BIOMA001	BIOMASS ONE L.P.	Cancelled	207	R	0.00
	29-Jan-2016	CENTR001	CENTRAL OREGON & PACIFIC RAILROAI	Cancelled	209	R	0.00
27749	07-Jan-2016	ALSCO001	ALSCO INC.	Issued	193	C	333.09
27750	07-Jan-2016	ATTWI001	AT&T MOBILITY	Issued	193	C	894.02
27751	07-Jan-2016	AVIST001	AVISTA UTILITIES	Issued	193	C	1632.59
27752	07-Jan-2016	BANKO002	BANK OF AMERICA	Issued	193	C	1677.87
27753	07-Jan-2016	BATTE003	PACELAUT-BATTERIES PLUS/SPECIFIC E	Issued	193	C	74.51
27754	07-Jan-2016	CENTU003	CENTURYLINK	Issued	193	C	138.90
27755	07-Jan-2016	DMVSE001	DRIVER AND MOTOR VEHICLE SERVICE	Issued	193	C	105.50
27756	07-Jan-2016	DONSL001	DONS LOCK LLC	Issued	193	C	21.00
27757	07-Jan-2016	ENVIR003	ENVIRONMENTAL CONTROLS CORP.	Issued	193	C	288.00
27758	07-Jan-2016	ESCO001	EMERGENCY COMMUNICATIONS OF SO	Issued	193	C	20263.67
27759	07-Jan-2016	FERGU001	FERGUSON WATERWORKS INC.	Issued	193	C	616.68
27760	07-Jan-2016	FILEQ001	FILEONQ INC	Issued	193	C	907.50
27761	07-Jan-2016	FLUID001	FLUID CONNECTOR PRODUCTS INC.	Issued	193	C	43.19
27762	07-Jan-2016	FXDES001	FX DESIGNS	Issued	193	C	109.95
27763	07-Jan-2016	GALIF001	GALIFCO OREGON	Issued	193	C	639.64
27764	07-Jan-2016	JCPLA001	JACKSON COUNTY PLANNING AND DEVI	Issued	193	C	5615.99
27765	07-Jan-2016	LOCKW001	LOCKWOODS AUTOMOTIVE	Issued	193	C	175.09
27766	07-Jan-2016	MAKBR001	MAKSIMUM INC.	Issued	193	C	196.00
27767	07-Jan-2016	MASTE001	MASTER STITCH	Issued	193	C	20.00
27768	07-Jan-2016	MEDFO002	MEDFORD WATER COMMISSION	Issued	193	C	1707.02
27769	07-Jan-2016	METRO001	METRO PRESORT INC.	Issued	193	C	1124.10
27770	07-Jan-2016	NEWEG001	NEWEGG BUSINESS INC.	Issued	193	C	12.38
27771	07-Jan-2016	OFFIC001	OFFICEMAX CONTRACT INC.	Issued	193	C	1516.53
27772	07-Jan-2016	ORADM001	OREGON DEPT OF ADMINISTRATIVE SEI	Issued	193	C	502.00
27773	07-Jan-2016	ORCIT002	OREGON CITY PLANNING DIRECTORS A	Issued	193	C	70.00
27774	07-Jan-2016	ORCON001	OREGON DEPT OF CONSUMER & BUSIN	Issued	193	C	851.77
27775	07-Jan-2016	ORPUR001	DAS CASHIER - PROCUREMENT SERVIC	Issued	193	C	500.00
27776	07-Jan-2016	PATHW001	PATHWAY ENTERPRISES INC.	Issued	193	C	1257.22
27777	07-Jan-2016	PHOEN002	PHOENIX-TALENT SCHOOL DISTRICT	Issued	193	C	3484.83
27778	07-Jan-2016	PROJE001	PROJECT A INC.	Issued	193	C	450.00
27779	07-Jan-2016	PRONT001	PRONTO PRINT / EPIGRAPHICS INC.	Issued	193	C	79.13
27780	07-Jan-2016	RANDD001	MCMASTER, RANDY	Issued	193	C	449.14
27781	07-Jan-2016	RECOL001	RECOLOGY ASHLAND SANITARY SERVIC	Issued	193	C	206.47

Check Register - Summary-Supp.



Vendor : A1PAV001 To ZUMAR001
 Trans. Date : 01-Jul-2015 To 05-Feb-2016
 Check Date : 01-Jan-2016 To 31-Jan-2016
 Check No : All
 Batch No : All

Bank : Bank : 003 To 003
 Status : All
 Medium :
 M=Manual C=Computer R=Credit E=EFT-PAP T=EFT-File

Chq/Ref #	Check Date	Vendor	Vendor Name	Status	Batch	Medium	Amount
27782	07-Jan-2016	ROGUE003	ROGUE VALLEY SEWER SERVICES	Issued	193	C	1015.97
27783	07-Jan-2016	ROGUE005	ROGUE VALLEY COUNCIL OF GOVERNMENT	Issued	193	C	11858.28
27784	07-Jan-2016	SECUR001	SECURECOM INC	Issued	193	C	284.25
27785	07-Jan-2016	SUPER001	SUPERIOR STAMP & SIGN CO	Issued	193	C	28.00
27786	07-Jan-2016	TENAN001	TENANTDATA	Issued	193	C	20.00
27787	07-Jan-2016	USBAN004	U.S. BANK CORPORATE PAYMENT SYSTEM	Issued	193	C	682.24
27788	07-Jan-2016	USPOS001	US POSTMASTER - TALENT	Issued	193	C	50.00
27789	07-Jan-2016	WCPSO001	WCP SOLUTIONS INC	Issued	193	C	22.70
27790	14-Jan-2016	HRAVE001	HRA VEBA TRUST	Issued	196	C	1320.00
27791	14-Jan-2016	NATIO004	NATIONWIDE RETIREMENT SOLUTION	Issued	196	C	32.31
27792	14-Jan-2016	ORSAV001	VOYA-STATE OF OREGON PLAN	Issued	196	C	780.00
27793	14-Jan-2016	TEAMS001	TEAMSTERS LOCAL 223	Issued	196	C	884.00
27794	14-Jan-2016	UNITZ001	UNITED WAY OF JACKSON COUNTY	Cleared	196	C	170.00
27795	14-Jan-2016	VANTA001	VANTAGEPOINT TRANSFER AGENTS 306	Issued	196	C	1657.50
27796	27-Jan-2016	ALSCO001	ALSCO INC.	Cleared	198	C	157.77
27797	27-Jan-2016	ASCAP001	ASCAP	Issued	198	C	336.00
27798	27-Jan-2016	BANKO002	BANK OF AMERICA	Cleared	198	C	493.10
27799	27-Jan-2016	BCENG001	BC ENGRAVING & AWARDS INC.	Issued	198	C	108.00
27800	27-Jan-2016	BLUME001	BLUMENTHALS CORP.	Issued	198	C	393.97
27801	27-Jan-2016	BMIGE001	BMI GENERAL LICENSING	Issued	198	C	336.00
27802	27-Jan-2016	BNYME001	THE BANK OF NEW YORK MELLON TRUST	Issued	198	C	56295.00
27803	27-Jan-2016	CENTU003	CENTURYLINK	Issued	198	C	139.29
27804	27-Jan-2016	CHART001	CHARTER COMMUNICATIONS	Issued	198	C	87.99
27805	27-Jan-2016	CITOT003	CITY OF TALENT	Cleared	198	C	23.37
27806	27-Jan-2016	DMVSE001	DRIVER AND MOTOR VEHICLE SERVICE	Issued	198	C	3.00
27807	27-Jan-2016	FEDEX001	FEDEX	Issued	198	C	19.27
27808	27-Jan-2016	FERGU001	FERGUSON WATERWORKS INC.	Cleared	198	C	644.40
27809	27-Jan-2016	GRABO001	GRABOWSKI, MICHAEL	Cleared	198	C	960.00
27810	27-Jan-2016	GROUN001	GROUNDWATER SOLUTIONS INC	Cleared	198	C	243.50
27811	27-Jan-2016	HDFOW001	H.D. FOWLER COMPANY INC.	Cleared	198	C	26.11
27812	27-Jan-2016	HOMED001	HOME DEPOT CREDIT SERVICES	Issued	198	C	717.65
27813	27-Jan-2016	HUNTE001	HUNTER COMMUNICATIONS INC	Cleared	198	C	1260.25
27814	27-Jan-2016	JACKS014	JACKSON COUNTY ASSESSOR	Issued	198	C	226.00
27815	27-Jan-2016	JCCOM001	JACKSON COUNTY COMMUNITY JUSTICE	Cleared	198	C	400.00
27816	27-Jan-2016	KENTD001	KENT D BRUCE LLC	Issued	198	C	101.71
27817	27-Jan-2016	MAILT001	MAIL TRIBUNE ADVERTISING	Issued	198	C	221.06
27818	27-Jan-2016	MARSB001	MARSHALL, BRET A	Issued	198	C	12.00
27819	27-Jan-2016	NEILS001	NEILSON RESEARCH CORP.	Issued	198	C	196.00
27820	27-Jan-2016	NEWEG001	NEWEGG BUSINESS INC.	Issued	198	C	44.34
27821	27-Jan-2016	OFFIC001	OFFICEMAX CONTRACT INC.	Issued	198	C	64.74
27822	27-Jan-2016	ORCIT002	OREGON CITY PLANNING DIRECTORS ASSOCIATION	Issued	198	C	195.00
27823	27-Jan-2016	ORMUNI001	OREGON MUNICIPAL FINANCE OFFICER	Issued	198	C	25.00
27824	27-Jan-2016	PACIF001	PACIFIC POWER	Cleared	198	C	8723.12
27825	27-Jan-2016	PACWE002	PACWEST MACHINERY LLC	Issued	198	C	196500.00

Check Register - Summary-Supp.



Vendor : A1PAV001 To ZUMAR001
 Trans. Date : 01-Jul-2015 To 05-Feb-2016
 Check Date : 01-Jan-2016 To 31-Jan-2016
 Check No : All
 Batch No : All

Bank : Bank : 003 To 003
 Status : All
 Medium :
 M=Manual C=Computer R=Credit E=EFT-PAP T=EFT-File

Chq/Ref #	Check Date	Vendor	Vendor Name	Status	Batch	Medium	Amount
27826	27-Jan-2016	PITNE001	PITNEY BOWES	Issued	198	C	342.18
27827	27-Jan-2016	PRINT001	PRINTFAST INC.	Issued	198	C	14.58
27828	27-Jan-2016	PROJE001	PROJECT A INC.	Issued	198	C	647.50
27829	27-Jan-2016	RECOL001	RECOLOGY ASHLAND SANITARY SERVIC	Issued	198	C	291.25
27830	27-Jan-2016	RHENG001	RH2 ENGINEERING INC.	Issued	198	C	6297.83
27831	27-Jan-2016	RICOH001	RICOH USA INC.	Issued	198	C	571.06
27832	27-Jan-2016	ROGUE005	ROGUE VALLEY COUNCIL OF GOVERNMENT	Cleared	198	C	8262.11
27833	27-Jan-2016	ROGUZ001	ROGUE SHRED LLC	Issued	198	C	34.75
27834	27-Jan-2016	THEST001	THE STICKER DUDE INC	Issued	198	C	78.75
27835	27-Jan-2016	USBAN004	U.S. BANK CORPORATE PAYMENT SYST	Issued	198	C	2392.67
27836	27-Jan-2016	VERIZ001	VERIZON WIRELESS	Issued	198	C	200.05
27837	27-Jan-2016	WELLB001	WELBURN ELECTRIC INC.	Cleared	198	C	247.47
27838	27-Jan-2016	AFLAC001	AFLAC	Issued	201	C	1303.90
27839	27-Jan-2016	NATIO004	NATIONWIDE RETIREMENT SOLUTION	Issued	201	C	32.31
27840	27-Jan-2016	ORSAV001	VOYA-STATE OF OREGON PLAN	Issued	201	C	780.00
27841	27-Jan-2016	STAND001	STANDARD INSURANCE CO	Issued	201	C	1107.10
27842	27-Jan-2016	STAND001	STANDARD INSURANCE CO	Issued	201	C	12.00
27843	27-Jan-2016	VANTA001	VANTAGEPOINT TRANSFER AGENTS 306	Issued	201	C	1657.50
27844	29-Jan-2016	BATES001	BATEMAN, SHASTA	Issued	205	C	148.00
27845	29-Jan-2016	GARCD001	GARCIA, DAVE	Issued	205	C	100.00
27846	29-Jan-2016	STMP001435	DEAN, STACY	Issued	205	C	33.76
27847	29-Jan-2016	STMP001436	BERGMANN, ELODIE	Issued	205	C	53.14

Total Computer Paid : 358,330.58

Total EFT PAP : 85,258.27

Total Paid : 443,588.85

Total Manually Paid : 0.00

Total EFT File Transfer : 0.00

ORDINANCE #16-910-O

AN ORDINANCE THAT PROVIDES RULES AND REGULATIONS FOR THE CONDUCT AND OPERATION OF THE WATER SYSTEM OF THE CITY OF TALENT AND CONNECTION THEREWITH – REGULATING AND GOVERNING THE USE OF WATER FROM SAID SYSTEM – PROVIDING PENALTIES FOR NON-PAYMENT OF WATER SERVICE AND FOR VIOLATION OF THIS ORDINANCE AND REPEALING ORDINANCE 07-830-O and 07-831-O.

The City of Talent ordains as follows:

ARTICLE 1 - GENERAL PROVISIONS

Section 1. Short Title:

This ordinance shall be known as “Rates, Rules and Regulations for the Operation of the Water Department of the City of Talent, Jackson County, Oregon”, and may be so cited and pleaded.

Section 2. Words and Phrases:

For the purpose of this ordinance, all words used herein in the present tense shall include the future; all words in the plural number shall include the singular number; and all words in the singular number shall include the plural number.

Section 3. Water System:

The City will furnish a distribution system, pump stations, reservoirs and activities used for and useful in obtaining, conserving, and disposing of water for public and private uses, including all parts of the water system, all appurtenances to it; and lands, easements, rights in land, water rights, contract rights, franchises; and other water supply, storage, and distribution facilities and equipment.

Section 4. Separability:

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. Pressure Conditions:

All applicants for service connections or water service shall be required to accept such conditions of pressure and service as are provided by the distribution system at the location of the proposed service connection, and to hold the City harmless for any damages arising out of low pressure or high pressure conditions or interruptions in service.

Section 6. Maintenance of Water Pressure and Shutting Down for Emergency Repairs:

The City shall not accept responsibility for the maintenance of pressure, and it reserves the right to discontinue service while making emergency repairs and shutdowns required in the operation of the water system. Consumers dependent upon a continuous supply should provide emergency storage.

Section 7. Tampering with City Property:

No one except an employee, or representative of the City, shall at any time in any manner operate the curb cocks or valves (except to repair or change private plumbing), main cocks, gates, or valves of the City's system; or interfere with meters or their connection, street mains, or other parts of the water system.

Section 8. Penalty for Violation:

For the failure of the customer to comply with all or any part of this ordinance, any ordinance, resolution, or order fixing rates and charges of this City, the customer's service shall be discontinued and the water shall not be supplied such customer until he shall have complied with the rule or regulation, rate or charge which he has violated; or, in the event that he cannot comply with said rule or regulation, until he shall have satisfied the City that in the future he will comply with all the rules and regulations established by the City.

Section 9. Infraction:

Violation of any provision of this ordinance constitutes an infraction punishable by fine not to exceed five hundred dollars (\$500.00). Each and every connection or occupancy in violation of any provision hereof shall be deemed a separate violation, and each and every day or part of a day a violation continues shall be deemed a separate offense hereunder and punishable as such.

Section 10. Ruling Final:

All rulings of the Council shall be final. All rulings of the City Manager shall be final unless appealed in writing to the City Council within five (5) days. When appealed, the Council's ruling shall be final.

Section 11. Repeal:

All ordinances, or parts thereof, in conflict herewith, are hereby repealed.

Section 12. Effective Date:

This ordinance shall be in force and effect as provided by law.

ARTICLE 2 - DEFINITIONS

Section 1. Council: The city council of the City of Talent, Oregon.

Section 2. Connection:

The pipeline and appurtenant facilities such as the curb stop, meter and meter box, all used to extend water service from a main to premises, the laying thereof and the tapping of the main. Where services are divided at the curb or property line to serve several customers, each such branch service shall be deemed a separate service.

Section 3. Cost:

The cost of labor, material, transportation, supervision, engineering, bonding obligations and all other necessary overhead expenses.

Section 4. Cross Connection:

Any physical connection between the piping system from the City service and that of any other water supply that is not, or cannot be, approved safe and potable for human consumption, whereby water from the unapproved source may be forced or drawn into the City distribution mains.

Section 5. Main:

A water line in a street, highway, alley, or easement used for public and private fire protection and for general distribution of water.

Section 6. Person:

An individual or a company, association, co-partnership, or public or private corporation.

Section 7. Premises:

A lot or parcel of real property under one (1) ownership, except where there are well-defined boundaries or partitions such as fences, hedges, or other restrictions preventing the common use of the property by the several tenants, in which case each portion shall be deemed separate premises. Apartment houses and office buildings may be classified as single premises.

Section 8. Private Fire Protection Service:

Water service and facilities for building sprinkler systems, hydrants, hose reels, and other facilities installed on private property for fire protection and the water available therefore.

Section 9. Public Fire Protection Service:

The service and facilities of the entire water supply, storage and distribution system of the City, including the fire hydrants affixed thereto, and the water available for fire protection, excepting house service connections and appurtenances thereto.

Section 10. Owner:

The person owning in fee, or the person in whose name the legal title to the property appears by deed duly recorded in the County Clerk Recording office, or the person in possession of the property or buildings under claims of, or exercising acts or ownership over same, for himself, or an executor, administrator, guardian, or trustee of the owner.

Section 11. Regular Water Service:

Water service and facilities rendered for normal domestic, commercial, and industrial purposes on a permanent basis, and the water available therefore.

Section 12. Public Works Superintendent:

The foreman of the City of Talent Public Works Department and other duly authorized representative.

Section 13. Temporary Water Service:

Water service and facilities rendered for construction work and other uses of limited duration, and the water available therefore.

Section 14. City: The City of Talent, Jackson County, Oregon.

Section 15. Water Department:

The City of Talent Public Works Department performing functions related to the City water service, the Public Works Superintendent, and other duly authorized representative

ARTICLE 3 - NOTICES

Section 1. Notices to Customers:

Notices from the city to a customer will normally be given in writing and either delivered or mailed to him/her at his/her last known address. Where conditions warrant, and in emergencies, the City may resort to notification either by telephone or messenger.

Section 2. Notices from Customers:

Notice from the customer to the City may be given by him/her or his/her authorized representative in writing:

- a. At City Hall, 110 East Main Street, Talent Oregon
- b. Emailed to UB@cityoftalent.org
- c. Mailed to P.O. Box 445, Talent, OR 97540

ARTICLE 4 APPLICATION FOR REGULAR WATER SERVICE

Section 1. Application:

Applications to turn on water must be signed by the owner/property manager and tenant of the property involved and must be filed with the City before they become effective. A deposit as per Article 9 Section 1 shall be required at the time that the application is submitted to the City.

Section 2. Undertaking of Applicant:

Such applications will signify the customer and owner's acknowledgement of their responsibility to comply with this and other ordinances or regulations relating to the regular water service and to make payments for water service required.

Section 3. Payment for Previous Service:

An application will not be honored unless payment in full has been made for water service previously rendered to the applicant by the City.

Section 4. Installation Charge:

The charge for service connections shall be established by ordinance of the City of Talent. Said ordinance shall be kept on file with the City Recorder, and may be amended from time to time as the council deems appropriate.

Section 5. Installation of Services:

Regular water services will be installed at the location desired by the applicant, of the size determined by the Public Works Department. Only duly authorized employees or agents of the city will be authorized to install service connections. Service installation will be made only to property abutting on distribution mains as have been constructed in public streets, alleys, or easements, or to extensions thereof as herein provided. Services installed in new subdivisions prior to the construction of streets or in advance of street improvements must be accepted by the applicant in the installed location.

Section 6. Changes in Customer's Equipment:

Customers planning to make any material change in the size, character, or extent of the equipment or operations utilizing water service, or whose change in operations may result in a greater than 500% increase in the average usage of water, shall contact the city prior to implementing any changes, and, if necessary, amend their applications.

Section 7. Size and Location:

The City reserves the right to determine the size of service connections and their location with respect to the boundaries of the premises to be served. The Public Work's Superintendent shall approve the location of the service connection before the installation of the consumer's pipeline to the curb.

Section 8. Curb Cock:

Every service connection installed by the City shall be equipped with a curb cock or wheel valve on the inlet side of the meter. Such valve or curb cock is intended for the exclusive use of the City in controlling the water supply through the service connection pipe. If the curb cock or wheel valve is damaged by the consumer's use to an extent requiring replacement, then such replacement shall be at the consumer's expense.

Section 9. Domestic, Commercial and Industrial Service Connection:

It shall be unlawful to maintain a connection excepting in conformity with the following rules:

(a) **Separate Building:**

Each house, commercial or industrial structure under separate ownership must be provided with a separate service connection. Two (2) or more structures under one (1) ownership and on the same lot or parcel of land may be supplied through the same service connection;, and an additional minimum charge will be applied to the single meter serving said structures, or a separate service connection may be provided for each building. The City reserves the right to limit the number of structures or the area of land under one (1) ownership to be supplied by one (1) service connection.

Section 9. Domestic, Commercial and Industrial Service Connection (cont):

(b) Single Connection:

Not more than one (1) service connection for domestic or commercial supply shall be installed for one (1) building, except under special conditions. The City Manager is authorized to determine that special conditions exist upon making a finding that more than one service connection will better serve the customer, will not result in unreasonable damage or expense to the water system, and will not have an adverse affect on the billing system.

(c) Different Owners:

A service connection shall not be used to supply adjoining property and/or property of a different owner or to supply property of the same owner across a street or alley.

(d) Divided Property:

When property provided with a service connection is divided, each service connection shall be considered as belonging to the lot or parcel of land which it directly enters.

Section 10. Service Connections:

The City shall maintain the service connections extending from the water main to the property line including the meter, meter box and curb cock or wheel valve. All pipes and fixtures extending or lying beyond the property line shall be installed and maintained by the owner of the property.

Section 11. Property Owner/Authorized Agent Responsibility:

The property owner/authorized agent shall be responsible for all accumulated charges in the event that the tenant moves without having paid all outstanding water charges owed to the City. In the event that the tenant's water is scheduled to be turned off due to non-payment, both the property owner, authorized agent and the tenant shall be notified of the impending shut-off consistent with Article 12. All unpaid charges shall be assessed to the property owner/authorized agent. The property owner/authorized agent and the tenant are jointly and severally liable for all water charges, including user charges, fees, penalties and interest.

Section 12. Building Permit Required:

An application for a permit to connect premises with the City water system for service to a new building or structure shall not be accepted for filing unless a building permit has been issued for such building or structure as provided in the building regulations of the City. The water service established for construction may not be transferred to new ownership without a Certificate of Occupancy issued by the City.

ARTICLE 5

APPLICATION FOR REGULAR WATER SERVICE WHEN MAIN EXTENSION REQUIRED

Section 1. Application for Main Extension:

The following rules are established for making main extensions:

(a) **Application:**

Any owner of one (1) or more lots or parcels of land desiring the extension of one (1) or more water mains to serve such property shall make a written application to contain the legal description of the property to be served and any additional information which may be required by the City and be accompanied by a map showing the location of the proposed connections.

(b) **Investigation:**

Upon receipt of the application, the City shall make an investigation and survey of the proposed extension and shall report his findings to the council, including the estimated cost thereof.

(c) **Ruling:**

The Council shall thereupon consider said application and report and, after such consideration, reject or approve it.

(d) **City Lines:**

All extensions thus provided for, in accordance with these regulations, shall be and remain the property of the City.

(e) **Dead-End Lines:**

The City shall permit dead-end lines upon a finding that such is reasonably necessary to serve a property or properties and is not unreasonably deleterious to the water system.

Section 2. General:

The City will provide all main extensions upon applications for service.

Section 3. Determination:

If, in the opinion of the council, the cost thereof is in excess of what it is prepared to advance, or it questions the economic advantage to the City of making such advance, it shall determine the cost of such line.

Section 4. Advance Cost:

When the council so determines, the applicant shall advance the amount of each estimate, and the line shall be installed by the City or under the City's supervision.

Section 5. Facilities Exceeding Needs:

Should the water department desire to install facilities greater than are needed to meet the applicant's service demands, the cost of the excess size of facilities shall be borne by the City unless the Council shall determine that the increased size is necessary to serve the applicant.

Section 6. Specifications and Construction:

The size, type and quality of materials and location of lines shall be specified by the Public Works Department and/or duly authorized representative in conformance to the City comprehensive plan. The actual construction will be done by the Public Works Department or by a contractor acceptable to it, supervised and inspected by the Public Works Superintendent and/or duly authorized representative.

Section 7. Adjustment:

Adjustment of any substantial difference between the estimated and reasonable actual total installed cost thereof shall be made after the completion of the installation. The City shall be paid the amount of any excess cost and shall refund the amount of any savings.

Section 8. Extensions by City:

The Public Works Department may make extensions to the facilities constructed under this article without obligation to applicant.

Section 9. Main Extension by Applicant:

Should the Council determine that the cost of the main extension should be paid in whole or in part by the applicant, the Council may, in lieu of requiring the applicant to deposit the cost of the main extension with the City, enter into an agreement with the applicant whereby the applicant undertakes to provide for the installation of the facilities comprising the public main extension in accordance with the plans and specifications approved by the Council and subject to inspection by the City. In such event, the Council may require the applicant to post a surety bond, cash, or other improvement security with the City to guarantee the satisfactory completion of the main extension in accordance with the plans and specifications approved by the Council.

Section 10. Reimbursements:

Where the cost of main extension has been paid by the property owner/authorized agent pursuant to Article 5 - Section 9 and Article 6 - Section 9, the City shall thereafter, but for not longer than ten (10) years after the date said extension is originally connected to the City's water system, collect from any water user connecting to such extension that fraction of the cost of such as approved by the City, as the number of front feet or acreage, or combination of the two held by said water user,

bears to the total number of front feet or acreage, or combination of the two, which may be served by such extension as determined by the City at the time such extension is connected to the City's water system. Such sums as are thus actually received by the City shall be paid by the City only to the property owner/authorized agent originally installing such extension, but the City shall in no way be obligated to assure that the property owner/authorized agent making such extension is paid the total cost thereof nor to initiate any action or incur any expense to collect any sum to be paid to property owner/authorized agent; nor shall such refund be from any revenues derived from the sale of water. Where different property owners contribute to the making of the extension, such sums shall be refunded to such property owners pro rata according to the amounts which they severally contributed toward the extension and pursuant to the preceding plan.

Section 11. Special Reimbursement Agreements:

Where special conditions exist, in the opinion of the City, which justify reimbursement to the person paying the cost of a main extension, which justify reimbursement on any basis other than that provided in Section 10 hereof, the council may authorize a special reimbursement contract by the City and the person or persons constructing the main extension. Said special reimbursement agreement shall be made and entered into prior to acceptance of the work and water main by the City.

ARTICLE 6 - SUB-DIVISIONS

Section 1. Application:

A person desiring to provide a water system within a tract of land which he proposes to subdivide shall make application at the time the proposed sub-division is submitted for review by the Planning Commission.

Section 2. Id – Contents:

The application shall state the number of the tract, the name of the subdivision, and its location. It shall be accompanied by a copy of the final map, and of the plans, profiles, and specifications for the street work therein.

Section 3. Investigation:

Upon receiving the application, the Public Works Director and/or duly authorized representative shall make an investigation and survey of the proposed subdivision and shall report his findings to the Community Development Director and Planning Commission, including a recommendation as to the facilities required and the estimated cost of the proposed water system therefore.

Section 4. Subdivisions, Tracts or Housing Projects:

The owner of the subdivision shall be responsible for the installation of the main lines, valves, service connections and the fire hydrants within the subdivision consistent with City standards and requirements set by the City Engineer. Fire hydrants shall be so located that each lot is within a reasonable distance of a hydrant as determined by the Fire District #5 Chief or his/her representative. The City Engineer or the Public Work's Superintendent shall be responsible for inspecting the installation prior to connection to the City's water system and final acceptance by the City.

Section 5. Specifications and Construction:

The size, type, and quality of materials and location of lines shall be specified by the Public Works Department and/or City Engineer in conformance to the City comprehensive plan.

Section 6. Property of City:

All facilities, once installed, shall be the property of the City.

Section 7. Connections:

The sub-divider shall, at their cost, provide all connections to houses constructed by him/her, as herein provided.

Section 8. Surety Bond or Letter of Credit:

The sub-divider shall provide a deposit of cash or surety bonds, or other improvement security satisfactory to the City to guarantee the faithful performance of the installation of water main extension and associated facilities. Said cash deposits, surety bonds, or other improvement security shall be in the sum of the estimated costs of the engineering, inspection, legal, and administrative expenses of the City, and the estimated cost of the installation of the water main extension, and said bond or improvement security shall, in addition to guaranteeing the faithful performance of the work, guarantee the maintenance of the water system to be installed for a period of one (1) year following completion and acceptance of the work by the City.

ARTICLE 7 - GENERAL USE REGULATIONS

Section 1. Number of Services per Premises:

The applicant may apply for as many services as may be reasonably required for his premises; provided that the pipeline system for each service be independent of the others and that they not be interconnected.

Section 2. Water Waste:

No customer shall knowingly permit leaks or waste of water. Where water is wastefully or negligently used on a customer's premises, the City may discontinue the service if such conditions are not corrected within five (5) days after giving the customer written notice.

If the monthly metered consumption is greater than 150% of the past average consumption due to a water leak on the customer's property and the leak is repaired in a timely manner, the customer may request a leak adjustment once the leak is repaired. The City will adjust one month's high consumption using the minimum rate per 1000 gallons for the excess consumption.

Section 3. Responsibility for Equipment on Customer Premises:

All facilities installed by the City on private property for the purpose of rendering water service shall remain the property of the City, and may be maintained, repaired or replaced by the Public Works Department without consent or interference of the owner or occupant of the property. The property owner/authorized agent shall use reasonable care in the protection of the facilities. No payment shall be made for placing or maintaining said facilities on private property.

Section 4. Damage to Water System Facilities:

The customer shall be liable for any damage to the service facilities when such damage is from causes originating on the premises by an act of the customer or his tenants, agents, employees, contractors, licensees or permittees, including the breaking or destruction of locks by the customer or other on or near a meter, and any damage to a meter that may result from hot water or steam from a boiler or heater on the customer's premises. The City shall be reimbursed by the customer for any such damage promptly on presentation of a bill.

Section 5. Ground-Wire Attachments:

All individuals or business organizations are forbidden to attach any ground-wire or wires to any plumbing which is, or may be, connected to a service connection or main belonging to the City. The City will hold the customer liable for any damage to its property occasioned by such ground-wire attachments.

Section 6. Control Valve on the Customer Property:

The customer shall provide a valve on their side of the service installation as close to the meter location as practicable to control the flow of water to the piping on their premises. The customer shall not use the service curb stop to turn water on and off for their convenience.

Section 7. Cross Connections:

The customer must comply with state and federal laws governing the separation of dual water systems or installations of back flow protective devices to protect the public water supply from the danger of cross connections. Backflow protective devices must be installed as near the service as possible and shall be open to test and inspection by the Public Works Department. Plans for installation of backflow protective devices must be approved by the Public Works Department prior to installation.

Section 8. Id – Special Cases:

When the customer is engaged in the handling of especially dangerous or corrosive liquids or industrial or process waters, the city may upon a finding that criteria of reasonable safety so require the customer to eliminate specified plumbing or piping connections as an additional precaution and as a protection to the backflow protective devices.

Section 9. Relief Valves:

As a protection to the customer's plumbing system, a suitable pressure relief valve must be installed and maintained by and at customer's expense, when check valves or other protective devices are used. The relief valve shall be installed between the check valves and the water heater.

Section 10. Backflow Device:

Whenever back flow protection has been found necessary on a water supply line entering a customer's premises, then any and all water supply lines from the City's mains entering such premises, buildings, or structures shall be protected by an approved backflow device, regardless of the use of the additional water supply lines.

Section 11. Id – Inspection:

The double check valve or other approved backflow protection devices may be inspected and tested periodically for water tightness by the City. The devices shall be serviced, overhauled, or replaced whenever they are found defective, and all costs of repair and maintenance shall be borne by the customer.

Section 12. Id – Discontinued Service:

The City may discontinue the water service to any premises if any defect is found in the check valve installations or other protective devices, or if it is found that dangerous unprotected cross-connections exist. Service will not be restored until the customer corrects such defects.

Section 13. Interruption in Service:

The City shall not be liable for interruption of service or shortage of water where such is not proximately caused by the negligence of the City, its agents or employees.

Section 14. Ingress and Egress:

Representatives from the Public Works Department shall have the right of ingress and egress to the customer's premises, at reasonable hours, for any purpose reasonably connected with the furnishing of water service.

Section 15. Unsafe Apparatus:

Water service may be refused or discontinued to any premises where apparatus or appliances are in use which might endanger or disturb the service to other customers.

Section 16. Fraud or Abuse:

Service may be discontinued if necessary to protect the City against fraud or abuse.

Section 17. Noncompliance with Regulations:

Service may be discontinued for noncompliance with this or any other resolution or regulation relating to the water service.

Section 18. Upon Vacating Premises:

Customers desiring to discontinue service should so notify the Utility Billing Department two (2) days prior to vacating the premises. Unless discontinuance of service is requested, the customer shall be liable for charges whether or not the water is used.

ARTICLE 8 - METERS

Section 1. Installations:

All water services shall be metered. The sum of money to be determined, as heretofore set forth, shall be paid to the city prior to the installation of the meter. Meters will be installed in the street or sidewalk area and shall be owned by the City and installed and removed at its expense. No rent or other charge will be paid by the City for a meter or other facilities, including connections. The City will seal all meters at the time of installation, and no seal shall be altered or broken except by one of its authorized employees or agents.

Section 2. Change in Location of Meters:

Meters moved for the convenience of the customer will be relocated at the customer's expense. Meters moved to protect the City's property will be moved at its expense. If the lateral distance which the customer desires to have the meter moved exceeds eight (8) feet, he/she will be required to pay for new service at the desired location.

Section 3. Meter Tests - Deposits

All meters will be tested prior to installation. Subsequent to installation, if a customer desires to have the meter serving premises tested, customer shall be required to pay all costs related to the testing. A deposit of \$75 shall be paid in advance before the meter is removed for testing. Should the test verify that the meter is operating within acceptable limits as defined in Article 8, Section 4, then the owner shall be responsible for the full cost of testing less the deposit.

Section 4. Adjustment for Meter Errors - Fast Meters

If a meter tested at the request of a customer is found to be more than two percent (2%) fast, the deposit shall be refunded and the billing records will be adjusted. The billing adjustment shall be based on either the excess charges for the time service was rendered to the customer requesting the test, or for a period of six (6) months, whichever shall be the lesser. The overpayment shall appear as a credit on the customer's account, unless the customer requests a full refund.

Section 5. Adjustment for Meter Errors - Slow Meters

If a meter tested at the request of a customer is found to be more than 25 percent (25%) slow in the case of domestic services, or more than 5 percent (5%) slow for other than domestic services, the City may bill the customer for the amount of the undercharge based upon corrected meter readings for the period, not exceeding six (6) months, that the meter was in use. The City shall install a new meter.

Section 6. Non-Registering Meters

If a meter is found to be not registering, the charges for regular service shall be at the minimum monthly rate or based on the estimated consumption, whichever is greater. Such estimates shall be made based on the previous consumption for a comparable period or by such other method as is determined by the Utility Billing Department and its decision shall be final. The City shall repair or replace the meter at its expense.

Section 7. Damage to Meters

The City reserves the right to set and maintain a meter on any service connection. The water consumer shall be held liable, for any damage to the meter due to his negligence or intentional acts or due to the negligence or intentional acts of the consumer’s employees, agents or invitees.

ARTICLE 9 - CREDIT

Section 1. Establishment of Credit

Each applicant for service shall establish credit in the form of a guarantee deposit based on meter size that shall be paid before service may be rendered:

Meter Size	5/8” – 1”	\$75.00
Meter Size	over 1”	\$150.00

At the City’s discretion, the guarantee deposit may be waived if previous credit history with the City has been established.

Section 2. Return of Guarantee Deposit:

A guarantee deposit with the Utility Billing Department shall be retained on the customer’s account for two (2) years. When an account is closed, or at the completion of two years of non-delinquent activity, whichever is first, the deposit will be applied to the customer’s account as a credit. All outstanding utility billing charges will be deducted from the deposit prior to a refund being issued when an account is closed.

ARTICLE 10 - BILLING

Section 1. Billing Period:

The regular billing period will be annually, monthly, or bi-monthly at the option of the City.

Section 2. Meter Reading:

Meters will be read as nearly as possible on the same day of each month. Billing periods containing less than twenty-seven (27) days or more than thirty-three (33) days for bills rendered monthly, or less than fifty-four (54) days and more than sixty-six (66) days for bills rendered bi-monthly, will be prorated.

Section 3. Opening and Closing Bills:

Opening and closing bills for less than the normal billing period shall be prorated both as to minimum charges and quantity blocks. If the total period for which service is rendered is less than one (1) month, the bill shall not be less than the monthly minimum charge applicable. Closing bills may be estimated by the Utility Billing Department for the final period as an expediency to permit the

customer to pay the closing bill at the time service is discontinued.

Section 4. Water Charges:

All water charges become due and payable no later than the last day of the month. The bill shall state the amount and type of charges included and the date when the bill is considered as delinquent.

Section 5. Payment of Bills:

Bills for metered water service shall be rendered at the end of each billing period. Flat rate service, if any, shall be billed in advance. Bills shall be deemed delinquent if payment is not received by the due date on bill and may be subject to a late payment penalty. If the water is subject to turn-off for nonpayment of the bill, additional reconnection charges and penalties will apply. The account must be brought current prior to renewing service following a disconnect.

Section 6. Billing of Separate Meters Not Combined:

Separate bills will be rendered for each meter installation except where the water department has, for its own convenience, installed two (2) or more meters in place of one (1) meter. Where such installations are made, the meter readings will be combined for billing purposes.

Section 7. Consumer's Guarantee:

The water service charges begins when a service connection is installed and the meter is set, unless the water is ordered to be left shut off when the service connection is ordered to be installed. Before water is turned on by the City for any purpose whatsoever, the property owner/authorized agent must sign an application form in which he/she guarantees payment of future water bills for the service and pays the required application deposit. The person signing the guarantee form or meter set form will be held liable for water used until the City is notified in writing to discontinue service, or to transfer the account to another property owner/authorized agent.

Section 8. Water Used Without Required Application:

A person taking possession of premises and using water from an active service connection, without having made application to the City for water service, shall be held liable for the water delivered from the date of the last recorded meter reading; and, if the meter is found inoperative, the quantity consumed will be estimated. If proper application for water service is not made upon notification to do so by the City, and if accumulated bills for service are not paid immediately, the service may be discontinued by the City without further notice.

Section 9. Damages Through Leaking Pipes and Fixtures:

When a request has been made to turn on the water at a premise or property that is vacant, the City requires an adult 18 years of age or older be present at the service address to verify and sign acknowledgement of service activation. If no one is present at the time of service activation, the water will not be turned on at the curb cock on the inlet side of the meter.. The City's jurisdiction and responsibility ends at the property line, and the City will in no case be liable for damages occasioned by water running from open or faulty fixtures, or from broken or damaged pipes inside the property

line.

Section 10. Billing Procedures for Rental Properties

When a rental property tenant has notified the City of his departure as of a specific date, then the name on the billing record shall be changed to the name of the property owner/authorized agent as of that date. The billing record shall continue in the property owner's/authorized agent's name and the owner shall be responsible for all water usage until such time as the City receives an application and deposit from a new tenant. In the interim period the property owner/ authorized agent shall become responsible for at least a minimum billing each month, if not more, depending on actual usage.

Should the property owner/authorized agent not wish to have the billing placed in their name then they can make arrangements with the City to have the water shut off by notifying the City of a date of shut off during business hours and agreeing to pay a service call for this service of \$25. Prior to shutting off the water the meter reading shall be noted and recorded on the City billing record for the particular property.

Section 10. Billing Procedures for Rental Properties (cont'd)

If the water is shut off it will not be turned on again until such time as the City receives a new tenant application, or a written request from the property owner/authorized agent acknowledging responsibility and assuming all billing fees. During the shut-off period no billing shall be generated for the property.

ARTICLE 11 - ALTERNATE METHODS OF PAYMENT

Based on the circumstances of individual customers the City may make available the following alternatives for the payment of water bills.

Section 1. Equal Payments:

Customers can elect to enter into an agreement with the City for an "Equal Payment Plan". In order to qualify for this program the customer will be required to:

- a. The Account must be in good standing;
- b. Complete and sign an Equal Payment Plan agreement; and
- c. Pay the calculated monthly payment each month.

The equal payment amount will be determined by evaluating the total consumption for the previous twelve-month period. An equal payment amount sufficient to cover seasonal consumption will be established. Equal payment amounts will be reviewed every six (6) months to determine if the established monthly payment is sufficient to cover the cost of actual usage during the twelve-month period. Adjustments shall be made to the equal payment amount where appropriate. If monthly payments are not being made this may be grounds for terminating the equal payment agreement. In order to withdraw from the program the customer shall notify the City and be required to pay all outstanding balances owing and make the account current.

Section 2. Deferred Payment Program:

Under special circumstances the City shall make available to its customers a “Deferred Payment Program”. The customer may participate in a deferred payment program only once in each calendar year. Either for reasons of personal hardship or due to a water leak, a customer may make a request to participate in such a program by entering into a written agreement with the City that is signed by the customer and approved by the City Manager/Designee. Deferred Payment agreements are at the City’s discretion to reasonably protect the City from unreasonable risk of incurring uncollectible obligations. Failure to comply with the terms of the agreement shall result in termination of service subject to Article 12, Section 3.c.

a. **Deferred Payment Agreement:**

Customer enters into an agreement with the City to make full payment within one month of the date the service is scheduled to be shut off due to non-payment.

b. **Time Payment Agreement:**

Customer enters into an agreement with the City to pay off the past due accumulated balance within a period not to exceed 6 months while continuing to make full payment of their monthly bills. Time payments must be made by the due date stated on the current utility bill to avoid shut off.

ARTICLE 12

DELINQUENCIES AND DISCONTINUANCE OF SERVICE

Section 1. Disconnection for Nonpayment:

Service shall be discontinued for nonpayment of bill, when the customer’s account is sixty (60) days past due.

Section 2. Delinquent Charges:

Utility charges not paid by the date specified on the bill shall be considered delinquent. Rates and charges, which are not paid on or before the day of delinquency may be subject to a penalty of \$10.00.

Section 3. Delinquent Collection Procedures:

Bills not paid by the billing due date - shall be considered delinquent and subject to the following collection procedures.

a. Reminder Notice:

As required under ORS 91.255(3), Rental Property customers who have not paid by the 45th day after the mailing of the bill shall be sent a reminder notice. The notice shall state the amount of charges past due and the date by which such charges must be paid to avoid shut off procedures. The notice shall be mailed in sufficient time to allow the customer 14 days between the date of notice and actual date of shut off. In those instances where the name on the account is different than that of the property owner/authorized agent, a copy of the notice shall also be sent to the property owner/authorized agent within 30 days from the time the payment is due on the account..

b. Shut Off Notice:

A shut off notice shall be delivered to the service address no less than 48 hours prior to the scheduled shut off. The City shall maintain a list of all shut off notices delivered, indicating the time and location the notice was placed and by whom. The shut off notice shall state the amount of charges past due and the date and time such charges must be paid to avoid actual shut off of services.

c. Shut Off Procedure:

All accounts determined to be unpaid after date and time noted on shut off notice will be scheduled for shut off. The disconnection penalty will be assessed on the account and the Public Works Department will then shut off and lock those meters scheduled for shut off.

d. Collection Agency Assignment:

All final billed accounts determined to be unpaid by the due date on the final billing will be sent a final statement of account. Accounts not paid in 30 days of mailing of final statement will be assigned to a collection agency for collection. Additional collection agency fees will be applied to the account upon assignment to the collection agency.

Section 4. Reconnection:

Failure to receive a bill does not relieve consumer of liability. Any amount due shall be deemed a debt to the City; and any person, firm, or corporation failing,

neglecting, or refusing to pay said indebtedness, shall be liable to an action in the name of the City in any court of competent jurisdiction for the amount thereof. Payment of the delinquent balance and penalties must be received by the City prior to renewing service following a discontinuance. The City requires an adult 18 years of age or older must be present to at the service address to verify and sign acknowledgement of service reconnection.

Section 5. Reconnection After Hours:

A reconnection charge of \$75.00 will be assessed if the reconnection is scheduled after regular hours of operation for the Public Works Department., Reconnections cannot be made on holidays and weekends since accounts have to be paid in full before a reconnection can be authorized. Public Works employees are not authorized to accept payments.

ARTICLE 13 - COLLECTION BY SUIT

Section 1. Suit:

All unpaid rates and charges and penalties, herein provided, may be collected by suit, including reasonable attorney's fees.

Section 2. Costs:

Consistent with state law the costs and disbursements shall be allowed to the prevailing party.

ARTICLE 14 - PUBLIC FIRE PROTECTION

Section 1. Use of Fire Hydrants:

Fire hydrants are for use by the City or by organized fire protection agencies pursuant to contract with the City. Other parties desiring to use fire hydrants for any purpose must first obtain written permission from the water department prior to use and shall operate the hydrant in accordance with instructions issued by the water department. Unauthorized use of hydrants will be prosecuted according to law.

Section 2. Hydrant Rental:

A charge, to be determined by contract between the City and organized fire protection agencies, will be imposed for hydrant maintenance and water used for public fire protection.

Section 3. Moving Fire Hydrants:

When a fire hydrant has been installed in the location specified by the proper authority, the City has fulfilled its obligation. If a property owner/authorized agent or other party desires a change in the size, type, or location of the hydrant, he/she shall bear all costs of such changes without refund. The proper City authority shall approve any change in the location of a fire hydrant.

ARTICLE 15 - SPECIAL PROVISIONS

Section 1. Pools and Tanks:

When a quantity of water is desired for filling a swimming pool or for other purposes, arrangements must be made with the City prior to taking such water. Permission to take water in quantities will be given only if it can be safely delivered through the City's facilities and if other consumers are not inconvenienced thereby. Should it be requested that the pool be filled by the Fire Department the water shall be billed at the out of City rate.

Section 2. Bulk Water Purchases:

Bulk water purchases must be paid for in advance at City Hall. Procedures for the assessment of these fees shall be established by the City Manager.

Section 3. Public Athletic Fields:

Owners or agents of public athletic fields shall be billed at the wholesale rate charged by the Medford Water Commission and, depending on usage, shall be billed for the seasonal usage only.

ARTICLE 16 - WATER SERVICE OUTSIDE THE CITY

Section 1. [Annexing into the City]:

By agreement with the City of Medford Water Commission the City does not allow extensions of water service outside of City limits unless the property requesting

service is within its urban growth boundary and has signed an irrevocable consent to annex to the City.

Section 2. [Main Extension Costs]:

All applications for water service within the City's urban growth boundary but outside the City limits, shall be reviewed by the City Council for approval. Should approval be granted, all costs related to the extension shall be at the expense of the applicant.

Section 3. [New Services Outside City Limits]:

The City shall continue to serve all customers located outside the City limits and the urban growth boundary who had been receiving water service from the City prior to January 2002. However, neither new services nor expansions of existing services shall occur unless approved by the City Council and the Medford Water Commission.

Section 4. Water Service Outside the UGB:

The City's agreement with the Medford Water Commission (MWC) precludes the extension of water service outside the City Limits or the UGB. Exceptions have been made for both the Fire District #5 and the School District with the consent of the MWC. The City Council, as well as the Medford Water Commission, is required to approve such exception and they shall be limited to governmental agencies only. Any such extensions shall be at the full expense of the requesting agency and not at the expense of City Water Users.

ARTICLE 17 - MANDATORY HOOKUP

Section 1. Hookup Required:

The owner of any building occupied by humans situated within the City and abutting on any street in which there is now, or may in the future be, located a City water main, is hereby required at his/her expense to connect said building directly with the proper City water main in accordance with the provisions of this ordinance within ninety (90) days after date of notice by the City to do so; provided that said water main is within 200 feet of the nearest point of the building.

Section 2. Commercial, Industrial, and Public Buildings:

Commercial, industrial, and public buildings shall be required to connect to the City water system upon notice as herein provided.

Section 3. Charges to Those in the City Who Have Not Hooked up to the Water System:

Charges shall be made monthly to those residents who live in the City, but who have not hooked up to the water system. The minimum monthly fee charged all water users should be assessed to property owners not hooked up to the water system.

ARTICLE 18 - WATER RATES

Section 1. Definitions:

For the purposes hereof, the following definitions shall apply:

- (a) Single Family Residence: Any separately metered single-family dwelling unit, whether situated in a single-residential structure, duplex, or apartment house.
- (b) Multiple Family Residential: Shall mean and include duplexes, apartment houses, trailer courts, motels, hotels, boarding and lodging houses, lodges and like uses, hospitals, sanitariums, nursing homes, or medical centers; except single-family dwelling units separately metered.
- (c) Commercial Accounts: All users not included in the definition of single-family residences or multiple-family residences.
- (d) Outside User: Any premises served by the Talent Water System where any of the outlets for said water on said premises is situated outside the City limits, or where any of the water served to the said premises is utilized on a portion thereof outside the City limits.

Section 2. Rate for Water Users:

The water rates for the City of Talent shall be established by ~~Ordinance~~ **Resolution** adopted by the City Council. Said ordinance shall be kept on file with the City Recorder, and may be amended from time to time as the Council deems appropriate.

Section 3. Revenue Bond Surcharge:

When the City has incurred revenue bonds for capital improvements to the water system and the lender requires that a reserve amount be set aside equal to one (1) year's payment, a surcharge may be added to the water rate in order to comply with this

requirement. If, and to the extent that, the rates produce revenue sufficient to meet this obligation then a surcharge may not be required.

NOW, THEREFORE THE CITY OF TALENT ORDAINS AS FOLLOWS:

The Mayor and Council of the City of Talent amend Ordinance 14-878-O, an Ordinance providing the rules and regulations for the conduct and operation of the water system of the City of Talent.

Duly amended by the City Council in open session on February 3, 2016.

AYES: 6 NAYS: 0 ABSTAIN: 0 ABSENT: 0

Melissa Huhtala, City Recorder and Custodian of City Records

ORDINANCE NO. 16-911-O

AN ORDINANCE AMENDING ORDINANCE, NO. 458, TALENT ZONING CODE, ADDING TITLE 8, CHAPTER 3, DIVISION L, ARTICLE 9, TRAFFIC IMPACT STUDY, AMENDING TITLE 8, CHAPTER 3, DIVISION M, ARTICLE 1, SECTIONS 150(B) AND 160(C), AND AMENDING TITLE 8, CHAPTER 3, DIVISION L, ARTICLE 2, SECTIONS 244 AND 246 ALLOWING THE CITY TO REQUIRE A TRANSPORTATION IMPACT STUDY WHEN CERTAIN THRESHOLDS HAVE BEEN MET

WHEREAS, after due consideration, the City of Talent has made certain findings in connection with the proposed amendments and have followed the statutory procedures.

THE CITY OF TALENT ORDAINS AS FOLLOWS:

SECTION 1. That the following sections within Title 8, Chapter 3 have been added as described in EXHIBIT A attached herein:

Division L, Article 9, Sections 910, 920, 930, 940, 950, and 960

SECTION 2. That the following sections within Title 8, Chapter 3 have been amended as described in EXHIBIT A attached herein:

Division L, Article 2, Sections 244 and 246

Division M, Article 1, Sections 150(B) and 160(C)

SECTION 4. That the amendments as described herein comply with all applicable Comprehensive Plan Policies of the City of Talent as well as all applicable State and Federal Laws.

SECTION 5. That the amendments as described herein have been advertised and publically noticed in accordance with Section 8-3M, Article 1 of the Talent Zoning Ordinance.

Duly enacted by the City Council in open session on February 17, 2016 by the following vote:

Ayes: Nays: Abstain: Absent:

Melissa Huhtala, City Recorder and Custodian of City records

ORDINANCE NO. 16-912-O

AN ORDINANCE AMENDING ORDINANCE, NO. 818, TALENT SUBDIVISION CODE, AMENDING TITLE 8, CHAPTER 2, SECTION 260 ALLOWING THE CITY TO REQUIRE A TRANSPORTATION IMPACT STUDY WHEN CERTAIN THRESHOLDS HAVE BEEN MET

WHEREAS, after due consideration, the City of Talent has made certain findings in connection with the proposed amendments and have followed the statutory procedures.

THE CITY OF TALENT ORDAINS AS FOLLOWS:

SECTION 1. That the following sections within Title 8, Chapter 2 have been amended as described in EXHIBIT A attached herein:

Section 8-2.260(D)

SECTION 2. That the amendments as described herein comply with all applicable Comprehensive Plan Policies of the City of Talent as well as all applicable State and Federal Laws.

SECTION 3. That the amendments as described herein have been advertised and publically noticed in accordance with Section 8-3M. Article 1 of the Talent Zoning Ordinance.

Duly enacted by the City Council in open session on February 17, 2016 by the following vote:

Ayes: Nays: Abstain: Absent:

Melissa Huhtala, City Recorder and Custodian of City records

ORDINANCE # 16-914-O

AN ORDINANCE PROVIDING FOR RULES AND REGULATIONS OF PUBLIC PARKS - DEFINING AND PUNISHING CERTAIN OFFENSES AGAINST THE PUBLIC GENERAL WELFARE. REPEALING ORDINANCE 72-286-O (AS AMENDED BY 91-528-O, 99-669-O, 99-674-O, 03-744-O, 04-753-O, 06-812-O, 11-860-O, & 13-869-O).

Commented [TT1]: Consolidating Ordinances: 72-286-O, 91-528-O, 99-669-O, 99-674-O, 03-744-O, 04-753-O, 06-812-O, 11-860-O, & 13-869-O

WHEREAS,

THE CITY OF TALENT ORDAINS AS FOLLOWS:

Article I Definitions:

Camp: To set up, occupy, or to remain in or at a campsite

Campsite: Any place where any bedding, sleeping bag or other material used for bedding purposes, or any stove or fire, is placed, established or maintained for the purpose of maintaining a temporary place to live, whether or not such place incorporates the use of any tent, lean-to, shack or any other structure, or any vehicle or part thereof.

Companion Animals: A dog or cat possessed by a person, business or other entity for purposes of companionship, security, hunting, herding or providing assistance in relation to a physical disability.

Dwell: To regularly or intermittently remain for such a period of time at or near a particular location, premises or area so as to create a circumstance normally or reasonably associated with inhabiting, living, or assuming a possessory interest in such area.

Horse: In addition to its ordinary meaning it also includes mules, donkeys and other rideable animals.

Livestock: Equines, cattle, sheep, goats, llamas, alpacas, and swine.

Miscellaneous Protective Equipment: Miscellaneous Protective Equipment includes, but is not necessarily limited to, elbow pads, kneepads, wrist pads, and other protective equipment suitable for Skateboard or Bicycle use. Said equipment must meet all applicable standards, be in good condition, and be properly deployed.

Protective headgear: Protective Headgear means a helmet that meets the requirements set by the Department of Transportation that conform, insofar as practicable, to national safety standards and specifications as required in ORS 815.052.

Skateboard: The term Skateboard includes skateboards, roller skates, in-line roller skates, blades, scooters, coasters, roller skis, and similar devices appropriate for use in the City Skate Park.

Article II Regulated Enforcement Specifically Related to any City Owned Public Park:

Section 1. Fires

No person shall build, light or maintain any fire within a city park except in a stove pit or fireplace designated for such purpose by the Talent City Council or its authorized agent or employee. Provided, however, that portable gas, gasoline and oil stoves may be used within said park if in safe operating condition.

Fires - Unattended

No person shall leave a fire unattended while in a city park, and no person shall leave a city park before extinguishing any fire built, lighted or maintained by himself in any such park

Fires Near Brush, etc.

No person shall build, set or maintain any fire so near to any pile of driftwood, underbrush, log, snag or stump as to constitute an immediate hazard to such driftwood, underbrush, log, snag or stump in a city park.

Firearms

Except as otherwise allowed by state law, no person shall discharge any firearm within or into any city park, nor shall any person bring into any city park any firearm unless said firearm is carried openly and is not loaded.

Section 2. Animals

No person shall in any manner pursue, kill, injure, hunt or molest any bird or animal within any such city park except for the control of predatory animals as may be ordered by the council of the City of Talent.

Section 3. Plants - Structures

No person shall pick, mutilate, dig or remove from the park any plant or plants or in any way deface or mutilate, burn, destroy, defile or remove any railing, building, seat, fence, park facility, other structure or tree within a city park or remove from the park any logs or wood.

Section 4. Soil - Rock

No person shall dig up or remove any soil, rock, stones or other substance whatever, make any excavation, quarry any stone, or lay or set off any blast, or cause or assist in doing any of said things within the limits of a city park without the permission from the City of Talent.

Section 5. Signs

No person shall erect signs, markers, or inscriptions of any type within the limits of a city park without written approval of the City Planner and Parks & Recreation Commission. Allowed signs shall be limited to identification signs, directional signs and donor plaques.

Section 6. Soliciting

No person, while in a city park, may operate a concession, either fixed or mobile, or engage in the business or soliciting, selling or peddling any liquids or edibles for human consumption, or hawk, peddle or vend any goods, wares or merchandise, or connect a public address system to city power outlets in a city park without specific written authority from the city manager of Talent.

Section 7. Hours of Usage

City parks shall be open for usage only during daylight hours, with exceptions described below. Parks shall be closed and not for public use during the hours of darkness. Exceptions are:

- A. Lynn Newbry Park shall be open after dark only for the purpose of greenway users having access to the Bear Creek Greenway, during the Greenway's authorized usage hours (6:00 a.m. to 10:00 p.m.).
- B. City park usage after dark may be authorized by the city manager through an established permit process that has been authorized by resolution of City Council.

Section 8. Request for Signs or Overnight Camping - Fees

- A. Requests to place signs, markers or inscriptions or for overnight camping in any city park shall be on forms approved by the Board of Park and Recreation Commissioners.
- B. The city manager shall issue permits for the placement of signs, markers or inscriptions or overnight camping if approved by the Board of Park and Recreation Commissioners.
- C. Fees for permits issued under subsection B. of this section shall be set by resolution of the City Council.

Section 9. Vehicles

No automobiles, trailers or other vehicles shall be driven or parked in any areas other than those provided, maintained or designated for such purposes.

Section 10. Speed Regulations

No person shall drive a vehicle within a city park at a speed greater than is reasonable and prudent having due regard for traffic, surface and strength of roadways, hazards at intersections and other conditions then existing. In no case shall a person operate a vehicle in speeds in excess of fifteen (15) miles per hour, unless otherwise posted.

Section 11. Companion Animals

Other than within a designated public park or open space area (i.e. Dog Park, Bear Creek Greenway, etc.), as determined by the Talent Parks & Recreation Commission, it shall be an infraction for any person who owns, or is in possession or control of, companion animals, any domesticated animal or livestock to cause, or knowingly permit such animal to be within the boundaries of any park, except when accessing the Bear Creek Greenway, in the City of Talent. This section shall not apply to seeing-eye dogs, dogs for the deaf, any licensed/certified assistance therapy dogs, and police K9 dogs in the lawful performance of their duty. Only in designated fully enclosed fenced areas (i.e., Dog Park) may companion animals be allowed off leash.

Section 12. Depositing Litter, Rubbish, Garbage or Trash

- A. No person shall leave any bottles, cans, ashes, waste paper, rubbish or garbage in a city park except in receptacles designated for that purpose.
- B. It shall be unlawful for any person to haul household garbage, rubbish, or trash to the city park and deposit the same in the park or on public property.

Section 13. Water Pollution

No person shall wash any clothing or other material, or clean any fish in a lake or stream, nor in any way pollute any stream or lake in a city park.

Section 14. Camping

No camping, or dwelling shall be permitted in city parks except by written permission from the City of Talent.

Section 15. Use of Skateboards, Scooters, and Bicycles

A) Prohibited Use

The use of Skateboards, is prohibited in all City parks other than the Skate Park. All Skateboards and Bicycles operated in the Skate Park shall be operated exclusively by human power. Use of motorized Skateboard or Bicycles (whether gas or electric) is prohibited.

B) Skate Park Rules and Regulation

The City establishes the following rules and regulations pursuant to this Ordinance. The City reserves the right to adopt additional rules and regulations, which shall be posted at the Skate Park, and shall be enforceable as if they were fully set forth in this Ordinance.

1) Use of Protective Equipment

- (a) Any person operating a Skateboard or Bicycle, within the Skate Park

shall use protective headgear as defined in this Ordinance.

(b) Any person operating a Skateboard or Bicycle within the Skate Park should also wear appropriate Miscellaneous Protective Equipment as defined in this Ordinance.

2) Risk of Use. Use of the City Skate Park may constitute a hazardous recreational activity. All users of the skate park are deemed to do so at their own risk. No attendant will be on duty, and the City will not be responsible or liable for injury, death or theft of property.

3) Hazardous Conditions. Users of the skate park should not use the Skate Park when the skating surfaces are wet, slippery, damaged, hampered or blocked, or otherwise compromised. Users observing damage should promptly notify the City Department of Public Works. Inclement weather may be cause for park closure, at the City's discretion.

4) Prohibited Use. Users of the Skate Park are prohibited from acting in a careless manner that endangers or would be likely to endanger any person or property.

5) Loitering. Use of the Skate Park constitutes a potentially hazardous recreational activity, one that is often undertaken by individuals of young age or with little experience and who consequently increases the risk of injury to themselves and others. Serious injury may result to users of all skill levels, including, but not limited to colliding with or avoiding other users, falling on or scraping the concrete Skate Park surface or other objects, and injuries from unattended rolling or flying objects. Such injuries may include death, paralysis, brain injuries, broken bones, and other serious injuries. Safe use of the Skate Park requires careful concentration and a calm environment free from distractions, including, without limitation, loud noises, crowded conditions, threatening or otherwise intimidating behavior, and other kinds of behavior prohibited under this Ordinance. Loitering inside the fenced area for the purpose- or with the effect- of distracting Skate Park users is consequently strictly prohibited because it may cause or lead to injury by Skate Park users. It shall be unlawful for a person to behave in a manner or under circumstances manifesting the purpose or effect of distracting others from safely using the Skate Park. Such circumstances shall include any violation of this Ordinance or:

(a) Repeatedly beckoning to, stopping, or attempting to stop users or spectators of the Skate Park, or repeatedly attempting to engage passers-by in conversation;

(b) Repeatedly interfering with the free passage of other persons;

(c) Behavior that raises a reasonable suspicion that a person is about to engage in or is engaged in an activity that would violate this Ordinance or distract users of the Skate Park;

(d) Acting under circumstances that warrant justifiable alarm for the safety of Skate Park users or for the Skate Park property and, upon inquiry by a police officer, refusal to identify himself or herself and give a

reasonably credible account of his or her presence or purpose;

(e) Taking flight upon the approach or appearance of a police officer.

6) General Behavior. All persons must use the Skate Park safely and responsibly. Negligent or reckless behavior is prohibited in the Skate Park, including, but not limited to tandem riding, pushing, horseplay, bullying, profanity, or any other activity that could endanger the safety of users.

7) No Modifications. The Skate Park is to be used as designed. No modifications shall be made to the surface or features of the Skate Park, and no ramps, jumps, or obstacles shall be placed within the park.

8) Tobacco And Alcohol. Use of all tobacco products is prohibited in the Skate Park. Use or possession of alcohol is prohibited in the Skate Park.

9) Breakable Objects Prohibited. Glass or other easily breakable containers are prohibited inside the fenced area.

10) Amplified Music or Sound Prohibited. Use of amplified music or sound is prohibited.

11) Reservation of Rights to Close. The City reserves the right to close the park in the event of vandalism, graffiti, or aggressive behavior.

12) Exclusion from Skate Park. The City reserves the right to exclude users at such times as the City deems the Skate Park to be at full capacity.

13) Video Surveillance. The City reserves the right to subject the Skate Park to video surveillance at any or all times.

14) Right to Bar. The City reserves the right to eject and bar from the park any person who violates these rules and guidelines. Repeat violations may result in prohibition from future park usage.

C) Impoundment

The Chief of Police and those sworn police officers acting under the command of the Chief of Police, upon probable cause that a person is in violation of the requirements within this section to wear protective headgear, may impound the skateboard, scooter, in-line skates, bicycle or other device at the time of the violation and issuance of a citation for said violation.

1) First Impoundment: The device impounded under this ordinance shall be returned, after conviction of the violator and satisfaction of the terms of the sentence, to the owner, or if the person shall be acquitted of the charge, the impounded personal property shall be forthwith returned to the persons from whom it was taken for impoundment.

2) Second Impoundment – Additional Impoundments: When the device is impounded a second time, or multiple times, due to violations of this ordinance,

it shall be disposed of according to the order of the court, provided that if the person shall be acquitted of the charge, the impounded personal property shall be forthwith returned to the persons from whom it was taken for impoundment.

Section 16. Alcohol:

The possession and use of alcohol is prohibited in all public parks. Permits can be issued for special events at the discretion of the city manager and when the applicant possesses a license for special events issued by the Liquor Control Commission.

Section 17. Private Use of City Parks:

Private use of city parks is permitted for specific purposes and under defined terms and conditions as are defined in the City Park Application Agreement. The city manager may issue permits for uses as authorized.

Section 18. Authority

In order to enforce all rules and regulations, and to maintain a sanitary and orderly appearance in city parks, any officer of the Police Department is vested with the authority to require, under penalty of law, all persons using said park to abide by the rules and regulations.

Section 19. Penalties

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$250.00

Duly enacted by the City Council in open session on _____ by the following vote:

Ayes: 0 Nays: 0 Abstain: 0 Absent: 0

Melissa Huhtala, City Recorder and Custodian of City records

ORDINANCE NO. 16-915-O

AN ORDINANCE ESTABLISHING A PROGRAM FOR THE MAINTENANCE AND OPERATION OF TALENT CITY PARKS AND IMPOSING A SURCHARGE FOR ONGOING FUNDING. REPEALING ORDINANCE 05-795-O (AS AMENDED BY ORDINANCE 07-828-O).

Commented [TT1]: Consolidating Ordinance 05-795-O & 07-828-O

WHEREAS, the public parks of the City of Talent, if not managed through a strong program of maintenance and operation, can deteriorate causing loss of function, beauty, opportunity for recreational and social activities, as well as the blighting of residential and commercial neighborhoods and other areas of the City and loss of property value; and

WHEREAS, the City Council has concluded that providing recreational programs at these parks and other public facilities will allow citizens of all ages the opportunity to learn leisure time skills that will have a positive effect on the community; and

WHEREAS, the City Council has concluded that helping to ensure adequate maintenance and operation of Talent public parks through adequate funding is a priority need; and

WHEREAS, to help satisfy these needs, the City has developed a funding mechanism involving a surcharge; and

WHEREAS, the City Council finds that this program for the maintenance and operation of Talent City Parks and the methodology of apportioning a surcharge is a reasonable and rational way to provide a safe, functioning public parks system;

NOW, THEREFORE THE CITY OF TALENT ORDAINS AS FOLLOWS:

The Parks Maintenance and Operations Act, attached hereto as Exhibit "A," is adopted into the General Ordinances of the City of Talent as a means of providing adequate parks maintenance and operations throughout the City of Talent as well as recreational programs.

In the event any section, subsection, paragraph, sentence or phrase of this ordinance or any administrative policy adopted herein is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the ordinance shall continue to be effective.

Nothing contained herein shall be construed as limiting the City's authority to levy special assessments in connection with public improvements and recreation programming pursuant to applicable law.

The surcharge herein constitutes a revenue raising device for the specific purposes described in the Ordinance. The surcharge is not intended to be a tax, and is

not subject to the property tax limitations of Article XI, Section 11(b), of the Oregon Constitution.

This Ordinance shall become effective within thirty (30) days of its adoption by the City Council.

Duly enacted by the City Council in open session on _____ by the following vote:

Ayes: 0 Nays: 0 Abstain: 0 Absent: 0

Melissa Huhtala, City Recorder and Custodian of City records

EXHIBIT A

PARKS MAINTENANCE AND OPERATIONS ACT

Section 1. Title

Sections 1 through 10 below shall be known as the Parks Maintenance and Operations Act.

Section 2. Purpose and Intent

A) The principal purpose of this Parks Maintenance and Operations Act is to safeguard, facilitate and encourage the health, safety, and welfare of the citizens and businesses of the City of Talent by helping to ensure the proper care and upkeep of Talent City parks. The Council finds that a continuous and consistent Parks Maintenance and Operations program provides important economic and social benefits to the public, including, but not limited to:

- 1) Provision of adequate resources for social and recreational opportunities.
- 2) Provision of adequate resources for the health, safety, and welfare of children.
- 3) Prevention of crime through the provision of healthy activities for Talent citizens.
- 4) Enhancement of the green spaces of the Talent community.
- 5) Enhanced protection of property.
- 6) Promotion of business and industry.
- 7) Promotion of community spirit and responsibly planned growth.

B) It is the intent of this Act to provide a funding mechanism to help pay for the benefits conferred on City residents and businesses by the provision of an adequate program of parks maintenance and operations, and further to help bring the Talent parks program up to an acceptable service level.

C) It shall not be necessary that the maintenance and operations expenditures from the Parks Maintenance and Operations Act specifically relate to any particular property from which the fees for said purposes were collected.

D) The structure of this Parks Maintenance and Operations Act is intended to be a surcharge for service within the City limits. However, it is not intended to provide full funding for City Parks. In the event that amounts collected under the Parks Maintenance And Operations Act are insufficient to properly operate City Parks, additional funding may be allocated by the City Council from other City funds; provided, however, that the City Council may direct the reimbursement to

such other funds if additional Parks Maintenance And Operations surcharge revenues are collected.

Section 3. Definitions and Calculations

As used within this ordinance, the words and phrases below have the following definitions and meanings:

Accessory Dwelling Unit (ADU): Accessory Dwelling Unit on a single-family parcel shall be considered as a separate residential unit for purposes of assessment of this surcharge.

Apartment House: Any building or portion thereof, which contains three or more individual dwelling units, regardless of the ownership arrangement. In determining the number of units to be assessed the surcharge a 95% rate of occupancy shall be used in the calculation. (Total units in complex times 95% = number of units assessed surcharge.) Billable units shall be based on whole numbers therefore rounding up or down shall be occurring to achieve a whole number.)

Developed Property: A parcel or portion of real property on which an improvement exists. Improvements on developed property include, but are not limited to, buildings, parking lots, utilities infrastructure, and outside storage.

Duplex: Two family dwelling. In determining the number of units to be assessed the surcharge a 95% rate of occupancy shall be used in the calculation. (Total 2 units times 95% = number of units assessed surcharge. Billable units shall be based on whole numbers only.)

Hotel/motel: A part of a structure that is occupied or designed for occupancy by transients for lodging or sleeping, including a hotel, inn, tourist home or house, a bed and breakfast, motel studio hotel, bachelor hotel, lodging house, rooming house, dormitory, public or private club (that provides lodging), trailer or recreational vehicles providing transient housing that are subject to the Transient Room Tax as determined under the terms and conditions of Ordinance #556 shall not be subject to this surcharge to the extent that they are paying the Transient Tax to the City on a regular basis.

Mobile Home Park: Any lot on which two or more mobile homes are located and being used for residential purposes, other than as approved "guest house", and where the primary purpose of the property owner is to rent or lease the spaces and related or necessary facilities to the owners or occupants of the mobile homes, or to offer same in exchange for trade of services. Each space within the mobile home park is determined to represent a unit for assessment of the surcharge.

Multiple Family: A building or portion thereof, designed or used as a residence by two or more families or individual households, and containing two or more dwelling units. In determining the number of units to be assessed the surcharge a 95% rate of occupancy shall be used in the calculation. (Total units in complex time 95% = number of units

assessed surcharge.) Billable units shall be based on whole numbers therefore rounding up or down shall occur to achieve a whole number.

Multiple Family Complex: A group of two or more detached buildings used for residential purposes and located on a single tax lot with yard areas shared as common areas for all dwelling group occupants.

Non-Residential Unit: A use of property that is primarily not for personal, domestic accommodation, such as a business or commercial enterprise. A non-residential structure that provides facilities for one or more businesses shall have each distinct business occupation considered as a separate non-residential unit. The conducting of a business or businesses at two or more locations shall, for the purposes of this chapter, be deemed to be separate businesses and each thereof shall be subject to the surcharge provided for in this chapter. If two or more differently classified but otherwise related businesses are carried on in the same premises by the same owners, then the business shall be considered one non-residential unit; provided however, any business activity leased under concession to or owned, wholly or in part, by a different person or persons on the same premises shall be considered a separate non-residential unit. In determining whether different activities on the same premises are related to the primary use within the meaning of this section, normal and ordinary customs and usages of businesses of like nature shall be considered.

In addition to a single unit charge per business an additional surcharge shall be required based on the number of employees as reported in their Business License registration. Each increment of 10 employees shall constitute 1 unit for the assessment of the surcharge. Business License registration shall be reviewed annually in March to determine if there have been any changes to the number of employees. Adjustments shall be made as required to comply with this ordinance.

Person: A natural person; unincorporated association; tenancy in common; partnership; corporation; limited liability company; cooperative; trust; any governmental agency, including the State of Oregon but excluding the City of Talent; and any other entity in law or in fact.

Residential Unit: A residential structure that provides complete living facilities for one or more persons including, but not limited to, permanent provisions for living, sleeping, and sanitation. A home occupation business in a residential zone will be regarded only as a residential unit, not as a non-residential unit. An assessory dwelling unit on a single-family parcel shall be considered a separate residential unit. Multi-family residential property consisting of two or more dwelling units, condominium units or individual mobile home units shall have each unit considered as a separate residential unit.

Responsible Party: The person owing the Parks Maintenance and Operations surcharge. Two or more persons may be jointly and severally liable for payment of the Parks surcharge.

Recreational Vehicle Park or Campground. An area designated to accommodate recreational vehicles and/or tent campers and provide related and needed facilities and services. The surcharge assessed for such facilities shall be based on the number of spaces established for this purpose with each space equaling a unit for purposes of assessment of the surcharge.

Transient Lodging: See Hotel/Motel definition.

Section 4. Imposition of Parks Maintenance and Operation Surcharge

A) There is hereby created a Parks Maintenance and Operations surcharge to accomplish the purposes described in this ordinance.

B) There is hereby imposed upon the responsible party for each developed property in the City limits a Parks Maintenance and Operations surcharge of Three dollars (\$3.00) per unit per month for each residential unit and non-residential unit existing on that property. This fee is deemed reasonable and is necessary to pay for the maintenance and operations of public parks within the City of Talent. Billing shall be as a line item on the City's utility bill unless otherwise specified below.

C) Except as the fees may be reduced or eliminated under Section 8 below, the obligation to pay a Parks Maintenance and Operations surcharge arises when a responsible party uses or otherwise benefits from Talent City parks. It is presumed that Talent City Parks are used or that a benefit otherwise arises whenever the subject real property is a developed property.

D) Although this ordinance refers to "units" as a basis for calculating a Parks surcharges, the surcharges are not imposed *on* a property or on any portion thereof. The units are merely the measurement for determining the surcharge. The surcharge does not in any way create an *in rem* obligation in respect of property. The obligation to pay the surcharge is a personal obligation of the responsible party.

Section 5. Dedication of Funds

All surcharge revenues collected pursuant to the Parks Maintenance And Operations Act shall be distinctly and clearly noted in both the revenue and expenditure sections of the City Parks Fund budget and shall be used only for the maintenance, operation and administration of Talent City parks and costs incidental thereto as well as recreation programming in order to help provide for a safe, well-functioning parks maintenance and operations program. The surcharge paid and collected by virtue of this ordinance shall not be used for general or other governmental or proprietary purposes of the City except to pay for the equitable share of the cost of accounting, management and government that is attributable to the fund, which shall not exceed five percent (5%) of the gross revenues of the fund during any fiscal year.

Section 6. Collection

- A) The effective starting date of this surcharge increase will be July 20, 2007, and will first appear on utility bills delivered in August 2007.
- B) Parks Maintenance And Operation surcharges shall be collected monthly. Statements for the surcharge shall be included as an additional item on the City monthly water utility billing wherever feasible, unless otherwise specified below.
- C) Unless another person responsible has properly agreed in writing to pay, and a copy of that writing is properly filed with the City, the person(s) normally responsible for paying the City's water utility charges are responsible for paying the Parks Maintenance and Operations surcharge.
- D) In the event a developed property is not served by a domestic water meter, or if water service is discontinued, the persons having the right to occupy the property shall pay the Parks Maintenance and Operations surcharge.
- E) The connection of a water meter or issuance of a building permit for a change of use will automatically initiate appropriate billing to the responsible party for surcharges under the Parks Maintenance and Operations Act. There shall otherwise be no charge for persons who have the right to occupy an undeveloped property until such time as a structure is built and a water meter is connected on that property.
- F) The imposition of surcharges shall be calculated on the basis of the number of residential or non-residential units supported, without regard to the number of water meters serving that property.
- G) Late charges shall be assessed to any Parks Maintenance and Operations surcharges not received within sixty (60) days of billing. Late charges shall be assessed on the same terms and conditions as those for delinquent water charges.
- H) At those times that a property is not occupied no surcharge shall be assessed.
- I) When a tenant or property owner moves out mid month the Parks surcharge shall be prorated based on the days of occupancy.
- J) The obligation to pay the Parks surcharge is personal to the responsible party. The City of Talent will not assess a subsequent owner of a property for uncollected amounts due from a previous owner (or responsible party under a lease or rental agreement), and will not withhold utility services to a subsequent owner.

Section 7. Exemptions

A) The only exemption to this Ordinance shall be schools and water accounts where there are no structures (i.e. irrigation uses only). All other uses not defined above shall be subject to the surcharge.

B) The City Council may, by ordinance, exempt any additional class of users when it determines that the public interest deems it necessary or that the contribution to park use by such class is insignificant.

Section 8. Program Administration

A) The City Manager shall be responsible for the administration of the Parks Maintenance and Operations Act.

B) The City Manager shall be responsible for administering appeals to the Parks Maintenance and Operation surcharge under Section 9 of this ordinance.

C) The City Manager is authorized and directed to review the operation of this ordinance and, where appropriate, recommend changes thereto in the form of administrative procedures for adoption by the City Council by resolution. Such procedures if adopted by the Council shall be given full force and effect, and unless clearly inconsistent with this ordinance shall apply uniformly throughout the City.

D) The billing to non-residential units shall be reviewed annually to consider any changes in the number of employees and the number of units will be adjusted when warranted.

Section 9. Appeal Process

A) A Parks Maintenance and Operations surcharge may be appealed for change or relief in accordance with the following criteria.

1) Classification of Property. Any responsible party who disputes any interpretation given by the City as to property classification may appeal such interpretation. If the appeal is successful, appropriate relief will be granted. In such instances, reimbursement will be given for any overpayment, retroactive to the filing date of the appeal. Factors to be taken into consideration include, but are not limited to availability of more accurate information; equity relative to billing classifications assigned to other developments of a similar nature; changed circumstances; and situations uniquely affecting the party filing the appeal.

2) Financial Hardship. Any responsible party may claim a financial hardship. The City will determine financial hardship based on established guidelines. Any relief will be secondary to all other financial resources available to the responsible party. To be presumptively eligible for relief,

the responsible party's total family assets must not exceed fifteen thousand dollars (\$15,000.00), and the responsible party's gross family income must not be more than the Federal Poverty Level. The City may request verification of income, including, but not necessarily limited to W-2 employment wage forms, payroll stubs, and tax returns. The City may also request verification of assets, including, but not limited to bank statements, mortgage statements, and other information useful to the City to determine net assets.

B) An application for appeal shall state the reason(s) for appeal, and must include supporting documentation to justify the requested change or relief. An application will not be deemed complete until all information requested by the City has been provided.

C) The City Manager shall be responsible for evaluating appeals.

D) The City Manager will make all reasonable attempts to resolve appeals utilizing available existing information, including supporting documentation filed with the appeal, within thirty (30) days of the date the appeal was filed. If, however, more detailed site-specific information is necessary, the City Manager may request the applicant to provide additional information.

E) In any event, the City Manager will render a decision within ninety (90) days of the date the appeal was filed explaining the disposition of the appeal, along with the rationale and supporting documentation for the decision reached.

F) Decisions of the City Manager may be appealed to the City Council, and shall be heard at a public meeting. Upon such appeal, the City Council shall at its first regular meeting thereafter set a hearing date. The matter shall be heard solely upon the record. In no event shall a final decision be made later than ninety (90) days after the matter was formally appealed to the City Council.

G) Appeals filed within one hundred twenty (120) days of the effective date of this Ordinance shall not be subject to a filing fee. For new residents the payment of a filing fee for an appeal will begin 120 days after establishing a water service account. A fee for an appeal shall be fifty dollars (\$50.00). Should the appellant adequately justify and secure the requested change or relief no fee will be assessed. If a decision is not in favor of the appellant a fee for an appeal shall be assessed and may be added to the utility bill.

Section 10. Enforcement

A) In the event a responsible party's payment is less than the total amount due on the party's utility bill, the payment shall be applied first to fully satisfy all outstanding Parks Maintenance and Operations Surcharges, secondly to the Transportation Utility Fee, and the remainder to charges for water services.

B) In addition to other lawful enforcement procedures, the City may enforce the collection of charges required by this ordinance by withholding delivery of water to any premises where Parks Maintenance and Operations surcharges are delinquent or unpaid.

C) Notwithstanding any provision herein to the contrary, the City may institute any necessary legal proceedings to enforce the provisions of this ordinance, including, but not limited to injunctive relief and collection of charges owing. The City's enforcement rights shall be cumulative.

ORDINANCE NO. 16-916-O

THE CITY OF TALENT'S FLOOD DAMAGE PREVENTION ORDINANCE AND ADOPTION OF THE MOST CURRENT VERSIONS OF THE FLOOD INSURANCE RATE MAPS (FIRM) AND FLOOD INSURANCE STUDY. AN ORDINANCE REPEALING ORDINANCE 04-752-O (AS AMENDED BY ORDINANCES 04-778-O & 11-859-O).

Commented [TT1]: Consolidating Ordinance 04-752-O, 04-788-O, & 11-859-O

WHEREAS:

THE CITY OF TALENT ORDAINS AS FOLLOWS:

Section 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of Oregon has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Talent, does ordain as follows:

1.2 FINDINGS OF FACT

1.2.1 The flood hazard areas of Talent are subject to periodic inundation which may result in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

1.2.2 Potential flood losses include those caused by high velocity flows and erosion, and those caused by the cumulative effect of obstructions in areas of special flood hazards. Structures in special flood hazard areas and other obstructions increase flood heights and velocities, and, when inadequately anchored, may damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE: It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1.3.1 To protect human life and health;

1.3.2 To minimize expenditure of public money and costly flood control projects;

1.3.3 To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

1.3.4 To minimize prolonged business interruptions;

1.3.5 To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;

1.3.6 To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard to minimize future flood blight areas;

1.3.7 To ensure that potential buyers are notified that property is in an area of special flood hazard; and,

1.3.8 To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES: In order to accomplish its purposes, this ordinance includes methods and provisions for:

1.4.1 Restricting or prohibiting uses that are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

1.4.2 Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

1.4.3 Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

1.4.4 Controlling filling, grading, dredging, and other development which may increase flood damage; and

1.4.5 Preventing or regulating the construction of flood barriers, which will unnaturally divert flood waters or may increase flood hazards in other areas.

Section 2.0 DEFINITIONS: Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

2.1 "APPEAL" means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

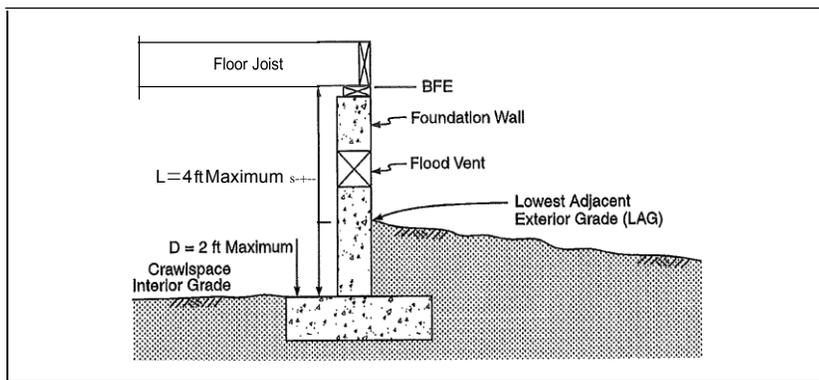
2.2 "AREA OF SPECIAL FLOOD HAZARD" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letter A.

2.3 "BASE FLOOD" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letter A.

2.4 "BASEMENT" means any area of the building having its floor subgrade (below ground level) on all sides.

2.5 "BELOW-GRADE CRAWL SPACE" means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height measured from the interior grade of the crawlspace to the top of the crawlspace foundation does not exceed 4 feet at any point (see illustration below).

Below-grade crawlspaces are allowed subject to the standards as found in FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas:



Below-Grade Crawl Space Illustration

2.6 "CRITICAL FACILITY" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

2.7 "DEVELOPMENT" for the purposes of this ordinance, means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located or the storage of equipment or materials.

2.8 "ELEVATED BUILDING," for NFIP insurance purposes, means a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

2.9 "FLOOD" OR "FLOODING" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation of runoff of surface waters from any source.

2.10 "FLOOD INSURANCE RATE MAP (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

2.11 "FLOOD INSURANCE STUDY" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

2.12 "FLOODWAY" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

2.13 "LOWEST FLOOR" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built in a way that renders the structure in violation of the applicable non-elevation design requirements of this ordinance found in Section 5.2.

2.14 "MANUFACTURED HOME" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

2.15 "MANUFACTURED HOME PARK OR SUBDIVISION" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

2.16 "NEW CONSTRUCTION" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

2.17 "RECREATIONAL VEHICLE" means a vehicle that is:

- a) Built on a single chassis;
- b) 400 square feet or less when measured at the largest horizontal projection;
- c) Designed to be self-propelled or permanently towable by a light duty truck; and
- d) Designed primarily for use as temporary living quarters for recreational, camping, travel, or seasonal use, not as a permanent dwelling.

2.18 "START OF CONSTRUCTION" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a

structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation of the property or accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

2.19 "STRUCTURE" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

2.20 "SUBSTANTIAL DAMAGE" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

2.21 "SUBSTANTIAL IMPROVEMENT" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- a) Before the improvement or repair is started; or
- b) If the structure has been damaged and is being restored, before the damage occurred.

The term does not, however, include either:

- a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; OR
- b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

2.22 "VARIANCE" means a grant of relief from the requirements of this ordinance by permitting construction in a manner that would otherwise be prohibited by this ordinance.

2.23 "WATER DEPENDENT" means a structure for commerce or industry, which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

Section 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES: This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Talent Oregon.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD: The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Jackson County, Oregon and Incorporated Areas," dated May 3, 2011, with accompanying Flood Insurance Rate Maps, are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file in the Talent Community Development Department office.

3.3 PENALTIES FOR NONCOMPLIANCE: No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$300.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Each day of noncompliance may be adjudged a separate violation. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS: This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION: In the interpretation and application of this ordinance, all provisions shall be:

3.5.1 Considered as minimum requirements;

3.5.2 Liberally construed in favor of the governing body; and,

3.5.3 Deemed neither to limit nor to repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY: The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance

shall not create liability on the part of the City of Talent, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Section 4.0 ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

4.1.1 Development Permit Required: A development permit shall be obtained before construction or other development begins within any area of special flood hazard established in Section 3.2. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS," and for all development including fill and other activities, also as set forth in the "DEFINITIONS."

4.1.2 Application for Development Permit: Application for a development permit shall be made on forms furnished by the Community Development Department, and may include but not be limited to plans in duplicate, drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; and the locations of existing or proposed structures, fill, storage of materials, and drainage facilities. Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to mean sea level to which any structure has been floodproofed;
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 5.2; and
- d) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development. (Note that alterations or relocation of natural watercourses are prohibited under normal circumstances.)

4.2 DESIGNATION OF THE FLOOD PLAIN MANAGER: The Community Development Department is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE FLOOD PLAIN MANAGER: Duties of the Flood Plain Manager shall include, but are not limited to:

4.3.1 Permit Review

- a) Review all development permits to determine that the permit requirements of

this ordinance have been satisfied.

b) Review all development permits to determine that they have obtained all necessary permits from all Federal, State, or local governmental agencies from which prior approval is required.

c) Review all development permits to determine if any part of the proposed development is located in the floodway. If any part of the proposed development is located in the floodway, assure that the encroachment provisions of Section 5.3 are met.

4.3.2 Use of Other Base Flood Data: When base flood elevation data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Flood Plain Manager shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, to administer Sections 5.2, SPECIFIC STANDARDS, and 5.3 FLOODWAYS.

4.3.3 Information to be Obtained and Maintained:

a) Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 4.3.2, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and determine whether or not the structure contains a basement.

b) For all new or substantially improved floodproofed structures

i) Verify and record the actual elevation (in relation to mean seal level), and

ii) Maintain the floodproofing certifications required in Section 4.1.

c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3.4 Alteration of Watercourses: Alteration or relocation of a natural watercourse is not permitted as a flood hazard mitigation project under this ordinance. In the unlikely circumstance that the alteration or relocation of a water course is necessary in the response and/or recovery stages of a natural disaster, the Flood Plain Manager shall provide notice to the Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. In that unlikely circumstance, the City shall require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.3.5 Interpretation of FIRM Boundaries: The Flood Plain Manager shall make

interpretations, where needed, about the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.4.

4.4 APPEALS AND VARIANCES: The Planning Commission shall hear and decide appeals and requests for variances from the requirements of this ordinance.

4.4.1 APPEALS: The Planning Commission shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Flood Plain Manager in the enforcement or administration of this ordinance. Those aggrieved by the decision of the Flood Plain Manager, or any taxpayer, may appeal such decision to the Planning Commission. In considering an appeal of the decision of the Flood Plain Manager, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and all of the following:

- a) The danger that materials may be swept onto other lands to the injury of others;
- b) The danger to life and property due to flooding or erosion damage;
- c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d) The importance of the services provided by the proposed facility to the community;
- e) The necessity to the facility of a waterfront location, where applicable;
- f) The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
- g) The compatibility of the proposed use with existing and anticipated development
- h) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
- k) The costs of providing governmental services during and after flood

conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

4.4.2 VARIANCES: A Variance may be permitted by the Planning Commission based upon the consideration of the factors listed in 4.4.1 (a-k) above, and the variance criteria that follow. The Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

a) The Variance requested is a variance from the elevation standard for new construction or substantial improvements to be erected on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a-k) in Section 4.4.1 have been fully considered. As the lot size increases the technical justification required for issuing the variance increases; OR

b) The Variance requested is for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section; OR

c) The variance requested is for a nonresidential building in very limited circumstances, the request is to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria in Section 4.4.2, and otherwise complies with this ordinance; AND ALL OF THE FOLLOWING:

d) Variances shall not be issued within a designated floodway; and

e) The Variance requested is the minimum necessary, considering the flood hazard, to afford relief; and

f) All of the following findings have been made:

i) Failure to grant the variance would result in exceptional hardship to the applicant;

ii) Granting the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, the creation of nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

4.4.3 PLANNING COMMISSION DECISION

a) Any applicant for whom an appeal is decided or a variance is granted shall be given written notice that the structure will be permitted to be built as requested,

and subject to any applicable conditions of approval, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced flood damage prevention standard allowed for this specific application.

b) The Flood Plain Manager shall maintain the records of all appeal and variance actions, and shall report any variances to the Federal Insurance Administration upon request.

Section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS: In all areas of special flood hazards, the following standards are required:

5.1.1 Anchoring: Anchoring is required for all substantial improvements, and new and replacement dwellings in the regulatory floodplain or in the 500-year floodplain, as follows:

a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

b) All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

5.1.2 Construction Materials and Methods

a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located to prevent water from entering or accumulating within the components during conditions of flooding.

5.1.3 Utilities

a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system; and,

b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge

from the systems into flood waters;

c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1.4 Subdivision Proposals

a) All subdivision proposals shall be consistent with the need to minimize flood damage. Subdivision lot layout shall be designed to avoid conflicts with flood damage prevention strategies, and to protect water-related resources, as demonstrated in this ordinance and in Article 12 of the Talent Zoning Ordinance;

b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

d) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 10 lots or 2 acres (whichever is less).

5.1.5 Review of Permits Where Base Flood Data is Not Available: Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. The developer has two options in a flood plain without base flood elevation data: 1) provide base flood elevation information at developer's expense, or 2) elevate structures at least two feet above grade.

5.2 SPECIFIC STANDARDS: In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section 4.3.2, Use of Other Base Flood Data, the following provisions are required:

5.2.1 Residential Construction

a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated two feet above the base flood elevation.

b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces

on exterior walls by allowing for the entry and exit of floodwaters. A registered professional engineer or architect must either certify designs for meeting this requirement or meet or exceed the following minimum criteria:

- i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- ii) The bottom of all openings shall be no higher than one foot above grade.
- iii) Openings may be equipped with screens, louvers, or other coverings or devices if they permit the automatic entry and exit of floodwaters.

5.2.2 Nonresidential Construction: New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including a basement floor, elevated two feet above the base flood elevation; or, together with requirements for utility and sanitary facilities set out below, shall:

- a) Be floodproofed so that below the flood protection level (two feet above base flood level), the structure is watertight with walls substantially impermeable to the passage of water;
- b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Flood Plain Manager, as set forth in Section 4.3, above;
- d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 5.2.1;
- e) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g.. A building floodproofed to the base flood level will be rated as one foot below).

5.2.3 Manufactured Homes: All manufactured homes to be placed, or substantially improved within an A or Shaded X Zone on the community's FIRM on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated two feet above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

5.2.4 Recreational Vehicles: Recreational vehicles placed on sites within A and Shaded X Zones on the community's FIRM either:

- a) Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use; be on its wheels or jacking system, and be attached to the site only by quick disconnect type utilities and security devices, with no permanently attached additions; OR
- b) Meet the requirements of 5.2.3 above, including the elevation and anchoring requirements for manufactured homes.

5.3 FLOODWAYS: Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

5.3.1 No new or replacement structures or substantial improvements are allowed within thirty-five feet of the floodway, as established in Article 12 of the Talent Zoning Ordinance. In addition, Article 12 establishes wetland and riparian area setbacks that may be stricter than the floodway setback in some cases. A structure existing within 35 feet of a floodway is a non-conforming structure, and no expansion or substantial improvement of a non-conforming structure is allowed, as established in Article 16 of the Talent Zoning Ordinance.

5.3.2 Other encroachments are also prohibited, including fill, water-related facilities and roads, unless certification by a registered professional civil engineer is provided demonstrating that such encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge.

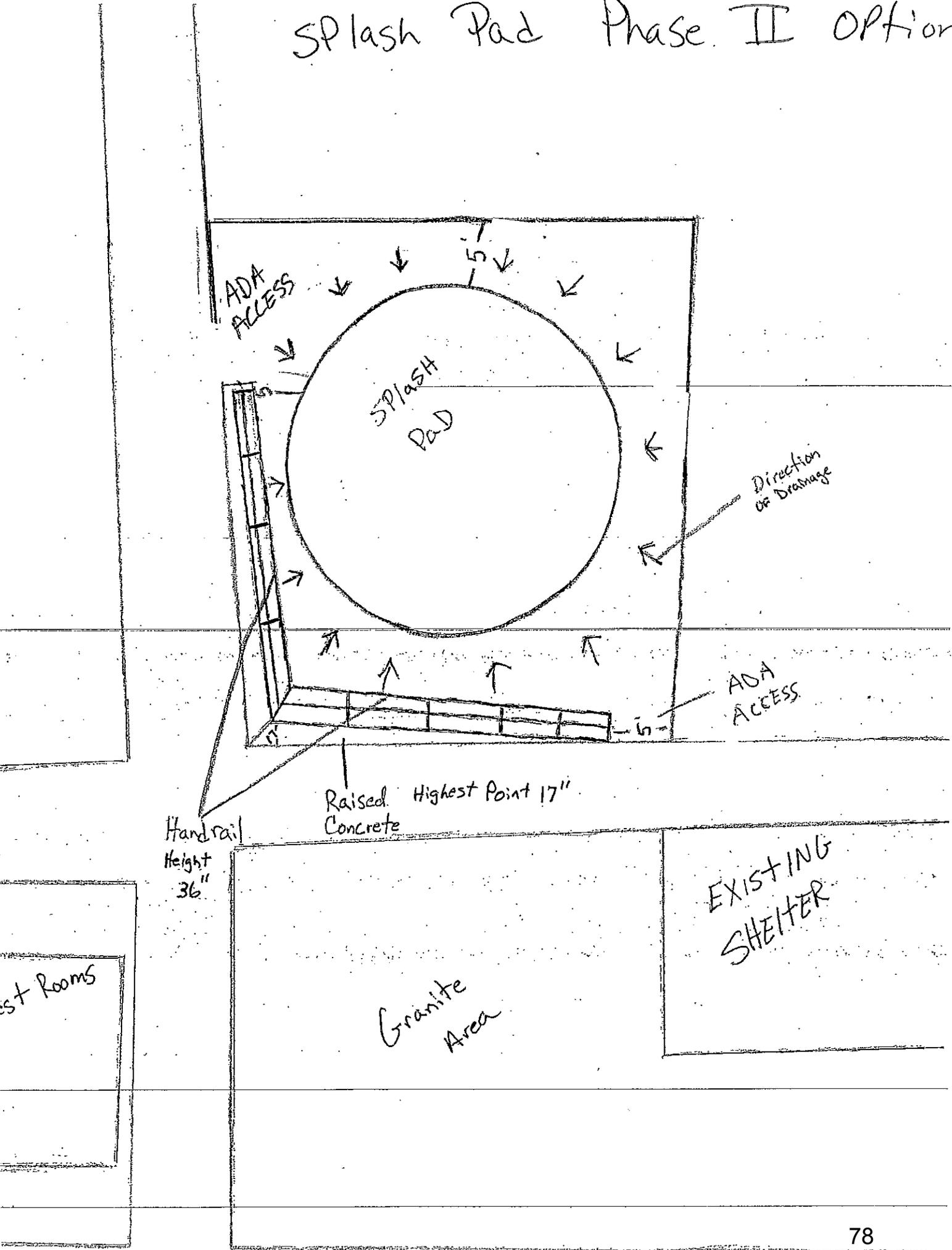
5.4 ENCROACHMENTS: The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

Duly enacted by the City Council in open session on _____ by the following vote:

Ayes: 0 Nays: 0 Abstain: 0 Absent: 0

Melissa Huhtala, City Recorder and Custodian of City records

Splash Pad Phase II Option





OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
 - Commercial Establishment
 - Caterer
 - Passenger Carrier
 - Other Public Location
 - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
 - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: _____

ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other _____

90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

CITY AND COUNTY USE ONLY

Date application received: _____

The City Council or County Commission:

(name of city or county)

recommends that this license be:

- Granted
- Denied

By: _____
(signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: AW

Date: 12/16/15

90-day authority: Yes No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

- ① Kindred Spirits Art, Ale and Wine LLC ③ _____
 ② _____ ④ _____

2. Trade Name (dba): Kindred Spirits Art, Ale and Wine

3. Business Location: 106 Talent Ave Suite #2 and #3 Talent Jackson Oregon 97540
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: PO Box 1478 Talent Oregon 97540
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 541.821.0651
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? Yes No

7. If yes to whom: Kindred Spirits Art, Ale and Wine LLC Type of License: Limited On Premises Sales

8. Former Business Name: n/a

9. Will you have a manager? Yes No Name: _____
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? City of Talent
(name of city or county)

11. Contact person for this application: Cathy Dorris _____
(name) (phone number(s))

(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

- ① Cathy Dorris Date 12-9-15 ③ _____ Date _____
 ② [Signature] Date 12-16-15 ④ _____ Date _____



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY

1. Trade Name Cathy Dorris Studios ART AND WINE LLC 2. City TALENT
 3. Name DORRIS MARY CATHERINE
 (Last) (First) (Middle)
 4. Other names used (maiden, other) N/A
 5. *SSN _____ 6. Place of Birth KANSAS 7. DOB _____ x M F
 (State or Country) (mm) (dd) (yyyy)

*SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a). If you consent to these uses, please sign here:

Applicant Signature: Mary C Dorris

MAY 15 2015
OLCC

9. Driver License or State ID # _____ 10. State OREGON
 11. Residence Address _____
 (number and street) (city) (state) (zip code)
 12. Mailing Address (if different) _____
 (number and street) (city) (state) (zip code)
 13. Contact Phone _____ 14. E-Mail address (optional) _____
 15. Do you have a spouse or domestic partner? No
 If yes, list his/her full name: _____
 16. If yes to #15, will this person work at or be involved in the operation or management of the business?
 Yes No

17. List all states, other than Oregon, where you have lived during the past ten years:

18. In the past 12 years, have you been **convicted** ("convicted" includes paying a fine) in Oregon or any other state of driving a car with a suspended driver's license or driving a car with no insurance?
 Yes No Unsure If yes, list the date(s), or approximate dates, and type(s) of convictions.
 If unsure, explain. You may include the information on a separate sheet.

19. In the past 12 years, have you been **convicted** ("convicted" includes paying a fine) in Oregon or any other state of a misdemeanor or a felony? Yes No Unsure
 If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.

20. Trade Name Cathy Dorris Studios ART AND WINE^{LLC} City TALENT

22. Do you have any arrests or citations that have not been resolved? Yes No Unsure
If yes or unsure, explain here or include the information on a separate sheet.

23. Have you ever been in a drug or alcohol diversion program in Oregon or any other state? (A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense.) Yes No Unsure
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

24. Do you, or any legal entity that you are a part of, currently hold or have previously held a liquor license in Oregon or another US state? (Note: a service permit is not a liquor license.) Yes No Unsure
If yes, list the name(s) of the business, the city (or cities) and state (or states) where located, and the date(s) of the license(s). If unsure, explain. You may include the information on a separate sheet.

25. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate denied or cancelled by the OLCC or any other governmental agency in the US?
 Yes No Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

Questions 26 and 27 apply if you, or any legal entity that you are part of, are applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license. If you are not applying for one of those licenses, mark "N/A" on Questions 26 & 27.

26. Do you have any ownership interest in any other business that makes, wholesales, or distributes alcohol? N/A Yes No Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

27. Does, or will, a maker, wholesaler, or distributor of alcohol have any ownership interest in your business?
 N/A Yes No Unsure If yes or unsure, explain:

Question 28 applies if you, or any legal entity that you are part of, are applying for a Brewery, Brewery-Public House, Distillery, Grower Sales Privilege, Warehouse, Wholesale Malt Beverage & Wine, or Winery license. If you are not applying for one of those licenses, mark "N/A" on Question 28.

28. Do you, or any legal entity that you are part of, have any ownership interest in any other business that sells alcohol at retail in Oregon? N/A Yes No Unsure If yes or unsure, explain:

You must sign your own form (you can't have your attorney or a person with power of attorney sign your form).

I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Mary Chlain Date: 4-20-2015

10/28/2015



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY

FALSE: *[Signature]*

1. Trade Name _____ 2. City _____

3. Name Dorris Jeffrey D
(Last) (First) (Middle)

4. Other names used (maiden, other) _____

5. *SSN _____ 6. Place of Birth OR 7. DOB _____ 8. Sex M F
(State or Country) (mm) (dd) (yyyy)

*SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a). If you consent to these uses, please sign here:

Applicant Signature: *[Signature]*

9. Driver License or State ID # _____ 10. State _____

11. Residence Address _____
(number and street) (city) (state) (zip code)

12. Mailing Address (if different) _____
(number and street) (city) (state) (zip code)

13. Contact Phone _____ 14. E-Mail address (optional) _____

15. Do you have a spouse or domestic partner? Yes No
If yes, list his/her full name: _____

16. If yes to #15, will this person work at or be involved in the operation or management of the business?
 Yes No

17. List all states, other than Oregon, where you have lived during the past ten years:
New Mexico

18. In the past 12 years, have you been convicted ("convicted" includes paying a fine) in Oregon or any other state of driving a car with a suspended driver's license or driving a car with no insurance?
 Yes No Unsure If yes, list the date(s), or approximate dates, and type(s) of convictions.
If unsure, explain. You may include the information on a separate sheet.

19. In the past 12 years, have you been convicted ("convicted" includes paying a fine) in Oregon or any other state of a misdemeanor or a felony? Yes No Unsure
If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.

20. Trade Name Kindred Spirits Art Ale Winery City Talent

22. Do you have any arrests or citations that have not been resolved? Yes No Unsure
If yes or unsure, explain here or include the information on a separate sheet.

23. Have you ever been in a drug or alcohol diversion program in Oregon or any other state? (A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense.) Yes No Unsure
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

24. Do you, or any legal entity that you are a part of, currently hold or have previously held a liquor license in Oregon or another US state? (Note: a service permit is not a liquor license.) Yes No Unsure
If yes, list the name(s) of the business, the city (or cities) and state (or states) where located, and the date(s) of the license(s). If unsure, explain. You may include the information on a separate sheet.

25. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate denied or cancelled by the OLCC or any other governmental agency in the US?
 Yes No Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

Questions 26 and 27 apply if you, or any legal entity that you are part of, are applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license. If you are not applying for one of those licenses, mark "N/A" on Questions 26 & 27.

26. Do you have any ownership interest in any other business that makes, wholesales, or distributes alcohol? N/A Yes No Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

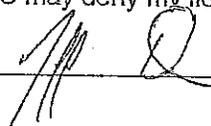
27. Does, or will, a maker, wholesaler, or distributor of alcohol have any ownership interest in your business?
 N/A Yes No Unsure If yes or unsure, explain:

Question 28 applies if you, or any legal entity that you are part of, are applying for a Brewery, Brewery-Public House, Distillery, Grower Sales Privilege, Warehouse, Wholesale Malt Beverage & Wine, or Winery license. If you are not applying for one of those licenses, mark "N/A" on Question 28.

~~28. Do you, or any legal entity that you are part of, have any ownership interest in any other business that sells alcohol at retail in Oregon? N/A Yes No Unsure If yes or unsure, explain:~~

You must sign your own form (you can't have your attorney or a person with power of attorney sign your form).

I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: 

Date: 10-20-15



OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

Please Print or Type

Applicant Name: Kindred Spirits Art Ale and Wine LLC Phone: 541-821-0651

Trade Name (dba): KINDRED SPIRITS ART ALE AND WINE

Business Location Address: 106 TALENT AVE SUITE #322

City: TALENT ZIP Code: 97540

DAYS AND HOURS OF OPERATION

Business Hours:	Outdoor Area Hours: <u>Same</u>	The outdoor area is used for:
Sunday <u>10am to 2:00am</u>	Sunday _____ to _____	<input checked="" type="checkbox"/> Food service Hours: <u>10am to 2am</u>
Monday <u>10am to 2am</u>	Monday _____ to _____	<input type="checkbox"/> Alcohol service Hours: <u>10am to 2am</u>
Tuesday <u>10am to 2am</u>	Tuesday _____ to _____	<input type="checkbox"/> Enclosed, how _____
Wednesday <u>5pm to 2am</u>	Wednesday _____ to _____	The exterior area is adequately viewed and/or supervised by Service Personnel.
Thursday <u>5pm to 2am</u>	Thursday _____ to _____	<u>AN</u> (investigator's initials)
Friday <u>5pm to 2:00am</u>	Friday _____ to _____	
Saturday <u>10am to 2:00am</u>	Saturday _____ to _____	

Seasonal Variations: Yes No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

- Live Music
- Recorded Music
- DJ Music
- Dancing
- Nude Entertainers
- Karaoke
- Coin-operated Games
- Video Lottery Machines
- Social Gaming
- Pool Tables
- Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday	_____ to _____
Monday	_____ to _____
Tuesday	_____ to _____
Wednesday	_____ to _____
Thursday	_____ to _____
Friday	<u>6pm to 1am</u> - inside
Saturday	_____ to _____

6-10 out
HAVE NOISE permit from city of TALENT

SEATING COUNT

Restaurant: 45 Outdoor: 20

Lounge: _____ Other (explain): _____

Banquet: _____ Total Seating: 65

OLCC USE ONLY

Investigator Verified Seating: (Y) (N)

Investigator Initials: AN

Date: 10-20-15

I understand if my answers are not true and complete, the OLCC may deny my license application.
Applicant Signature: May C. Klein Date: 10-21-2015

1-800-452-OLCC (6522)
www.oregon.gov/olcc

(rev. 12/07)



CITY OF TALENT • COMMUNITY DEVELOPMENT

PO Box 445, Talent, Oregon 97540
Phone: (541) 535-7401 Fax: (541) 535-7423 www.cityoftalent.org

NOISE PERMIT

Pursuant to Ordinance# 523, Section 4, upon application to the Community Development, and approval from the City Council, Community Development may grant permits to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches, or general entertainment as a part of a national, state or City event, public festivals or special events of a noncommercial nature. The decision of the City Council shall be the final decision. The broadcast or amplification shall not be audible for a distance of more than one thousand (1000) feet from the instrument, speaker, or amplifier.

In addition, the applicant must contact residents in the immediate area that may be affected by the noise and advise them in advance of any amplification (a NOTIFICATION TO SURROUNDING RESIDENTS OF INTENTION TO HOLD EVENT WITH AMPLIFIED MUSIC - form is attached for your convenience). If the amplification is too loud, the applicant should be contacted directly by the affected person. In the event the Police Department has to intervene, the permit will be voided at the time of the event and amplification shall not be allowed to continue. Please be considerate of others in your neighborhood.

By signing this application, you are agreeing to the time allotted by the Chief of Police for the amplified music to operate and take responsibility to seeing that the information on this form is followed, including notifying surrounding residents in advance of an upcoming event.

Name of Applicant: Darren Ravassipour Phone: 541 944 5097

Address or e-mail of Applicant: darren @ ravassipour.com

Type of Event: The Rogue Run Half Marathon Start

Location of Event: Clearview Commercial Center & Clearview Dr.

Date of Event: 9/18/2016 Time of Event: 6-8:20 AM

Number of People Expected: 600 Time of Amplification: From 6:15 AM to 8:15 AM

(Amplification: No later than 9:00 p.m. Sun - Thurs and 10:00 p.m. Fri & Sat)

Table with 4 columns: Date Approved By Council, City Manager Review, Talent Police Review, Noise Permit #. Includes handwritten signatures and permit number SUP 2015-010.

In compliance with the Americans with Disabilities Act, if you need special assistance, please contact TTY phone number 1-800-735-2900 for English and for Spanish please contact TTY phone number 1-800-735-3896.

The City of Talent is an Equal Opportunity Provider