City *of* Tigard

Tigard Business Meeting - Agenda

TIGARD CITY COUNCIL

MEETING DATE AND TIME: February 28, 2012 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

MEETING LOCATION: City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

PUBLIC NOTICE:
Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are *estimated;* it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. *Business agenda items can be heard in any order after 7:30 p.m.*

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

VIEW LIVE VIDEO STREAMING ONLINE:

http://www.tvctv.org/government-programming/government-meetings/tigard

CABLE VIEWERS: The regular City Council meeting is shown live on Channel 28 at 7:30 p.m. The meeting will be rebroadcast at the following times on Channel 28:

Thursday	6:00 p.m.	Sunday	11:00 a.m.
Friday	10:00 p.m.	Monday	6:00 a.m.

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MEETING LOCATION: City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

6:30 PM

- STUDY SESSION

A. Review of 2013 Community Event Funding Requests

B. Review Administrative Items

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss real property transaction negotiations under ORS 192.660(2) (e). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM - FEBRUARY 28, 2012

1. BUSINESS MEETING

A. Call to Order

B. Roll Call

C. Pledge of Allegiance

D. Council Communications & Liaison Reports

E. Call to Council and Staff for Non-Agenda Items

2. PROCLAMATION - EARTHQUAKE AWARENESS MONTH
7:35 p.m. - time is estimated

3. CITIZEN COMMUNICATION (Two Minutes or Less, Please)
7:40 p.m. - time is estimated

A. Follow-up to Previous Citizen Communication

B. Tigard Area Chamber of Commerce - CEO Debi Mollahan

C. Citizen Communication – Sign Up Sheet

4. CONSENT AGENDA: (Tigard City Council) These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
7:50 p.m. - time is estimated

A. Approve City Council Meeting Minutes for:

1. January 30, 2012

B. Waive Temporary Sign Permit Fees for Tigard Youth Football - Resolution

- *Consent Agenda - Items Removed for Separate Discussion:* *Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council/City Center Development Agency has voted on those items which do not need discussion.*

5. QUASI-JUDICIAL PUBLIC HEARING - COMPREHENSIVE PLAN AMENDMENT, SENSITIVE LANDS REVIEWS AND ADJUSTMENT TO EXTEND WALL STREET TO FIELDS' PROPERTY **(Hearing to be continued to September 11, 2012.)**
7:55 p.m. - time is estimated

COMPREHENSIVE PLAN AMENDMENT (CPA) 2009-00004/SENSITIVE LANDS REVIEW (SLR) 2009-00004/SENSITIVE LANDS REVIEW (SLR) 2009-00005/ADJUSTMENT (VAR) 2010-00002 - WALL STREET EXTENSION (FIELDS)

REQUEST: The applicant is requesting amendments to the Comprehensive Plan to remove Goal 5 protection from Tigard Significant Wetlands and the riparian corridor surrounding Fanno Creek in order to extend Wall Street across City of Tigard property and Fanno Creek to his property. Sensitive Lands Review is required for proposed work within the 100-year floodplain and wetlands. The applicant is requesting an adjustment to the street improvement standards in order to construct a narrower street section than required by code. Tree removal permits to remove trees within the sensitive lands were submitted under a separate application. LOCATION: No address, Washington County Tax Assessor's Map 2S102DA, Tax Lot 690. No address, Washington County Tax Assessor's Map 2S102DD, Tax Lot 100. 13560 SW Hall Blvd., Washington County Tax Assessor's Map 2S102DD, Tax Lot 200. No address, Washington County Tax Assessor's Map 2S10100, Tax Lot 1200. ZONES: R-12: Medium-Density Residential District. The R-12 zoning district is designed to accommodate a full range of housing types at a minimum lot size of 3,050 square feet. A wide range of civic and institutional uses are also permitted conditionally. R-25: Medium High-Density Residential District. The R-25 zoning district is designed to accommodate existing housing of all types and new attached single-family and multi-family housing units at a minimum lot size of 1,480 square feet. A limited amount of neighborhood commercial uses is permitted outright and a wide range of civic and institutional uses are permitted conditionally.

COMPREHENSIVE PLAN DESIGNATION: Medium Density Residential and Medium-High Density Residential.

APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.370, 18.380, 18.390, 18.510, 18.745, 18.775, 18.790 & 18.810; Comprehensive Plan Goals 1, 2, 5, 6, 7, 8, 11 & 12; Tigard Municipal Code Chapter 9; Metro Functional Plan Titles 3, 6 and 13; and Statewide Planning Goals 1, 2, 5, 6, 7, 8, 11 and 12.

Open Public Hearing and Continue to September 11, 2012.

6. INFORMATIONAL PUBLIC HEARING - CONSIDER A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 42 (SW 100TH AVENUE)
8:00 p.m. - time is estimated

- Open Public Hearing
- Hearing Procedures – This is an informational public hearing in which any person shall be given the opportunity to comment. The formation of the reimbursement district does not result in an assessment against the property or lien against the property. (TMC 13.090.050 (hearing on City Engineer's Report) and TMC 13.09.1053 (final hearing)
- Staff Report: Community Development Department
- Public Testimony
- Staff Recommendation
- Council Discussion
- Close Public Hearing
- City Council Consideration: Resolution No. 12-____

7. RENEW ANNEXATION INCENTIVES AND DISCUSS ANNEXATION POLICY DIRECTION - RESOLUTION
8:10 p.m. - time is estimated

8. LEGISLATIVE PUBLIC HEARING - AMEND TIGARD MUNICIPAL CODE CHAPTER 1.16 AND CREATE A NEW TITLE 6 - TWO ORDINANCES
8:40 p.m. - time is estimated

9. LEGISLATIVE PUBLIC HEARING - SUPPLEMENTAL AMENDMENT TO THE FISCAL YEAR 2012 BUDGET - RESOLUTION
9:10 p.m. - time is estimated

10. COUNCIL LIAISON REPORTS

11. NON AGENDA ITEMS

12. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

13. ADJOURNMENT
9:30 p.m. - time is estimated

AIS-772

A.

Business Meeting

Meeting Date:	02/28/2012		
Length (in minutes):	30 Minutes		
Agenda Title:	Review of 2013 Community Event Funding Requests		
Prepared For:	Toby LaFrance		
Submitted By:	Liz Lutz, Financial and Information Services		
Item Type:	Receive and File	**Meeting Type:**	Council Business Mtg - Study Sess.

Information

ISSUE

Review applications for Community Event Grants and provide preliminary direction as to which grants should be included in the FY 2012-2013 proposed budget.

STAFF RECOMMENDATION / ACTION REQUEST

Staff is requesting Mayor and Council review the fourteen event grant requests totaling $101,450 and provide recommendations on which requests should receive full, partial or no funding so that the total amount recommended to include in the Proposed Budget does not exceed $86,511 in available funds. These recommendations will then be forwarded to the budget committee for consideration during the budget approval process in April.

KEY FACTS AND INFORMATION SUMMARY

Each year the city solicits applications from community organizations for grants for the following fiscal year. As part of the budget process, the City Council acts as the Budget Subcommittee that makes recommendations on funding amounts for Community Event Grants.

The city received 14 formal applications by the February 10, 2012 deadline. The total funding requested was $101,450 in direct and set-aside contributions. An additional $66,730 is requested as in-kind support, broken down as follows: Public Works Department for Balloon Festival-$65,000, 4th of July celebration-$1600, and Tigard High grad party-$130.

Tigard's practice is to budget one-half of 1% of the previous year's operating budget for the Social Service and Community Events Grants. Last year's operating budget was $49,435,066 and 0.5% $247,175. Historically, Community Events receives 35% of the total budgeted for Social Services/Community Events, providing $86,511 available budget for these grants.

Staff is requesting Mayor and Council review the fourteen event grant requests totaling $101,450 and provide recommendations on which requests should receive full, partial or no funding so that the total amount recommended to include in the Proposed Budget does not exceed $86,511. These recommendations will then be forwarded to the budget committee for consideration during the budget approval process in April.

OTHER ALTERNATIVES

This is the first step in the approval process. Final funding decisions and exploration of alternatives may be made at the budget committee meetings in April and the Budget Hearings in June.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

N/A

DATES OF PREVIOUS CONSIDERATION

N/A

Attachments

Application-Broadway Rose
Application-Dog Park
Application-Compassion Tigard
Application-Mask & Mirror Theatre
Application-Tigard Farmers Market
Application-Tigard Tree Lighting
Application-Tigard High Grad Night
Application-Tigard Little League
Application-Tigard Safety Town
Application-Tualatin Riverkeepers
Application-Tualatin Valley Comm Band
Application-Wa. Co. Museum
Application-Tigard 4th of July
Application-Festival of Balloons

CITY OF TIGARD, OREGON
13125 SW HALL BLVD.
TIGARD, OREGON 97223
503-639-4171

COMMUNITY EVENTS FUNDING REQUEST

Due: February 10, 2012

Event Name: Broadway Rose Theatre Company

Address: PO Box 231004

City, State, Zip: Tigard, OR 97281

Contact Name: Sharon Maroney

Telephone Number: 503-603-9862

E-mail address: brtcsm@aol.com

1. **Request** (express in whole dollar amounts only)

Cash	$10,000
In-Kind Services	$0.00
Total Request	$10,000

2. Purpose of Funding Request:

We (Broadway Rose Theatre Company) are requesting funds from the City of Tigard to help us continue to provide professional musical theater to our community at an affordable price. We have been successfully producing musicals in Tigard since 1991. In 2009 we completed a capital campaign and New Stage renovation and shifted from a summer stock theater to a year-round theater. Our expanded programming increased attendance by 40% and we now serve approximately 40,000 patrons each year.

Producing musicals is very expensive. Since transitioning to year-round programming the financial landscape of our organization has significantly changed. We recently completed a new strategic plan that will strengthen our financial position and solidify a sustainable business model that ensures the stability and growth of our company for many years to come.

The support of our community and funders like you is critical to our success. When we approach new foundations and are able to note that Broadway Rose has the continued support of the City of Tigard, it speaks volumes about our value to the community.

We have an exciting lineup of shows in 2012:

New Stage Theater

Pump Boys & Dinettes (2/2 – 3/4)
The Andrews Brothers (4/19 – 5/13)
TBA *(8/15 – 8/18)* TEEN MUSICAL
Little Shop of Horrors (9/20 – 10/14)
Christmas on Broadway (11/23 – 12/16)

Deb Fennell Auditorium

The Sound of Music (6/28 – 7/22)
Drowsy Chaperone (8/1 – 8/19)
Beauty and the Beast (7/11 – 7/14) CHILDREN'S MUSICAL
Pinocchio (8//8– 8/11) CHILDREN'S MUSICAL

Broadway Rose's valuable youth outreach programs include a student technical internship program (offering paid internships to local high school students interested in pursuing a career in technical theater); youth drama camps (kids 8-12 years old perform in the ensemble of our children's show, with seasoned professionals, in the 600-seat Deb Fennell Auditorium); teen musical theater workshop (teen participants learn all aspects of technical theater and performance from guest artists, culminating in a fully staged production of a musical); free children's musical to over 3,500 elementary students in the Tigard/Tualatin District; and discounted tickets ($5.50) to our children's shows for over 1,000 YMCA youth.

3. How will this event benefit the Tigard Community?

Broadway Rose Theatre Company's mission is to create unparalleled musical theater experiences that invigorate audiences and enrich our communities. We are the largest non-profit professional musical theater company in the Portland metro area and the only one in Washington County. As such, we provide a valuable service to local residents and are a vital cultural organization in the community.

- We maintain affordable ticket prices that allow all members of our community to participate in the arts. We offer subscription packages as low as $17/show - $25.50 show, and children's show tickets that are $8.
- People come from all over the city to Tigard for our programming. 36% of our audience is from Washington County, 26% is from Multnomah County, 24% is from Clackamas County, and 14% is from cities as far away as Longview, Eugene and Corvallis.
- Broadway Rose's presence helps boosts commerce for Tigard. In 2011 we had 1,096 visitors come to see our shows from more than 50 miles away. Washington County Visitors Association estimates that tourists spend an average of $122/day; therefore, our out-of-town patrons generated $133,712 in tourism-related commerce for WA County.
- We have strong relationships with downtown Tigard businesses that have benefited from our presence in the community. For instance, Davidson's Casual Dining (located one block from our New Stage) has increased business on the nights that we have performances. Our relationship with them has grown and they are now a loyal corporate sponsor.
- We have excellent support from over 600 individual donors, 28 corporate sponsors and nearly 300 active volunteers. In 2011 we had 271 volunteers donate 4,334 hours of work, equaling more than that of two additional full-time employees.
- We have an excellent partnership with the Tigard/ Tualatin School District that has been in existence since we began. We share our New Stage space with them for district functions and provide a free musical to all the elementary students in the district. In turn, they rent us the Deb Fennell Auditorium for our large musicals each summer at a greatly reduced rate.
- We offer need-based scholarships to our youth drama camps and teen musical theater workshop for those who could otherwise not afford it. We work with our school district and Trillium Family Services to identify youth who qualify.
- We offer significantly discounted tickets to our children's shows for over 1,000 YMCA youth.
- Through our partnership with the Arts and Literacy Program, each summer we sponsor a design contest for the program cover of our children's shows.
- We donate over 600 tickets each year to other local non-profits.
- We participate in the Arts for All program in which we offer discounted tickets ($5) to low-income Oregonians.

Broadway Rose Theatre Company is committed to increasing opportunities for Oregonians to participate in the arts. We employ approximately 200 local actors, directors, musicians, technicians, designers, and student interns each year to work on our musicals.

4. How many Tigard residents do you anticipate participating in this event (or these events)?

For 2012 we have projected 38,000 in paid attendance, plus an additional 3,600 in unpaid attendance through the free musical we present to the Tigard/Tualatin School District (2,700 of whom are Tigard students). In total, we project serving 41,600 patrons, 8,700 of whom are Tigard residents.

We make every effort to make our productions accessible to all ages and members of the community. We provide excellent wheelchair access, audio descriptive services, and free assistive listening devices at every performance. With our affordable ticket prices and dynamic programming we are proud to provide professional musical theater to Tigard residents, as well as patrons from the greater Portland metro area who come to Tigard to enjoy cultural events.

Broadway Rose Theatre Company
2011 Profit Loss / 2012 Projected

	Jan 1 - Dec 31 2011	Jan 1 - Dec 31 2012
Ordinary Income/Expense		
Income		
Annual Gala	47,610.00	55,500.00
Concession Income	19,901.20	21,235.55
Corporate Sponsorships	64,000.00	61,583.00
Development Trips	29,021.06	125,235.00
Educational Outreach.	13,886.66	21,500.00
Entertainment/Royalty Income	903.00	328.04
Events - Special	6,612.22	6,000.00
Grants	242,953.00	176,250.00
Guild	8,890.00	7,000.00
Individual Donations	147,810.24	146,447.73
Interest Income	360.46	240.00
Program Advertising	7,388.15	8,400.00
Raffle Income	4,424.00	4,847.00
Rental Income	2,935.00	3,000.00
Shipping & Handling Income	6,422.52	6,700.00
Souvenir Sales	866.50	1,071.00
Ticket Sales	940,826.75	995,822.90
Interest	3,328.00	933.79
Total Income	1,548,138.76	1,642,094.01
Expense		
Administrative Expense	243,276.94	241,545.00
Annual Gala.	11,490.69	11,500.00
Artistic Programing	818,950.29	724,340.00
Bank Service Charges	24,190.67	28,953.05
Company Amenities	3,379.05	3,300.00
Concession Expense	11,280.35	10,635.00
Development	55,727.50	53,928.00
Educational Outreach	2,742.90	4,500.00
Events Expense	0.00	200.00
Facillity Expenses	18,924.12	17,721.00
Guild Expense	2,502.73	4,025.47
Insurance	69,463.67	88,767.40
Internet Expense	1,983.93	1,971.77
Marketing Expense	129,045.73	133,605.00
Office Supplies	8,881.90	8,294.94
Organizational Dues & Expenses	8,053.37	7,409.49
Payroll Taxes	70,572.12	68,562.48
Postage and Delivery	4,475.91	5,781.82
Professional Fees	36,931.14	20,844.00
Publication Subscriptions	70.00	0.00
Raffle Expense	1,000.00	1,000.00
Rental Expense	2,400.00	2,400.00
Repairs & Maintenance	3,091.14	1,653.98
Souvenir Expense	201.80	613.84
Staff Education	2,839.43	600.00
Telephone	13,925.81	13,440.00
Tessitura	38,248.86	37,577.00
Travel & Ent	197.42	200.00
Trips Expense	12,560.00	108,724.77
Utilities	20,108.80	20,000.00
Loan Repayment (Meyer)	0.00	20,000.00
Interest	180.70	0.00
Total Expense	1,616,696.97	1,642,094.01
Net Ordinary Income	**-68,558.21**	**0.00**

Broadway Rose Theatre Company
Balance Sheet
As of December 31, 2011

	Dec 31, 11
ASSETS	
Current Assets	
Checking/Savings	
Checking	92,975.90
Money Market	65,841.90
Petty Cash Boxes	450.00
Total Checking/Savings	159,267.80
Total Current Assets	159,267.80
Fixed Assets	
Accumulated Depreciation	-321,484.58
Equipment - New Stage	230,753.47
Equipment - Original Cost	165,658.41
Theatre - New Stage	1,624,357.10
Total Fixed Assets	1,699,284.40
TOTAL ASSETS	**1,858,552.20**
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Credit Cards	
Bank of the West Mastercard (S)	-87.62
Total Credit Cards	-87.62
Other Current Liabilities	
N/P Meyer Memorial Trust	40,000.00
N/P Paragon Tile & Stone	3,105.80
Payroll Liabilities	212.96
Total Other Current Liabilities	43,318.76
Total Current Liabilities	43,231.14
Total Liabilities	43,231.14
Equity	
Capital Campaign Income	1,489,718.07
Opening Bal Equity	117,600.69
Retained Earnings	276,560.51
Net Income	-68,558.21
Total Equity	1,815,321.06
TOTAL LIABILITIES & EQUITY	**1,858,552.20**

Broadway Rose Theatre Company
Profit & Loss Budget vs. Actual
January through December 2011

	Jan - Dec 11
Ordinary Income/Expense	
Income	
Annual Gala	47,610.00
Concession Income	19,901.20
Corporate Sponsorships	64,000.00
Development Trips	29,021.06
Educational Outreach.	13,886.66
Entertainment/Royalty Income	903.00
Events - Special	6,612.22
Grants	242,953.00
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Professional Fees	36,931.14
Publication Subscriptions	70.00
Raffle Expense	1,000.00
Rental Expense	2,400.00
Repairs & Maintenance	3,091.14
Souvenir Expense	201.80
Staff Education	2,839.43
Telephone	13,925.81
Tessitura	38,248.86
Travel & Ent	197.42
Trips Expense	12,560.00
Utilities	20,108.80
Interst	180.70
Total Expense	1,616,696.97
Net Ordinary Income	-68,558.21

CITY OF TIGARD, OREGON
13125 SW HALL BLVD.
TIGARD, OREGON 97223
503-639-4171
FY 2012-13
COMMUNITY EVENTS FUNDING REQUEST
Due: February 10, 2012

Event Name: City of Tigard Dog Park Community Events
Website: www.tigard-or.gov/community/parks/
Address: 11774 SW 125th Ct.
City, State, Zip: Tigard, OR 97223
Contact Name: Chris Garsteck
Telephone Number: (503) 347-9841
E-mail address: kariba_or@msn.com

1. **Request (express in whole dollar amounts only)**

Cash	$ 400
In-Kind Services	$ -0-
Total Request	$ 400

2. **Purpose of Funding Request:**
The Tigard Dog Park Committee is a citizens group that works with the Tigard Parks Department to manage off-leash dog parks in the City of Tigard. This request is for funds to support the community events organized by the Committee at the off-leash dog parks and for human/canine educational materials which are available at the dog parks and on our website.

The Dog Park Committee continues to be very grateful to have received previous grant funding. We strive to be good stewards of the funds for the benefit of the human and canine users of the dog parks.

The grant funds will continue to help the Dog Park Committee provide the sense of 'community' at the dog parks in the next fiscal year.

Dog Days of Tigard: This is a celebration of Tigard's off-leash dog parks held at Potso Dog Park. Last summer's event was held on July 16, 2011. Attached is a copy of the advertising flyer for that event and The Tigard Times newspaper article about the event.
The event was not as well attended as expected because of the unseasonable cool weather with that pesky Oregon drizzle. Despite the weather, many dogs had a fine time running the luring course set up by the North West Silken Windhounds Society. The Windhound club had demonstrations during the event and provided information to those in attendance. The Columbia Agility team put on a great agility show for all to watch. They answered questions and provided information on how to get your

canine involved in agility. Canines for Clean Water distributed informational brochures on the importance of 'picking up' after your dog to help keep the rivers clean. Kim McMillan, project manager for the Burnham Street Renovation was on hand to let folks know about the upcoming grand opening celebration of the new Ash Ave dog park. 'PetUtopia' pet store displayed the latest doggie fashions. 'At Home Doggy DayCare' gave out information on their indoor doggy daycare facility. Canine medical questions were answered by representatives from Dove Lewis and Murrayhill Veterinary Hospital. Deaf Dogs of Oregon gave out educational information and provided resources for support. Officer Tim Locke and a volunteer from Washington County Animal Services distributed brochures on the services that they provide to Washington County.

'Musical hula-hoops' (canine version of musical chairs) was again, an event favorite and provided entertainment for both the game participants and the onlookers.

The date for the next Dog Days of Tigard is scheduled for July 21, 2012. Grant funds will be used for creating advertising flyers and raffle/game prizes to supplement merchant donations. **$225**

Halloween Dog and Owner Costume Contest: It was a great day at the Annual Halloween Costume Contest at Potso Dog Park. The sky was overcast but 27 entries put on their best costumes for this tenth annual event. The distinguished panel of judges included Tigard City Council President Gretchen Buehner (who was dressed appropriately in her judicial 'robe') and Bulldogs Otis and Baby Zelda of Zelda's Wisdom. The two celebrity bulldogs, along with Ms. Buehner, saw witches, cowboys, skunks, pumpkins, wrestlers, and many other innovative costumes.

Colleen Leach of Bowser's Bath (self service dog wash) located on Pacific Hwy donated a gift certificate for a Complete Self Service Dog Wash ($18 value). Greg White of Davidson's Casual Dining, located on Pacific Hwy, donated homemade doggie biscuits along with a coupon for a free root beer float for every contestant. Prizes were awarded for Best Overall Costume, Best Eco Friendly Costume, Most Original Costume, Best Family Costume, and Best Senior Costume.

The Times Newspaper published an article promoting the event and pictures from the event (see attachments). Grant funds will be used for contest flyers and prizes for the October 2012 scheduled event. **$125**

Office Supplies: Educational flyers are posted at the dog parks throughout the summer. The flyers are printed on colored paper to draw dog owner's attention to them. Approximately 75-100 copies of each are needed each year. Dog park updates and notifications are posted at each park letting users know when closures are scheduled; special events are upcoming and other information as needed. A general

dog park flyer about dog parks in the City of Tigard is made available at all of the dog parks. Grant funds will be used for laminating sheets, print cartridges and paper. **$50**

3. **How will this event benefit the Tigard Community?**
   The dog parks in Tigard bring people together in the community. This happens on a daily basis when users meet with their canine companions at the dog parks. The events sponsored by the Tigard Dog Park Committee, continue to be focused on providing a fun and informative venue for canines and their human companions.

   Tigard Dog Parks were recognized nationally in an article on the front page of USA Today dated December 8, 2011. The article noted that Portland has the highest per capita of dog parks. The community support for the dog parks was also highlighted as noted by the Trust for Public Lands, 'There's a tremendous upsurge in demand and love for them [off leash dog areas]'. The 'love' for the off leash areas was the driving force in getting the Parks Bond Measure passed last year. It was truly a 'community effort'.

4. **How many Tigard residents do you anticipate participating in this event (or these events)?**
   For the year 2011, participation has been between 20-45 residents at each event (Dog Days of Tigard and the Halloween Costume Party). Actual attendance is higher if non-residents are included. The poor weather at the Dog Days of Tigard event contributed to the low turnout this past year.
   Educational materials continue to reach over 175 users in distributed flyers alone. The materials are also posted throughout the dog parks so the total number of residents who additionally read the information, without taking a copy, would be higher but difficult to measure.
   Also, the City of Tigard's web site has information on how citizens can provide feedback on events, register concerns and make suggestions. The Committee works in conjunction with the City of Tigard Parks Department to respond to user's questions and emails.
   The Tigard Dog Park blog is another resource that is available to residents.

5. **Please submit the following information with this request:**
   - **a.** Most recent annual budget compared with the prior year's actual revenues and expenditures.
     The Budget should identify the period to which it applies, beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions. ** **SEE ATTACHED**
   - **b.** Audit report or financial statements for the last fiscal year.**
     SEE ATTACHED
   - **c.** Articles of Incorporation.* The Tigard Dog Park Committee is not incorporated.
   - **d.** 501(c)(3) status.* The Tigard Dog Park Committee does not have 501©(3) status.
   - **e.** Organization Bylaws.* See above.

* Information not required if it has been submitted at least once in the last five years.
** Lack of adequate financial information could result in denial of request.
An electronic version of this application is available by contacting Liz Lutz at Lizbeth@tigard-or.gov.

Attachments:

1. Financial statements for dog park accounts provided by the City of Tigard Finance Department.
2. Dog Days of Tigard 2011 advertising flyer
3. The Times Newspaper article on the Dog Days of Tigard
4. Halloween Costume Contest 2011 advertising flyer
5. The Times Newspaper article on the Halloween Costume Contest
6. USA Today front page dated December 8, 2011.

General Ledger

Detailed Trial Balance

User: kathleen
Printed: 02/10/2012 - 12:25PM
Period: 01 to 12, 2011

Account Number				Description		Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
100				GENERAL FUND						
LIABILITIES										
100-0000-23308				Dog Park Trust Account		0.00				
8/4/2010	CR	2	62	Cash Receipts Batch 304.08.2010				0.00	30.00	
8/19/2010	CR	2	282	Cash Receipts Batch 419.08.2010				0.00	196.95	
5/18/2011	AP	11	295	V001265 - Steve Wolff	Ck# 202195			61.87	0.00	
6/30/2011	GL	12	533	Dog Park Donations - 2011				0.00	170.25	
				100-0000-23308 Totals:		0.00	-1,965.79	61.87	397.20	-2,301.12
				100-0000 LIABILITIES Totals:		0.00	-1,965.79	61.87	397.20	-2,301.12
				LIABILITIES Totals:		0.00	-1,965.79	61.87	397.20	-2,301.12
				100 Totals:		0.00	-1,965.79	61.87	397.20	-2,301.12
				Report Totals:		0.00	-1,965.79	61.87	397.20	-2,301.12

General Ledger

Detailed Trial Balance

User: kathleen
Printed: 02/10/2012 - 12:23PM
Period: 01 to 12, 2011

Account Number				Description		Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
100				GENERAL FUND						
LIABILITIES										
100-0000-23307				Dog Park Social Service Grant		0.00				
7/13/2010	GL	1	155	FY 10/11 Dog Park Donation				0.00	400.00	
		100-0000-23307 Totals:				0.00	-282.23	0.00	400.00	-682.23
100-0000-23308				Dog Park Trust Account		0.00				
8/4/2010	CR	2	62	Cash Receipts Batch 304.08.2010				0.00	30.00	
8/19/2010	CR	2	282	Cash Receipts Batch 419.08.2010				0.00	196.95	
5/18/2011	AP	11	295	V001265 - Steve Wolff	Ck# 202195			61.87	0.00	
6/30/2011	GL	12	533	Dog Park Donations - 2011				0.00	170.25	
		100-0000-23308 Totals:				0.00	-1,965.79	61.87	397.20	-2,301.12
		100-0000 LIABILITIES Totals:				0.00	-2,248.02	61.87	797.20	-2,983.35
		LIABILITIES Totals:				0.00	-2,248.02	61.87	797.20	-2,983.35
		100 Totals:				0.00	-2,248.02	61.87	797.20	-2,983.35
		Report Totals:				0.00	-2,248.02	61.87	797.20	-2,983.35

General Ledger

Detailed Trial Balance

User: kathleen
Printed: 02/10/2012 - 12:25PM
Period: 01 to 12, 2011

Account Number	Description	Budget	Beginning Balance	Debit This Period	Credit This Period	Ending Balance
100	GENERAL FUND					
LIABILITIES						
100-0000-23307	Dog Park Social Service Grant	0.00				
7/13/2010 GL 1 155	FY 10/11 Dog Park Donation			0.00	400.00	
100-0000-23307 Totals:		0.00	-282.23	0.00	400.00	-682.23
100-0000 LIABILITIES Totals:		0.00	-282.23	0.00	400.00	-682.23
LIABILITIES Totals:		0.00	-282.23	0.00	400.00	-682.23
100 Totals:		0.00	-282.23	0.00	400.00	-682.23
Report Totals:		0.00	-282.23	0.00	400.00	-682.23

CITY OF TIGARD, OREGON
13125 SW HALL BLVD.
TIGARD, OREGON 97223
503-718-2487

COMMUNITY EVENTS FUNDING REQUEST

Due: February 10, 2012

Event Name: Compassion Tigard

Address: 12176 SW Garden Place

City, State, Zip: Tigard, OR 97223

Contact Name: Mary Richardson

Telephone Number: (661) 904-5053

E-mail address: kyleandmary06@yahoo.com

1. **Request** (express in whole dollar amounts only)

Cash	$ 15,000.00
In-Kind Services-hours (use of City property, City staff support, etc. Please explain the services requested on a separate sheet)	_____
Total Request	$ 15,000.00

2. **Purpose of Funding Request:**
Compassion Tigard is a catalytic event, in collaboration with local churches, social service agencies and the Tigard-Tualatin School District, that focuses on providing cost-free medical, dental and vision care to the underinsured and underprivileged residents of the City of Tigard. Between the 2010 and 2011 clinics, we have been able to provide services to over 3,000 Tigard residents. While this is a great achievement, the sad reality is that we had to turn away several hundred people each year. With the help of the grant, we would be able to expand our capacity to provide resources (such as bus passes and diapers), as well as purchase more dental equipment. With the addition of dental equipment, and a new partnership with the dental school at Portland Community College, we are hoping to double our capacity to meet dental needs this year.

3. **How will this event benefit the Tigard Community?**
We believe that this event benefits the Tigard Community in two major ways:

The first, and perhaps most obvious, is the benefit that this event provides to those residents who are underinsured and in need of medical/dental assistance. Last year we served over 1,000 people in some way. Physicians, dentists and optometrists saw over 300 of these guests. Volunteers giving free haircuts, serving meals and providing many other resources served the remaining guests. With your help, we hope to double our capacity to serve our guests, specifically in the dental area.

The second benefit to the community is the partnership between schools, social service agencies, and faith-based organizations. Several years ago, a group of people gathered together and asked this question: "What would happen if we teamed together to serve the poor and underinsured in the city of Tigard?" The result was Compassion Tigard. It has been extremely encouraging to see the strength of this partnership build over the past few years. For more information on this partnership, please see the attached recommendation letter from Susan Salkield and Susan Stark Haydon. We were also privileged to have Mayor Dirksen stop during the 2011 event and tour of the clinic. We were very encouraged by his kind words during the tour.

4. **How many Tigard <u>residents</u> do you anticipate participating in this event (or these events)?**

We believe that we will serve close to 1,400 residents this year. With the addition of the 400 volunteers it takes to organize this event, the grand total would be 1,800.

5. **Please submit the following information with this request:**

   a. Most recent annual budget compared with the prior year's actual revenues and expenditures. The Budget should identify the period to which it applies, beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions.
   b. Audit report or financial statements for the last fiscal year.
   c. Articles of Incorporation.*
   d. 501(c)(3) status.*
   e. Organization Bylaws*

* Information not required if it has been submitted at least once in the last five years.

Please note that a lack of adequate financial information could result in denial of request.

Compassion Tigard
Profit & Loss
All Transactions

	December 30, '10
Previous Balance	
Income	10,280.00
4000 · Contributions	10,280.00
4020 · Non-Contributions	0.00
4020.05 · Sale of Food	0.00
4020.10 · Sale of Books	0.00
4020.15 · Sale of Audio	0.00
4020.20 · Sale of Video	0.00
4020.25 · Sale of Purchased Assets	0.00
4020.30 · Sale of Contributed Assets	0.00
4020.35 · Event Admission	0.00
4020.40 · Seminar Admission	0.00
4020.45 · Fellowship Functions	0.00
4020.50 · Interest	0.00
4020.55 · Miscellaneous	0.00
4020.60 · Fundraiser	0.00
4020.65 · Refund/Reimbursement	0.00
4020.70 Funds Transfer	0.00
4030 · In-Kind Donations	0.00
Expense	8,368.47
6000 · Administrative Support	1,325.95
6000.05 · Bank Fees	0.00
6000.10 · Appreciation	131.90
6000.15 · Contract Labor	0.00
6000.20 · Telephone	0.00
6000.25 · Insurance	0.00
6000.30 · Office Equipment - Purchase	0.00
6000.35 · Office Equipment - Rental	0.00
6000.40 · Office Equipment - Maintenance	0.00
6000.45 · Office Supplies	159.65
6000.50 · Computers	0.00
6000.51 · Computer Software	0.00
6000.52 · Computer Hardware	0.00
6000.53 · Internet/E-mail/Website	0.00
6000.55 · Vehicle Expenses	0.00
6000.60 · Legal (Contracts/Leases/etc.)	0.00
6000.65 · Postage	0.00
6000.70 · Photocopies	0.00
6000.75 · Meeting Expenses	34.40
6000.80 · Facility Rentals	0.00
6000.81 · Building Rentals	0.00
6000.82 · Unit Rentals	0.00
6000.85 · Miscellaneous	300.00
6000.90 · Clinic Membership Fee	700.00
6005 · Prayer Team	0.00
6005.05 · Volunteer Recruit	0.00

Compassion Tigard
Profit & Loss
All Transactions

	December 30, '10
6005.10 · Networking/Communications	0.00
6005.15 · Prayer/Worship Events	0.00
6010 · Medical Team	0.00
6010.05 · Prescriptions	0.00
6010.10 · Medical Equipment/Units	0.00
6010.15 · Volunteer Recruit	0.00
6010.20 · Medical Records	0.00
6010.25 · Networking/Communications	0.00
6015 · Dental Team	600.00
6015.05 · Prescriptions	0.00
6015.10 · Dental Equipment/Units	600.00
6015.15 · Volunteer Recruit	0.00
6015.20 · Dental Records	0.00
6015.25 · Networking/Communications	0.00
6020 · Hospitality Team	3,400.91
6020.05 · Food	3,400.91
6020.10 · Volunteer Recruit	0.00
6020.15 · Equipment/Units	0.00
6020.20 · Decorations	0.00
6025 · Interpreters Team	0.00
6025.05 · Volunteer Recruit	0.00
6025.10 · Training	0.00
6025.15 · Networking/Communications	0.00
6030 · Social Services Fair Team	65.07
6030.05 · Fair Decorations	65.07
6030.10 · Volunteer Recruit	0.00
6030.15 · Networking/Communications	0.00
6030.20 · Seminars	0.00
6030.25 Fair Activities	0.00
6035 · Equipment Management Team	145.42
6035.05 · Volunteer Recruit	0.00
6035.10 · Networking/Communications	0.00
6035.15 · Equipment/Units	145.42
6040 · Parking/Security Team	0.00
6040.05 · Volunteer Recruit	0.00
6040.10 · Networking/Communications	0.00
6040.15 · Equipment/Units	0.00

Compassion Tigard
Profit & Loss
All Transactions

	December 30, '10
6045 · Shuttle Service Team	0.00
6045.05 · Volunteer Recruit	0.00
6045.10 · Networking/Communications	0.00
6045.15 · Equipment/Units	0.00
6050 · Follow-Up Team	29.95
6050.05 · Volunteer Recruit	0.00
6050.10 · Networking/Communications	0.00
6050.15 · Equipment/Units	29.95
6050.20 · Follow-Up Activities	0.00
6055 · Public Relations Team	2,574.95
6055.05 · Media Networking/Communications	0.00
6055.10 · Printed Networking/Communications	727.00
6055.15 · Signs	0.00
6055.20 · T-Shirts	1,847.95
6055.25 · Volunteer Recruit	0.00
6055.30 · Equipment/Units	0.00
6060 · Leadership Team	0.00
6060.05 Insurance	0.00
6060.06 · Unemployment Insurance	0.00
6060.07 · Worker's Compensation Insurance	0.00
6060.10 · OR - WBF Assessment	0.00
6060.15 · Staff Compensation	0.00
6060.16 · Base Salary	0.00
6060.17 · Housing Allowance	0.00
6060.18 · Medical Allowance	0.00
6060.19 · Life Insurance Allowance	0.00
6060.30 · Recruiting & Others	0.00
6060.35 · Meeting Costs	0.00
6060.40 · Mileage	0.00
6060.45 · Retreats	0.00
6060.50 · Accountability Plan Expenditures	0.00
6060.60 · Networking/Communications	0.00
6060.65 · Volunteer Recruit	0.00
6060.70 · Equipment/Units	0.00
6060.75 · Fundraisers	0.00
6065 · Children's Ministry Team	226.22
6065.05 · Toys/Activity Items/Give-Aways	226.22
6065.10 · Networking/Communications	0.00
6065.15 · Volunteer Recruit	0.00
6065.20 · Equipment/Units	0.00
6065.25 · Security	0.00

Compassion Tigard
Profit & Loss
All Transactions

	December 30, '10
6070 · Financial Team	0.00
6070.05 · Computer Software	0.00
6070.10 · Computer Hardware	0.00
6070.15 · Networking/Communications	0.00
6070.20 · Equipment/Units	0.00
6080 · In-Kind Donations	0.00
Total Income	**10,280.00**
Total Expense	**8,368.47**
Net Income	**1,911.53**

CITY OF TIGARD, OREGON
13125 SW HALL BLVD.
TIGARD, OREGON 97223
503-718-2487

COMMUNITY EVENTS FUNDING REQUEST

Due: February 10, 2012

Event Name: MASK & MIRROR COMMUNITY THEATRE

Address: 13166 BROADMOOR PLACE

City, State, Zip: TIGARD, OR 97223

Contact Name: MARSHA TISDALE, Grant Coordinator

Telephone Number: (503)739-0118

E-mail address: mtisdale123@gmail.com

1. **Request** (express in whole dollar amounts only)

Cash	$ 7,500.00
In-Kind Services-hours (use of City property, City staff support, etc. Please explain the services requested on a separate sheet)	*See attached
Total Request	$ 7,500.00

2. **Purpose of Funding Request:**

The purpose of funding is to help with facility rental for meetings, rehearsals, storage and performances. We currently rent the stage at Calvin Presbyterian Church in Tigard for our productions at a variable cost depending on our audience size with a minimum of $6000 per year. We will be renting storage space for scenery, props and costumes at approximately $1200 per year. We also rent various meeting and rehearsal spaces as needed.

3. **How will this event benefit the Tigard Community?**

Our events will benefit the Tigard Community in providing entertainment, education, community social and creative outlet, community service, as well as a financial benefit.

Entertainment: We present three productions each year with marketing to Tigard and Tualatin residents, although the productions are presented and staged in Tigard. These are family centric comedies, dramas and musical suitable for all ages. Approximately half of our audience comes from the Tigard community.

Education: In addition to the education in theatre arts one gets from volunteering for one of our productions, we offer free acting classes to Tigard residents, as well as monthly public play readings (with the audience invited to participate) co-sponsored with the Tigard and Tualatin Libraries.

Community Service: Mask & Mirror Community Theatre is at it's heart a community-minded organization. Members and volunteers come together in supporting and volunteering at other community events such as community parades and festivals.

Financial Benefit: It is well documented that theatre-goers often make attending a community theatre performance a "night-out" and include dinner before and/or a snack after at a local establishment as part of their activity.

4. **How many Tigard residents do you anticipate participating in this event (or these events)?**

We anticipate the audience from Tigard for the 2011-2012 season to be approximately 1500. We have completed the first production, "Green Room", at which we had 398 in ticketed sales over nine performances taking place from November 4 – 20, 2011. We are currently in production for "Robin Hood, The Musical" for which 13 performances are planned in February 24 – March 16. Our third production of the season, "Murder at Brackenfern", will include nine performances in May and June.

We expect a 33% increase (to approximately 2000) in our second season since our first productions have been so well received by the Tigard Community. Interest has been shown, not only in attendance at our performances, but also with the number of members, volunteers and residents requesting our newsletters. In addition to the regular performances we have monthly library readings which have been well attended by Tigard residents.

During this first season, we have participating volunteers (actors, crew, administration) of approximately 100 Tigard residents.

5. **Please submit the following information with this request:**
   a. Most recent annual budget compared with the prior year's actual revenues and expenditures. The Budget should identify the period to which it applies, beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions.
   b. Audit report or financial statements for the last fiscal year.
   c. Articles of Incorporation.*
   d. 501(c)(3) status.*
   e. Organization Bylaws*

* Information not required if it has been submitted at least once in the last five years.

Please note that a lack of adequate financial information could result in denial of request.

a. Since this is the first season of Mask & Mirror Community Theatre, we do not have a comparison with a prior year's actual expenses. We are including the actual budget for the first production as well as the three-year statement of revenue and expenses as submitted in our 501(c)3 application to the Internal Revenue Service. Additional pages indicating beginning/ending balances, major revenue sources, major expenditures as well as a list of leadership positions are included.
b. We do not yet have an audit report of last year but are including financial statements.
c. Articles of Incorporation is attached
d. 501(c)3 status letter is attached
e. Organizational Bylaws are attached, including amendments, as filed with the Office of Oregon Secretary of State

ADDITIONAL INFORMATION IS INCLUDED IN THE APPENDIX AS FOLLOWS:

Business Plan of Mask & Mirror Community Theatre
Addendum: Founding Members
Addendum: Current Leadership
Newspaper Clipping on First Production
Current Production Flyer

Explanation for No 1 In-Kind Services:

Mask & Mirror holds a quarterly meeting in September, December, March, and June. Up to 60 people may attend. We would like a room with chairs and a few tables to hold these meetings.

We have 8'x 6' set pieces of wood that required storage, along with a few pieces of furniture and boxes of props and costumes. We would like safe storage for these items.

We build our own sets and would appreciate use of a workshop area large enough to cut and paint sheets of plywood.

Any help in the above matters would be greatly appreciated.

MASK & MIRROR COMMUNITY THEATRE

Production Results, November 4-20, 2011

THE GREEN ROOM RESULTS

INCOME				EXPENSES	
398	tickets			Item	Cost
$3,448	ticket revenue			Business Cards for show	$49.85
$320	concessions revenue			Postcards	$16.99
9	shows			Stamps for postcards	$17.98
$3,768	Total Show Revenue			Gaffer & Glow tape	$30.50
				Furniture Rental, PCS	$30.00
44	avg audience per show			Food for load in crew	$73.96
$383.11	avg ticket sales per show			Costumes notions, props	$31.11
$35.56	avg concessions per show			Lumber for set	$181.00
$0.80	avg concession per person			Posters	$135.00
				Programs	$229.00
				Costume rentals	$50.00
				Misc ink, small stuff	$50.00
				Tool kit, zip ties	$7.04
				Concessions costs	$102.47
				Costume materials(Sue)	$30.00
				Props	$25
				Stage Rental	$2,000.00
$3,768	Total Show Revenue			Total Production Costs	$3,059.90

$708.10 Net Income

Gary Romans
President

MASK & MIRROR
COMMUNITY THEATRE

www.MaskAndMirror.com
Info@MaskAndMirror.com

CITY OF TIGARD, OREGON
13125 SW HALL BLVD.
TIGARD, OREGON 97223
503-718-2487

COMMUNITY EVENTS FUNDING REQUEST

Due: February 10, 2012

Event Name: Tigard Area Farmers Market (part of the Tigard Area Chamber of Commerce)

Address: PO Box 230421

City, State, Zip: Tigard, Or 97223

Contact Name: Kim Marshall

Telephone Number: 503-639-2900

E-mail address: manager@tigardfarmersmarket.org

1. **Request** (express in whole dollar amounts only)

Cash	$8500.00
In-Kind Services-hours (use of City property, City staff support, etc. Please explain the services requested on a separate sheet)	
Total Request	$8500.00

2. **Purpose of Funding Request:**
The TAFM is focused on bringing farmers, community and non-profits together in a way that benefits all. Farmers grow local produce, plants, and flowers; our Tigard Community members gather together to buy these products; and weekly non-profit booth space gives all the opportunity to give back. Tigard Area Farmers Market. GROW. GATHER. GIVE.

Funds will be used to:
- Support staff efforts
- Increase marketing to improve the connection of the community to the market
- Do healthy food demonstrations
- Purchase earth friendly bags

3. **How will this event benefit the Tigard Community?**
- Encourages customer attendance through community outreach - special events and programs designed to enhance the customers experience at the market.
- Promotes the market through its website, newsletter, social media sites, relevant farmers market brochures, chamber marketing programs and other key community relationships such as the City of Tigard.
- Supports non-profit organizations by giving them the opportunity to sell in our Community Service Booth with profits going directly to the organization.
- Provides space for the Master Gardener volunteers to dispense gardening advice to customers, answering their questions and helping them with garden related problems.
- The customers that shop at the Market come to buy locally grown and produced agricultural products, and to feel good about participating in a more sustainable food system. The responsibility for implementing sustainable practices falls to all of us in the market community, not just to our farmers. For that reason, the Tigard Area Farmers Market has made a commitment to work towards becoming a more earth friendly event. In a sustainable food system, it's not only the food that's important, but also how it is packaged and carried home. We will provide earth friendly bags for customers.

- Provide broad access to fresh produce and artisan items, including to our residents who may be disabled.
- Through the SNAP/EBT (food stamp) match we were able to help our Tigard area citizens stretch their food budgets. Our patrons were able to buy more fresh local fruits and vegetables for themselves and their families.
- The market supports community feeling of Tigard: A Place to Call Home.
  Our goal is to communicate the benefits of buying local fresh produce:
    - Local foods are fresher and taste better
    - Local foods are seasonal
    - Local foods usually have less environmental impact
    - Local foods perverse green space and farm land
    - Local foods promote food safety
    - Local foods support our local economy
    - Local foods promote variety
    - Local foods create community

4. **How many Tigard <u>residents</u> do you anticipate participating in this event (or these events)?**
   We see an average of 1500 residents come to the market each Sunday, roughly 62,500 residents over a 25 week season.

5. **Please submit the following information with this request:**
   a. Most recent annual budget compared with the prior year's actual revenues and expenditures. The Budget should identify the period to which it applies, beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions.
   b. Audit report or financial statements for the last fiscal year.
   c. Articles of Incorporation.*
   d. 501(c)(3) status.*
   e. Organization Bylaws*

* Information not required if it has been submitted at least once in the last five years.

Please note that a lack of adequate financial information could result in denial of request.

11:45 AM

02/08/12

Cash Basis

Tigard Area Farmers Market
Profit & Loss
January through December 2011

	Jan - Dec 11
Income	
Charitable Fundraiser Income	550.00
Grant Income	11,000.00
Interest Income	0.19
Other Income	20.35
Space Fees	33,800.00
Total Income	45,370.54
Expense	
Accounting/Bookkeeping	600.00
Bank Fee's	1,527.90
Charitable Contributions	350.00
Contract Labor	28,555.00
Depreciation Expense	4,700.00
Dues and Subscriptions	811.00
Insurance	3,622.97
Market Operating Expenses	2,947.80
Marketing	1,612.92
Office Supplies	1,052.65
Professional Services	1,870.72
Telecommunications	1,420.81
Token Processing	-497.22
Web Hosting	1,153.45
Total Expense	49,728.00
Net Income	-4,357.46

2:47 PM
02/01/12
Cash Basis

Tigard Area Chamber of Commerce

Profit & Loss Budget Overview

July 2012 through June 2013

	Jan 12	Feb 12	Mar 12	Apr 12	May 12	Jun 12	Jul 12	Aug 12	Sep 12	Oct 12	Nov 12	Dec 12	Total
Ordinary Income/Expense													
Revenue													
Farmers Market Income													
FM Application Fees	0.00	500.00	500.00	100.00	100.00	100.00	100.00	100.00	0.00	0.00	0.00	0.00	1,500.00
FM Sponsorships	0.00	0.00	0.00	0.00	250.00	250.00	250.00	250.00	0.00	0.00	0.00	0.00	1,000.00
FM Space Fees	0.00	1,000.00	2,000.00	300.00	6,658.00	5,890.00	5,980.00	3,483.00	7,000.00	2,000.00	0.00	0.00	34,311.00
FM City of Tigard Grant	0.00	0.00	0.00	0.00	0.00	0.00	8,500.00	0.00	0.00	0.00	0.00	0.00	8,500.00
FM New Seasons Grant	0.00	2,500.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,500.00
Total Farmers Market Income	0.00	4,000.00	2,500.00	400.00	7,008.00	6,240.00	14,830.00	3,833.00	7,000.00	2,000.00	0.00	0.00	47,811.00
Total Revenue	**0.00**	**4,000.00**	**2,500.00**	**400.00**	**7,008.00**	**6,240.00**	**14,830.00**	**3,833.00**	**7,000.00**	**2,000.00**	**0.00**	**0.00**	**47,811.00**
Expense													
Farmers Market Expenses													
FM Admin	400.00	400.00	400.00	400.00	400.00	400.00	400.00	400.00	400.00	400.00	400.00	400.00	4,800.00
FM Allocations	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00	150.00	1,800.00
FM Bank Fees	35.00	35.00	35.00	235.00	235.00	235.00	235.00	235.00	235.00	235.00	35.00	35.00	1,820.00
FM Depreciation Expense	151.67	151.67	151.67	151.67	151.67	151.67	151.67	151.67	151.67	151.67	151.67	151.67	1,820.04
FM Website Hosting	131.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	131.00
FM Telecommunications	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	35.00	420.00
FM Office Supplies	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	600.00
FM Marketing	200.00	0.00	0.00	0.00	333.33	333.33	433.33	433.33	433.33	433.33	0.00	0.00	2,599.98
FM Market Operating Expenses	609.00	0.00	0.00	0.00	312.00	312.00	354.00	354.00	354.00	354.00	0.00	0.00	2,649.00
FM Insurance	102.50	102.50	102.50	102.50	102.50	102.50	102.50	102.50	102.50	102.50	102.50	102.50	1,230.00
FM Leased Staff	2,205.90	2,205.90	2,205.90	2,205.90	3,036.45	3,036.45	2,938.14	2,938.14	2,938.14	2,938.14	2,205.90	2,205.90	31,060.86
Total Farmers Market Expenses	**4,070.07**	**3,130.07**	**3,130.07**	**3,330.07**	**4,805.95**	**4,805.95**	**4,849.64**	**4,849.64**	**4,849.64**	**4,849.64**	**3,130.07**	**3,130.07**	**48,930.88**
Net Income	**(4,070.07)**	**869.93**	**(630.07)**	**(2,930.07)**	**2,202.05**	**1,434.05**	**9,980.36**	**(1,016.64)**	**2,150.36**	**(2,849.64)**	**(3,130.07)**	**(3,130.07)**	**(1,119.88)**

CITY OF TIGARD, OREGON
13125 SW HALL BLVD.
TIGARD, OREGON 97223
503-718-2487

COMMUNITY EVENTS FUNDING REQUEST 2012 Community Grant Request

Due: February 10, 2012

Event Name: Annual Tigard Christmas Tree Lighting

Address: no address

City, State, Zip:

Contact Name: Jane Davies

Telephone Number: 503-816-7084

E-mail address: homes@JaneDavies.com

1. **Request** (express in whole dollar amounts only)

Cash	$2500
In-Kind Services-hours (use of City property, City staff support, etc. Please explain the services requested on a separate sheet)	See attached
Total Request	$2500

2. **Purpose of Funding Request:**
The purpose is to assist in offsetting the costs associated with holding this annual free event which is held every year on the first Friday in December. Funding will also help to 'grow' the event enabling marketing to the community at large as well as helping to defray associated costs such as staging, professional lighting, signs, banners, flyers as well as the cost of updating the tree lights and possibly adding lights to more trees.

3. **How will this event benefit the Tigard Community?**
This event helps to foster a deeper sense of community to all residents. It helps create more downtown awareness.

4. **How many Tigard residents do you anticipate participating in this event (or these events)?**
In recent years attendance has been 225 – 300. The desire is to grow it into something much larger to include more families, school children and churches.

5. **Please submit the following information with this request:**
   a. Most recent annual budget compared with the prior year's actual revenues and expenditures. The Budget should identify the period to which it applies, beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions.
   b. Audit report or financial statements for the last fiscal year.
   c. Articles of Incorporation.*
   d. 501(c)(3) status.*
   e. Organization Bylaws*

* Information not required if it has been submitted at least once in the last five years.

Please note that a lack of adequate financial information could result in denial of request.

CITY OF TIGARD, OREGON
13125 SW HALL BLVD.
TIGARD, OREGON 97223
503-718-2487
2012 Community Grant Request

COMMUNITY EVENTS FUNDING REQUEST Continued… pg 2
Annual Tigard Christmas Tree Lighting Event

In-Kind Service Hours:

TVF&R			
	Help with tree lights w/ lift truck		$250
	Transport Santa & Mrs. Claus		$250
Tigard PD			
	Traffic control night of event		
	Create thank you banners		
	Photography		
	Gifts for children … some years		
Parks & Rec			
	Annual tree lighting check (Nov)		
	Annual light removal (not recently)		
	Help with electrical box		
	Provide barricades		
	Provide cones & candles as needed		
	Provides speaker system		
City Hall			
	Announcements: Cityscape & web		
	Mayor speaks		
	City Council attends		
City Property	Held at Liberty Park		
Other In-Kind Services			
	Tigard Times		
	Oregonian		
	Channel 12 – Kimberly Maus		
	Tigard Chamber of Commerce		
	Refreshments – hot chocolate, cookies, cider		
	Volunteers		

CITY OF TIGARD, OREGON
13125 SW HALL BLVD.
TIGARD, OREGON 97223
503-718-2487
2012 Community Grant Request

COMMUNITY EVENTS FUNDING REQUEST Continued… pg 3
Annual Tigard Christmas Tree Lighting Event

A. Most recent annual budget compared with the prior year's actual revenues and expenditures.

This event is run by Volunteers with no budget. Other than the in-king services provided costs in recent years have been out-of-pocket by those volunteers. This past year, 2011, professional staging and lighting was provided by the City of Tigard at an approximate cost of $500. (This was a tremendous improvement!)

B. Audit report or financial statements for the last fiscal year.

None.

C. Articles of Incorporation

None

D. 501(c)(3) status

None. It would be smart to grow the event to have this in place.

E. Organization Bylaws

None

You can see that this event is run on the proverbial shoestring. This event is free and open to the public. Many families anticipate the event so that they will have the chance to meet Santa Claus, enjoy complimentary cocoa and cookies and mostly to enjoy a safe, fun evening out with their families. With limited funding, it has been an arduous task trying to keep up with the growing number of attendees; the demand for the event as well as retaining volunteers.

A task force is being assembled in 2012 to explore new avenues for expanding the event.

CITY OF TIGARD, OREGON
13125 SW HALL BLVD.
TIGARD, OREGON 97223
503-718-2487

COMMUNITY EVENTS FUNDING REQUEST

Due: February 10, 2012

Event Name:	2012 Tigard High School Drug & Alcohol Free All Night Grad Celebration
Address:	PO Box 23664
City, State, Zip:	Tigard, OR 97281-3664
Contact Name:	Debbie Walker
Telephone Number:	503-620-4911 home 503-703-9694 cell
E-mail address:	debbie.walker@sammedical.com

1. **Request** (express in whole dollar amounts only)

Cash	$2,000
In-Kind Services-hours (use of City property, City staff support, etc. Please explain the services requested on a separate sheet)	1 hr
for Police escort of buses to I5 after graduation ceremony	
Total Request	$2,000

2. **Purpose of Funding Request: To help off-set some of the cost of putting on this huge celebration for 300+ graduating seniors. The committee is an all parent volunteer group that has to raise all the money for the party. We get no school money for this event. The event is budgeted to cost $27,300 this year, which goes for the rental of the site, entertainment and activities at the site, food and prizes. We have many sources of funds, coming from grad party ticket sales, fundraising events, like the Fall Fling and partnerships with local restaurants, donations from parents and local businesses and grand awards.**

3. **How will this event benefit the Tigard Community? First and foremost, this event keeps 300+ graduates safe and supervised while having an unforgettable night to celebrate their graduation. They are not on the streets drinking and driving and putting themselves in danger. This event also brings together the whole community, from parent volunteers and school staff to local business supporters and community leaders.**

4. **How many Tigard <u>residents</u> do you anticipate participating in this event (or these events)? We hope to have 300+ graduates at the party, along with 30-50 parent volunteers that either serve on the planning committee, volunteer to work the party or chaperone the party. We also have a community full of people that volunteer their time, money or products. It is truly a community effort!**

5. **Please submit the following information with this request:**
   a. Most recent annual budget compared with the prior year's actual revenues and expenditures. The Budget should identify the period to which it applies, beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions.
   b. Audit report or financial statements for the last fiscal year.
   c. Articles of Incorporation.*
   d. 501(c)(3) status.*
   e. Organization Bylaws*

* Information not required if it has been submitted at least once in the last five years.

Please note that a lack of adequate financial information could result in denial of request.

Graduation Celebration Committee
Year to Date Income Statement
For the Seven Months Ending January 31, 2012

	Current Year Actual	Current Year Budget	Over/(Under) Budget	Variance Percent
Income				
Ticket Sales	$ 2,825.00	$ 16,000.00	(13,175.00)	(82.34)
Donations - Corporate	1,875.00	4,500.00	(2,625.00)	(58.33)
Donations - Parent	0.00	100.00	(100.00)	(100.00)
Fundraising - Balloon Festival	1,114.00	1,000.00	114.00	11.40
Fundraising - 50/50 Raffle	1,640.00	1,000.00	640.00	64.00
Fundraising - Fall Fling	1,420.35	1,800.00	(379.65)	(21.09)
Fundraising - Restaurants	786.41	500.00	286.41	57.28
Grants - City of Tigard	2,000.00	2,000.00	0.00	0.00
Grants - Juan Young Trust	0.00	1,500.00	(1,500.00)	(100.00)
Grants - Macerich Mgmt Co	500.00	0.00	500.00	0.00
Income-Interest	14.30	0.00	14.30	0.00
Total Income	12,175.06	28,400.00	(16,224.94)	(57.13)
Expenses				
Refunds	0.00	100.00	(100.00)	(100.00)
Site Rental	500.00	4,600.00	(4,100.00)	(89.13)
Entertainment	900.00	15,500.00	(14,600.00)	(94.19)
Decorations	0.00	400.00	(400.00)	(100.00)
Food/Beverages	0.00	1,000.00	(1,000.00)	(100.00)
Gifts/Prizes	0.00	4,500.00	(4,500.00)	(100.00)
Advertising/Printing	0.00	100.00	(100.00)	(100.00)
Postage	70.00	400.00	(330.00)	(82.50)
Fundraising	0.00	200.00	(200.00)	(100.00)
Bank Fees	28.00	0.00	28.00	0.00
Donations	56.00	0.00	56.00	0.00
Miscellaneous	340.00	500.00	(160.00)	(32.00)
Total Expenses	1,894.00	27,300.00	(25,406.00)	(93.06)
Net Income/(Loss)	$ 10,281.06	$ 1,100.00	9,181.06	834.64

Graduation Celebration Committee
Income Statement
For the Seven Months Ending January 31, 2012

	Current Month This Year	Current Month Last Year	Year to Date This Year	Year to Date Last Year
Revenues				
Ticket Sales	$ 2,825.00	$ 0.00	$ 2,825.00	$ 2,790.00
Donations - Corporate	1,375.00	1,050.00	1,875.00	1,600.00
Fundraising - Balloon Festival	0.00	0.00	1,114.00	1,000.00
Fundraising - 50/50 Raffle	0.00	0.00	1,640.00	1,075.00
Fundraising - Fall Fling	411.35	0.00	1,420.35	1,010.00
Fundraising - Restaurants	460.35	0.00	786.41	0.00
Grants - City of Tigard	0.00	0.00	2,000.00	2,000.00
Grants - Macerich Mgmt Co.	0.00	0.00	500.00	0.00
Income-Interest	0.00	1.53	14.30	2.00
Total Revenues	5,071.70	1,051.53	12,175.06	9,477.00
Cost of Sales				
Total Cost of Sales	0.00	0.00	0.00	0.00
Gross Profit	5,071.70	1,051.53	12,175.06	9,477.00
Expenses				
Site Rental	0.00	0.00	500.00	550.00
Entertainment	0.00	0.00	900.00	0.00
Postage	70.00	70.00	70.00	70.00
Bank Fees	0.00	0.00	28.00	(5.00)
Donations	0.00	0.00	56.00	0.00
Miscellaneous	0.00	0.00	340.00	0.00
Total Expenses	70.00	70.00	1,894.00	615.00
Net Income	$ 5,001.70	$ 981.53	$ 10,281.06	$ 8,862.00

Graduation Celebration Committee
Income Statement
For the Twelve Months Ending June 30, 2011

	Current Month This Year	Current Month Last Year	Year to Date This Year	Year to Date Last Year
Revenues				
Ticket Sales	$ 5,080.00	$ 4,995.00	$ 15,655.00	$ 14,085.00
Donations - Corporate	150.00	350.00	4,300.00	3,900.00
Donations - Parent	0.00	85.00	0.00	535.00
Donations - THS Staff	0.00	997.00	0.00	997.00
Fundraising - Balloon Festival	0.00	0.00	1,000.00	1,000.00
Fundraising - 50/50 Raffle	0.00	0.00	1,075.00	1,131.00
Fundraising - Snack Shack	0.00	0.00	0.00	987.00
Fundraising - Fall Fling	0.00	0.00	1,390.25	826.23
Fundraising - Restaurants	0.00	232.99	0.00	232.99
Fundraising - Photography	42.00	0.00	42.00	0.00
Grants - City of Tigard	0.00	0.00	2,000.00	2,000.00
Grants - Juan Young Trust	0.00	0.00	1,500.00	1,500.00
Income-Interest	1.90	0.00	15.72	0.54
Total Revenues	5,273.90	6,659.99	26,977.97	27,194.76
Cost of Sales				
Total Cost of Sales	0.00	0.00	0.00	0.00
Gross Profit	5,273.90	6,659.99	26,977.97	27,194.76
Expenses				
Refunds	0.00	100.00	0.00	150.00
Site Rental	0.00	0.00	5,500.00	5,050.00
Entertainment	0.00	2,760.00	12,725.00	12,625.00
Decorations	204.40	67.09	613.49	508.86
Food/Beverages	1,232.22	704.39	1,263.52	704.39
Gifts/Prizes	1,323.39	1,531.54	3,693.76	4,214.88
Advertising/Printing	300.00	0.00	300.00	0.00
Postage	0.00	0.00	378.00	334.00
Fundraising	0.00	0.00	197.66	528.50
Volunteer Expense	119.85	187.16	119.85	187.16
Bank Fees	0.00	0.00	0.00	27.32
Miscellaneous	0.00	15.28	0.00	767.78
Total Expenses	3,179.86	5,365.46	24,791.28	25,097.89
Net Income	$ 2,094.04	$ 1,294.53	$ 2,186.69	$ 2,096.87

2 Year Income Statement - Final

For Management Purposes Only

CITY OF TIGARD, OREGON
13125 SW HALL BLVD.
TIGARD, OREGON 97223
503-718-2487

COMMUNITY EVENTS FUNDING REQUEST

Due: February 10, 2012

Event Name: Tigard Little League

Address: PO Box 230359

City, State, Zip: Tigard, Or 97281

Contact Name: Jody McBinley

Telephone Number: 503-545-8667

E-mail address: Jody.McBinley@Safeway.com

1. **Request** (express in whole dollar amounts only)

   Cash 2924.61 for Interest on loan
   2075.39 for Field Improvements — $ 5000.00

   In-Kind Services-hours (use of City property, City staff support, etc. Please explain the services requested on a separate sheet) _____

   Total Request $

2. **Purpose of Funding Request:**
   To offset the annual payment made per 2nd admendment of agreement between the City of Tigard + TLL for 10 yr period.

3. **How will this event benefit the Tigard Community?**
   The Cook Park concessions + baseball fields enhance the Recreational opportunities of the youth community of Tigard. Facilities provide a clean, safe + desirable environment for the families of Tigard.

4. **How many Tigard residents do you anticipate participating in this event (or these events)?** Annual estimate at Cook Park for baseball + soccer events, games, practices + tournaments is estimated at 30,000.

5. **Please submit the following information with this request:**
   a. Most recent annual budget compared with the prior year's actual revenues and expenditures. The Budget should identify the period to which it applies, beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions.
   b. Audit report or financial statements for the last fiscal year.
   c. Articles of Incorporation.*
   d. 501(c)(3) status.*
   e. Organization Bylaws*

* Information not required if it has been submitted at least once in the last five years.

Please note that a lack of adequate financial information could result in denial of request.

TLL EXPENSE
2012

		2011 Budget (Ref)	2011 Actual	2012 Budget	Reforecast	2012 Actual
1.01.00	**Education**					
1.01.01	Baseball	$1,000.00	$748.76	$1,000.00	$1,500.00	$300.00
1.01.02	Softball	$2,500.00	$1,880.00	$2,000.00	$2,000.00	$1,080.00
1.01.03	Umpires - Baseball		$0.00	$100.00	$100.00	$0.00
1.01.04	First Aid Training		$0.00	$0.00		$0.00
1.01.05	Positive Coaches Alliance		$0.00	$0.00		$0.00
	Total Education	**$3,500.00**	**$2,628.76**	**$3,100.00**	**$3,600.00**	**$1,380.00**
1.02.00	**Cook Park Fields**					
	Capital Equipment					
1.02.01	Dugouts and Bullpens	$200.00	$356.87	$500.00	$500.00	$0.00
1.02.02	Dirt and Turface		$0.00	$0.00		$0.00
1.02.025	Netting	$1,000.00	$0.00	$0.00		$0.00
	Misc. Equipment					
1.02.03	Railings		$0.00	$0.00		$0.00
1.02.04	Bleachers (Cook 3 & 4)		$0.00	$0.00		$0.00
1.02.05	Misc - Replacement		$0.00	$0.00		$0.00
	Field Improvements					
1.02.06	Baseball (Cook 1 & 2)		$0.00	$0.00		$0.00
1.02.07	Softball (Cook 3 & 4)		$0.00	$0.00		$0.00
	Total Cook Park Fields	**$1,200.00**	**$356.87**	**$500.00**	**$500.00**	**$0.00**
1.03.00	**Equipment**					
1.03.01	Baseball Equipment	$7,000.00	$6,730.06	$7,000.00	$4,500.00	$0.00
1.03.02	Softball Equipment	$2,500.00	$2,540.13	$2,500.00	$2,500.00	$0.00
1.03.03	Umpire Equipment	$350.00	$350.00	$400.00	$400.00	$0.00
1.03.035	Field Equipment (Breakaway Bases)		$0.00	$0.00		$0.00
1.03.04	Baseball-Bullpens		$0.00	$0.00		$0.00
1.03.05	Softball-CFT		$0.00	$0.00		$0.00
1.03.06	Softball-Metzger		$0.00	$0.00		$0.00
	Total Equipment	**$9,850.00**	**$9,620.19**	**$9,900.00**	**$7,400.00**	**$0.00**
1.04.00	**Field Maintenance-- Baseball**					
1.04.01	Bleachers		$0.00	$0.00		$0.00
1.04.02	Chalk		$0.00	$0.00		$0.00
1.04.03	Dirt		$0.00	$0.00		$0.00
1.04.04	Fencing		$0.00	$0.00		$0.00
1.04.05	Misc. Repairs		$0.00	$0.00		$0.00
1.04.06	Tools	$500.00	$579.48	$700.00	$700.00	$0.00
1.04.07	Fertilizer & Seed		$0.00	$0.00		$0.00
1.04.08	Turface-MVP		$0.00	$0.00		$0.00
1.04.09	Turface/Quick Dry/Chalk	$2,000.00	$2,058.21	$2,200.00	$2,200.00	$0.00
1.04.10	Field Maintenance - Mary Woodward	$500.00	$865.87	$500.00	$500.00	$0.00
1.04.11	Field Maintenance - Cook Park		$0.00	$0.00		$0.00
	Total Field Maintenance Baseball	**$3,000.00**	**$3,503.56**	**$3,400.00**	**$3,400.00**	**$0.00**

TLL EXPENSE
2012

1.05.00	**Field Maintenance--Softball**					
1.05.01	Chalk		$0.00	$0.00		$0.00
1.05.02	Dirt		$0.00	$0.00		$0.00
1.05.03	Misc-Repair		$50.90	$0.00		$0.00
1.05.04	Fertilizer		$0.00	$0.00		$0.00
1.05.05	Turface-MVP		$0.00	$0.00		$0.00
1.05.05	Turface/Quick Dry/Chalk	$1,000.00	$840.00	$1,000.00	$1,000.00	$0.00
1.05.10	Field Maintenance Mary Woodward		$0.00	$0.00		$0.00
	Total Field Maintenance Softball	**$1,000.00**	**$890.90**	**$1,000.00**	**$1,000.00**	**$0.00**
1.07.00	**Insurance**					
1.07.01	Additional Fields Insurance	$161.60	$181.80	$200.00	$181.80	$181.80
1.07.02	Board & Volition	$0.00	$0.00	$0.00		$0.00
1.07.03	Crime	$205.00	$205.00	$205.00	$205.00	$205.00
1.07.04	Liability	$1,953.00	$1,953.00	$1,983.30	$1,983.30	$1,983.30
1.07.05	Player Insurance	$865.00	$865.00	$1,000.00	$1,920.00	$1,920.00
	Total Insurance	**$3,184.60**	**$3,204.80**	**$3,388.30**	**$4,290.10**	**$4,290.10**
1.08.00	**LL Charter Expense**	**$944.00**	**$976.00**	**$1,072.00**	**$976.00**	**$976.00**
1.09.00	**Tigard Home Plate**					
1.09.01	Inventory	$6,500.00	$5,164.25	$6,000.00	$6,000.00	$0.00
1.09.02	Equipment	$200.00	$252.65	$200.00	$200.00	$0.00
1.09.03	Building Improvements	$200.00	$115.00	$100.00	$100.00	$0.00
1.09.04	Special Sales		$0.00	$0.00		$0.00
	Total Tigard Home Plate	**$6,900.00**	**$5,531.90**	**$6,300.00**	**$6,300.00**	**$0.00**
1.10.00	**TLL Apparrel Sales Expense**					
1.10.01	Baseball Apparel Sales	$5,000.00	$7,759.21	$3,500.00	$2,500.00	$0.00
1.10.02	Softball Apparel Sales	$1,000.00	$2,456.66	$1,000.00	$1,000.00	$0.00
1.10.03	Decal Sales		$0.00	$0.00		$0.00
	Total ApparelSales Expense	**$6,000.00**	**$10,215.87**	**$4,500.00**	**$3,500.00**	**$0.00**
1.11.00	**Umpire Expense**					
1.11.01	Baseball	$6,000.00	$8,141.75	$8,500.00	$8,000.00	$0.00
1.11.02	Softball	$2,700.00	$3,354.00	$3,500.00	$3,400.00	$0.00
1.11.03	Fall Ball	$1,000.00	$973.75	$1,200.00	$1,400.00	$1,196.25
	Total Umpire Expense	**$9,700.00**	**$12,469.50**	**$13,200.00**	**$12,800.00**	**$1,196.25**
1.12.00	**Cook Park Expansion**					
1.12.01	Land Purchase		$0.00	$0.00	$0.00	$0.00
1.12.02	Concession Improvements	$16,730.00	$16,730.89	$15,435.61	$16,148.14	$16,148.14
	Total Cook Park	**$16,730.00**	**$16,730.89**	**$15,435.61**	**$16,148.14**	**$16,148.14**

TLL EXPENSE
2012

1.13.00	**Room Rentals**					
1.13.01	Baseball	$400.00	$514.50	$1,000.00	$1,000.00	$0.00
1.13.02	Softball	$1,300.00	$1,449.00	$1,500.00	$1,500.00	$0.00
1.13.03	Baseball Tryouts	$1,100.00	$504.00	$500.00	$500.00	$300.00
1.13.04	Softball Tryouts		$0.00			$0.00
1.13.05	Board Meetings	$100.00	$0.00	$0.00		$0.00
1.13.06	Storage	$4,500.00	$6,048.00	$6,200.00	$6,200.00	$2,076.00
1.13.07	CPR Training		$0.00	$0.00		$0.00
	Total Room Rental	**$7,400.00**	**$8,515.50**	**$9,200.00**	**$9,200.00**	**$2,376.00**
1.14.00	**Utilities**					
1.14.01	Alarm Service	$0.00	$0.00	$0.00		$0.00
1.14.02	Garbage Collection	$0.00	$0.00	$0.00		$0.00
1.14.03	Sanitation Removal	$3,500.00	$3,541.25	$4,000.00	$4,000.00	-$47.98
1.14.04	Telephone	$500.00	$430.92	$500.00	$500.00	$145.36
1.14.05	Electric Cook Park	$0.00	$0.00	$0.00		$0.00
	Total Utilities	**$4,000.00**	**$3,972.17**	**$4,500.00**	**$4,500.00**	**$97.38**
1.15.00	**Operation Expenses**					
1.15.01	Sponsorship Expense	$1,000.00	$1,050.00	$1,500.00	$1,500.00	$0.00
1.15.02	Postage	$500.00	$413.15	$300.00	$300.00	$46.00
1.15.03	Printing	$1,000.00	$952.44	$800.00	$800.00	$257.00
1.15.04	Awards & Pins	$400.00	$0.00	$0.00		$0.00
1.15.05	Books	$0.00	$165.00	$200.00	$200.00	$175.00
1.15.06	Web Site	$2,800.00	$3,635.36	$4,000.00	$4,000.00	$2,409.53
1.15.07	Opening Day Supplies	$100.00	$109.25	$200.00	$200.00	$0.00
1.15.08	Admin. Supplies	$800.00	$746.15	$800.00	$800.00	$9.29
1.15.09	Registration Supplies	$1,500.00	$1,401.46	$1,000.00	$500.00	$394.64
1.15.10	Safety Supplies	$0.00	$0.00	$1,000.00	$0.00	$0.00
1.15.11	Cartography	$0.00	$0.00	$0.00		$0.00
1.15.12	CT 12 Tax Report	$100.00	$107.00	$150.00	$150.00	$50.00
1.15.13	Board Meeting Expense	$200.00	$15.25	$200.00	$200.00	$0.00
1.15.14	Petty Cash	$200.00	$200.00	$200.00	$200.00	$200.00
1.15.15	Visa/MC Processing Fee	$4,000.00	$3,265.98	$3,600.00	$3,600.00	$1,290.42
1.15.16	Bad Check Expense	$50.00	$0.00	$200.00	$200.00	$0.00
1.15.17	Banking Fees	$50.00	$43.00	$100.00	$100.00	$0.00
1.15.18	Background Checks	$150.00	$121.00	$150.00	$150.00	$0.00
	Total Ops Expenses	**$12,850.00**	**$12,225.04**	**$14,400.00**	**$12,900.00**	**$4,831.88**
1.16.00	**Contributions**					
1.16.01	Alpenrose World Series/Regional Tourn		$0.00	$200.00	$250.00	$0.00
1.16.02	Service Awards	$500.00	$300.00	$400.00	$400.00	$0.00
1.16.03	Registration Drawing		$0.00	$0.00		$0.00
1.16.04	Fountain Memorial		$0.00	$200.00	$200.00	$0.00
1.16.05	Tryouts Contribution		$0.00	$0.00		$0.00
	Total Contributions	**$500.00**	**$300.00**	**$800.00**	**$850.00**	**$0.00**

TLL EXPENSE
2012

1.17.00	**Tournament Fees**					
1.17.01	Baseball Post Season	$3,200.00	$3,455.00	$3,500.00	$3,500.00	$0.00
1.17.02	Softball Tournaments	$1,800.00	$1,335.00	$1,500.00	$1,500.00	$0.00
1.17.03	9/10 District 4 Honors Tournament	$1,000.00	$98.60	$500.00	$500.00	$0.00
1.17.04	Post Season Team Expenses	$1,200.00	$1,152.80	$1,200.00	$1,200.00	$0.00
	Total Tournament Fees	**$7,200.00**	**$6,041.40**	**$6,700.00**	**$6,700.00**	**$0.00**
1.18.00	**Uniforms**					
1.18.01	Baseball					
1.18.011	A	$5,600.00	$4,331.28	$4,800.00	$4,200.00	$0.00
1.18.012	AA	$5,500.00	$5,981.29	$6,000.00	$4,000.00	$0.00
1.18.013	AAA	$6,000.00	$6,187.54	$6,500.00	$6,000.00	$5,910.20
1.18.014	Majors	$5,800.00	$4,125.03	$4,500.00	$3,800.00	$0.00
1.18.02	Pee Wee	$5,500.00	$3,047.42	$4,000.00	$4,000.00	$0.00
1.18.03	Softball					
1.18.031	A	$2,500.00	$2,284.64	$2,500.00	$2,500.00	$0.00
1.18.032	AA	$2,500.00	$2,899.74	$3,000.00	$3,000.00	$0.00
1.18.033	AAA	$2,500.00	$2,899.74	$3,000.00	$3,000.00	$0.00
1.18.034	Majors/JV	$2,300.00	$702.97	$1,000.00	$1,000.00	$0.00
1.18.04	Baseball Post Season	$2,800.00	$8,415.76	$1,000.00	$2,000.00	$0.00
1.18.05	Softball Post Seaston	$2,600.00	$1,683.20	$2,000.00	$2,000.00	$0.00
1.18.06	Patches	0.00	$261.50	$250.00	250.00	$0.00
1.18.07	Umpire Shirts		$0.00	$0.00		$0.00
	Total Uniforms	**$43,600.00**	**$42,820.11**	**$38,550.00**	**$35,750.00**	**$5,910.20**
1.19.00	**Scholarship Expense**	**$6,500.00**	**$6,640.00**	**$7,000.00**	**$6,000.00**	**$5,150.00**
1.20.00	**Cook Park Payment Appropriation**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**
1.30.00	**Capital Improvement Appropriation**	**$16,500.00**	**$16,574.81**	**$12,143.09**	**$7,775.76**	**$0.00**
	Total Expenses	**$160,558.60**	**$163,218.27**	**$155,089.00**	**$143,590.00**	**$42,355.95**

CITY OF TIGARD, OREGON
13125 SW HALL BLVD.
TIGARD, OREGON 97223
503-718-2487

COMMUNITY EVENTS FUNDING REQUEST

Due: February 10, 2012

Event Name: Tigard Safety Town

Address: P.O. Box 230726

City, State, Zip: Tigard, OR

Contact Name: Jenny Davis

Telephone Number: 503-579-1365

E-mail address: jlbdavis@frontier.com

1. **Request** (express in whole dollar amounts only)

   Cash $4,550

   In-Kind Services-hours (use of City property, City staff support, etc. Please explain the services requested on a separate sheet) see attached_____

   Total Request $ 4,550

2. **Purpose of Funding Request:** The purpose of the funding request is to help maintain a relatively low cost for participants. In 2011 the cost to operate Tigard Safety Town increased and will increase again in 2012. We would like to offset the recent increase we have incurred from the Tigard Tualatin School District for the use of Mary Woodward Elementary.

3. **How will this event benefit the Tigard Community?** Tigard Safety Town benefits the Tigard community by providing safety instruction to preschoolers and kindergarteners. In 2012 Tigard Safety Town will celebrate its 40th year serving the children in our community.

4. **How many Tigard residents do you anticipate participating in this event (or these events)?** 170

5. **Please submit the following information with this request:**
   a. Most recent annual budget compared with the prior year's actual revenues and expenditures. The Budget should identify the period to which it applies, beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions.
   b. Audit report or financial statements for the last fiscal year.
   c. Articles of Incorporation.*
   d. 501(c)(3) status.*
   e. Organization Bylaws*

* Information not required if it has been submitted at least once in the last five years.

Please note that a lack of adequate financial information could result in denial of request.

Community Events Funding Request – Tigard Safety Town

1- In kind services-
Currently Tigard Safety Town is required to purchase general liability insurance at a cost of approximately $3,000. In previous years Tigard Safety Town was able to use an insurance rider through the city. If possible, we would like to use a rider through the city again.

Tigard Safety Town
Financial Statement
2012 Budget Year

	2012 Budget	2012 Actual
INFLOWS		
Donations Received	3000	
Grants	4500	
Tuition	9425	
TOTAL INFLOWS	$16,925.00	$0.00
Financial Aid - Scholarships	300	
OUTFLOWS		
Bank Charges	0	
Board Expenses	450	
Equipment	0	
Gift Certificates - Student Helpers	840	
Gifts - Speakers	200	
Gifts - Sponsors	200	
Insurance	3000	
Maintenance : House and Car	1000	
Maintenance : Painting Blacktop	0	
Miscellaneous	0	
Post Office Box Rental	70	
Payroll Expenses	3600	
Postage	100	
Printing	400	
Publicity	150	
Rent	4550	
Special Programs	0	
Supplies		
Art Supplies	150	
Office Supplies	100	
Supplies/Other	0	
Registration	50	
Student Instructor Party	150	
T-shirts	1200	
Tax and Licenses	60	
Website Set-up and Maintenance	200	
TOTAL OUTFLOWS	$16,470.00	$0.00
NET CASH INFLOW (OUTFLOWS)	$455.00	$0.00
BEGINNING CASH	$19,419.44	$19,419.44
ENDING CASH	$19,874.44	$19,419.44

Prepared by Allen Wood 2/6/2012

Tigard Safety Town
Financial Statement
2011 Budget Year

	2011 Budget	2011 Actual
INFLOWS		
Donations Received	1500	4750
Tuition	9425	9285
TOTAL INFLOWS	$10,925.00	$14,035.00
Financial Aid - Scholarship Allocation	300	65
OUTFLOWS		
Bank Charges	0	
Board Expenses	450	254.05
Equipment	0	61.26
Gift Certificates - Student Helpers	840	960
Gifts - Speakers	200	200
Gifts - Sponsors	200	
Insurance	3000	2944
Maintenance : House and Car	200	1148.74
Maintenance : Painting Blacktop	0	
Miscellaneous	0	
Post Office Box Rental	70	70.00
Payroll Expenses	3500	3500.00
Postage	100	67.32
Printing	400	381.26
Publicity	150	
Rent	2050	2069
Special Programs	0	
Supplies		
Art Supplies	150	98.32
Office Supplies	100	49.16
Supplies/Other	0	
Registration	50	36.14
Student Instructor Party	150	92.00
T-shirts	1200	1200.00
Tax and Licenses	60	60.00
Website Set-up and Maintenance	200	-9.14
TOTAL OUTFLOWS	$13,070.00	$13,182.11
NET CASH INFLOW (OUTFLOWS)	-$2,145.00	$852.89
BEGINNING CASH	$18,566.55	$18,566.55
ENDING CASH	$16,421.55	$19,419.44

Prepared by Allen Wood 2/6/2012

CITY OF TIGARD, OREGON
13125 SW HALL BLVD.
TIGARD, OREGON 97223
503-639-4171

FY 2012-2013
COMMUNITY EVENTS FUNDING REQUEST

Event Name:	Tualatin Riverkeepers' Nature Recreation Events
Address:	11675 SW Hazelbrook Drive
City, State, Zip:	Tualatin, OR 97062
Contact Name:	Monica Smiley
Telephone Number:	503-218-2580
E-mail address:	monica@tualatinriverkeepers.org

1. **Request** (express in whole dollar amounts only)

Cash	**$2,500 (see attached budget)**
In-Kind Services (use of City property, City staff support, etc. Please explain the services requested on a separate sheet)	**$**
Total Request	**$2,500**

2. **Purpose of Funding Request:**

Nature Recreation: Connecting Tigard Residents to the River in Their Community

Outdoor recreation opportunities that are low cost, close to home, require minimal time commitment, and are available for families are lacking in Washington County. These factors identified in "The Hispanic Community and Outdoor Recreation," report by the Outdoor Industry Foundation, 2007 are the primary barriers to culturally diverse populations participating in outdoor recreation activities. By removing these barriers to involvement, diverse populations can enjoy the benefits of outdoor recreation with Tualatin Riverkeepers (TRK). Outdoor recreation promotes fitness and has a positive effect on family functioning. Participating in these activities also creates awareness and engages people in activities that secure a healthy environment.

Last year, TRK successfully changed the demographics of people participating in its signature Discovery Day Paddle Trip event (June) to 80% paddling the Tualatin for the first time and 20% being people of color. TRK achieved this success by providing local access, low cost gear rentals, developing shorter 2 hour experiences, and targeting outreach to families with children. TRK will use this model to increase participation of

first time paddlers and people of color in all its summer 2012 outdoor recreation opportunities in Tigard.

Goal : Tualatin Riverkeepers (TRK) will provide canoe and kayak experiences on the Tualatin River for 700 participants at Cook Park in Tigard in 2012-2013.

Family Day Paddle August 11, 9am - 12pm & 11am – 2pm, Cook Park, 64 participants. Participants will experience the Tualatin led by trained volunteer guides. Expert led paddle trips give extra support to paddlers new to the sport or anyone who needs an extra hand to lift, haul, launch, paddle or dock their canoe or kayak. Guided trips also provide the depth of experience that is only possible when led by a mentor. Guides will share stories, wildlife observation techniques and natural history.

Nature Day Camp, July 19, July 26, August 9, Aug 17, Cook Park, 80 participants. Campers participating in Summer Nature Day Camp at summer Creek Natual Area with paddle the Tualatin led by TRK's trained guides.

Cook Park Summer Boat Rentals, Weekends, 10am – 6pm, June – September, 400 participants. Cook Park Boat Rentals will greatly expand opportunities to experience the Tualatin River though paddle recreation by making boats and gear available to the public for rent seasonally.

Guided Kayak Tours, Four Summer Dates TBD at Cook Park, 100 participants. TRK will partners with organizations and groups to lead guided tours for groups. TRK will partner with organizations that serve communities of color and people with disabilities to ensure the demographics of participants reflects the demographics of the community of Tigard.

Tualatin River Clean Up Via Canoe, Event Dates TBD, 70 participants. TRK will engage 70 participants in on the river clean up. For new audiences, river clean up provides a tangible environmental volunteer experience coupled with all the beauty, wildlife and solitude of a nature recreation adventure. TRK will target partner organizations that serve diverse communities for participation in river clean up.

3. **How will this event benefit the Tigard Community?**

TRK will provide canoe and kayak experiences on the Tualatin River for 700 people at Cook Park in Tigard in 2012. Of those, 400 will be residents of Tigard.

Program participants learn skills to increase their awareness and enjoyment of the natural world for a life time. First time paddlers who participate in guided canoe and kayak trips gain the skills and confidence needed to then venture out and repeat these experiences on their own. Additionally, recreation programs encourage physical activity and promote a healthful lifestyle.

Free and low cost nature recreation experiences are designed to maximize participation to achieve TRK's goal to foster long term stewardship for the Tualatin River and broader

watershed. This City of Tigard Community Grant enables TRK to provide Nature Recreation opportunities in Tigard.

4. **How many Tigard residents do you anticipate participating in this event (or these events)?**

We anticipate 700 people will participate in TRK's Nature Recreation and Education programs in the City of Tigard in 2012. 400 of the participants will be Tigard residents.

5. **Please submit the following information with this request:**

a. Most recent annual budget compared with the prior year's actual revenues and expenditures. The Budget should identify the period to which it applies, beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions. **

b. Audit report or financial statements for the last fiscal year.**

c. Articles of Incorporation.*

d. 501(c)(3) status.*

e. Organization Bylaws*

* Information not required if it has been submitted at least once in the last five years.

** Lack of adequate financial information could result in denial of request.

TUALATIN RIVERKEEPERS
Statement of Activities

	Trips & Tours	City of Tigard
Expenses		
Personnel		
Salaries	14,569	1,250
Payroll Taxes	2,500	
Health Care	1,160	
Retirement	600	
Payroll fees & charges	227	
LINKS members		
Total Personnel Expenses	19,056	
Operating		
Contract Services	3,000	
Events Expense	500	250
Occupancy	840	
Postage & Printing	2,100	350
Office Costs	1,510	250
Insurance	2,461	250
Travel	190	50
Equipment Expenses	199	50
Advertising	60	
Misc (CC & Bank Fees)	300	
Meetings/Food & Beverage	150	
Membership/Volunteer	240	50
Board Development	170	
Professional Dues & Memb	75	
Business Liscenses & Fees	195	
Subscriptions / Publications	40	
Total Operating Expenses	12,030	
Total Expenses	31,086	2,500

CITY OF TIGARD, OREGON
13125 SW HALL BLVD.
TIGARD, OREGON 97223
503-718-2487

COMMUNITY EVENTS FUNDING REQUEST

Due: February 10, 2012

Event Name: TUALATIN VALLEY COMMUNITY BAND

Address: P.O. BOX 230773

City, State, Zip: TIGARD, OR 97281

Contact Name: SUE LAMB, BAND PRESIDENT

Telephone Number: 503.319.0807

E-mail address: SUEALAMB@AOL.COM

1. **Request** (express in whole dollar amounts only)

Cash $ 2,000.00

In-Kind Services-hours (use of City property, City staff support, etc. Please explain the services requested on a separate sheet) SEE ATTACHED

Total Request $ 2,000.00

2. **Purpose of Funding Request:**

SEE ATTACHED

3. **How will this event benefit the Tigard Community?**

SEE ATTACHED

4. **How many Tigard residents do you anticipate participating in this event (or these events)?**

SEE ATTACHED

5. **Please submit the following information with this request:**
   a. Most recent annual budget compared with the prior year's actual revenues and expenditures. The Budget should identify the period to which it applies, beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions.
   b. Audit report or financial statements for the last fiscal year.
   c. Articles of Incorporation.*
   d. 501(c)(3) status.*
   e. Organization Bylaws*

* Information not required if it has been submitted at least once in the last five years.

Please note that a lack of adequate financial information could result in denial of request.

Attachment to 'Community Events Funding Request FY 2012-2013'

Tualatin Valley Community Band

In-Kind Services-hours:

Use of the Bishop Scheckla Pavilion at Cook Park for summer concerts and rehearsals. (Confirmation/Permit received for Summer 2012).

Purpose of Funding Request:

To partially fund four free (no charge to attend) concerts for the community. Funds provided will go toward the purchase of music, performance venue rental (when not donated), and advertising to promote concerts to the community. These concerts also provide a performance opportunity for youth and adult members of the community. With community support, our all-volunteer organization is able to minimize the cost of participation to members of the band.

How will this event benefit the Tigard Community?

Our FREE family friendly concerts are offered throughout the year, promoting the values of the community and offering an opportunity for members of the Tigard community, to be exposed to a quality cultural experience. Not only do community members of all ages attend and enjoy TVCB's performances, but our members range in age from 14 – 80+.

How many Tigard residents do you anticipate participating in this event?

Over 50% of our band members are residents of Tigard. Our concerts are open to the general public and we will perform before 1,500 to 2,000 people in those four concerts, not including the 4th of July celebration, which always has a substantial gathering. The 'Music Is For Life' concert brings together the band and students from within the Tigard/Tualatin School District and donations received at that concert go directly to our scholarship program; our Sounds of Summer concert in Cook Park is always well attended (many residents bring picnics and their families play nearby while enjoying the music); and our Winter Holiday concert regularly fills Deb Fennell auditorium. In 2012, we also anticipate offering a 'themed' concert in May or June, and are looking in to the possibility of performing for the Tigard Tree Lighting in December. To note, in the summer we rehearse on Tuesday nights at the Cook Park gazebo and there are residents who come down just to listen to us rehearse – makes for a pretty pleasant summer evening.

Thank you for the opportunity to submit this FY2012-2013 Funding Request. Your financial support, as well as providing the band with a place to rehearse and perform in the summer, is vital to our organization.

Respectfully submitted,

Sue Lamb, TVCB President/Trumpet Dated: 2/01/12

Tualatin Valley Community Band 2012 Budget
Prepared 1/23/2012 - Revised 2/6/2012

	BUDGET CY-2011	ACTUAL CY-2011	PROPOSED CY-2012
GENERAL FUND			
INCOME			
Uncategorized			
CD Archive Sales	$200.00	$0.00	$200.00
Donations	$3,100.00	4131	$3,100.00
Folio Purchase		69.65	$139.30
TVCB Shirt Sales	$250.00	205	$250.00
Interest Income Checking	$25.00	$21.95	$25.00
Replacement Music			
TOTAL INCOME	**$3,575.00**	**$4,427.60**	**$3,714.30**
EXPENSES			
Ads - Publicity	$200.00		$100.00
Business Tax	$80.00	$60.00	$80.00
Insurance	$550.00	$455.00	$500.00
Office Supplies	$30.00	$15.79	$30.00
P O Box Rent	$50.00	$44.00	$46.00
Postage	$15.00	$0.00	$22.00
CD Costs	$200.00	$125.00	$300.00
Entry Fees	$150.00	$150.00	$150.00
Rehearsal space	$200.00	$0.00	$200.00
Finance Charge			
Rent Paid (Concerts)	$1,400.00	$1,192.00	$1,400.00
Concert Expenses	$100.00	$10.00	$75.00
Music Performance Rights	$275.00	$0.00	$550.00
Instrument Rental (TTSD)			
Instrument Service			
Instruments			
Printing			
Donations			
TVCB Shirts	$200.00	$220.00	$200.00
Music Purchases	$800.00	$725.10	$800.00
Music shipping	$80.00	$34.90	$80.00
Shipping (music return)	$50.00	$33.10	$50.00
Folios		$348.25	
Miscellaneous(audio system)			$500.00
TOTAL EXPENSES	**$3,255.00**	**$2,713.35**	**$4,005.00**
SCHOLARSHIP FUND			
Starting Balance	Final Balance	$3,821.94	$2,681.02
Interest Income CD Scholarship	$120.00	$121.00	$120.00
Scholarship Donations	$100.00	$248.25	$240.00
Total Income	$220.00	$369.25	$360.00
Expenses	$1,500.00	$1,500.00	$1,500.00
Final Balance	$3,821.94	2681.02	$1,541.02
NET BALANCE CHANGE			-$1,140.00

COMMUNITY EVENTS FUNDING REQUEST

Due: February 10, 2012

Event Name: Washington County Museum's Free! Family Day

Address: 17677 NW Springville Road, Portland, OR 97229

City, State, Zip: Portland, OR 97229

Contact Name: Karen Norris, Development Officer

Telephone Number: 503.645.5353 x110

E-mail address: karen@WashingtonCountyMuseum.org

1. **Request** (express in whole dollar amounts only)

Cash	$1,200
In-Kind Services-hours (use of City property, City staff support, etc. Please explain the services requested on a separate sheet)	_____
Total Request	$1,200

2. **Purpose of Funding Request:**

The Museum respectfully requests a $1,200 grant to bring its ***Free! Family Day*** program to Tigard for one Saturday during the summer of 2012 (date to be determined). Funding will provide free hands-on arts, culture and history activities for local children and families.

Free! Family Day, our most popular program, is held at the Museum monthly on the second Saturday throughout the school year (September to June). On these Saturdays, Museum admission is free for families. Each themed event features an art and craft activity and a history activity that both relate to a specific culture or spirit of the season.

While 10 events are held monthly at the Museum, another four to six, ***Free! Family Days on the Road***, take place at locations in Forest Grove/Cornelius, Tigard/Tualatin, Beaverton and Sherwood. This allows families from other Washington County communities to more easily participate without having to travel to the Museum on Portland Community College's Rock Creek Campus.

Upon notification of funding, the Museum will work with local community organizations to identify a location and available date for ***Free! Family Day in Tigard.*** Venue possibilities include the Tigard Public Library, John Tigard House (in conjunction with the Tigard Historical Association) or the Tigard Area Farmers Market. The Museum has successfully brought ***Free! Family Day*** to the Beaverton City Library and Hillsboro Tuesday Marketplace. This funding would allow us to reach the Tigard community in the same way.

The Museum presents ***Free! Family Days*** with partnering organization Print Arts Northwest – a local nonprofit arts organization that represents professional printmakers in the greater Northwest Region. Print Arts Northwest maintains its gallery at the Museum and provides the arts component of this program.

Through ***Free! Family Days***, the Washington County Museum aims to do the following:

- Provide a free educational activity for local families.
- Expose children to a variety of cultures.
- Foster creativity and imagination in children.
- Educate children and families about local heritage.
- Introduce new audiences to the Museum and Print Arts Northwest gallery.

During the last year, children and families participated in kite-making and fish-printing, enjoyed a puppet show by Tears of Joy Theatre, heard stories from living-history presenters, learned to quilt with the Westside Quilters Guild and made beautiful print artwork. They have collected colorful leaves and made fall placemats and prints with collograph foil plates. During the holidays, they made vintage wrapping paper, ornaments and cards. The Museum also provides a variety of vintage toys and games, historical artifacts and local animal pelts for hands-on exploration.

A summer event in Tigard will be designed using some of the Museum's most popular activities and those that are relevant to the season. Funding will be used toward staffing, transportation, promotion and outreach, venue rental fee (if required), activity supplies and copies, art supplies, artist stipend, refreshments and promotional flyers.

3. How will this event benefit the Tigard Community?

The Museum serves its community by interpreting and presenting the history of the county through exhibits and programs that focus on a range of topics. Learning about local history helps both children and parents better understand the past, how it shapes the present, and informs the future – supporting them in becoming informed, civically-engaged citizens who can help guide the county's future. ***Free! Family Days*** are a part of this service to the community and are also a fun, free way to learn something new and spend quality time together as a family.

Offering ***Free! Family Days*** throughout the local community meets the Museum's objective to make its educational programming available to broad and diverse audiences. Making activities accessible and free also allows the Museum to serve families with limited resources who may not otherwise visit Museums, or attend other cultural events.

4. How many Tigard <u>residents</u> do you anticipate participating in this event (or these events)?

The Museum's ***Free! Family Days*** serve an average of 150 children and families when held at the Museum. Taking the event "on the road" allows the Museum to serve increased numbers, up to 400 children and families depending on location. Holding the Museum's ***Family Day*** event at a site already seeing a significant amount of traffic (library, farmers market, etc.) ensures these participation numbers.

5. Please submit the following information with this request:

a. Most recent annual budget compared with the prior year's actual revenues and expenditures. The Budget should identify the period to which it applies, beginning and ending balances, major revenue sources, major expenditure categories, and number of authorized positions.
b. Audit report or financial statements for the last fiscal year.
c. Articles of Incorporation.*
d. 501(c)(3) status.*
e. Organization Bylaws*

Washington County Museum

Organization Budget
Current & Prior Year

REVENUE	FY 2010-2011 Actual	FY 2011-2012 Budgeted
Government – County and City	$131,206	$131,000
Fundraising, Memberships & Special Events	$168,541	$208,200
Restricted Gifts and Grants	$230,560	$170,000
Program Fees, Registrations, Admissions	$5,445	$6,900
Sales Income	$10,028	$3,920
Investment Income	$395	$250
In-Kind Contributions	$17,145	$31,000
TOTAL REVENUE:	**$563,320**	**$551,270**

EXPENSES		
Personnel	$206,528	$318,115 (6.5 FTE)
Advertising and Marketing	$5,867	$4,200
Bank Charges	$3,995	$3,100
Cost of Items for Resale	$2,799	$1,250
Dues and Subscriptions	$6,552	$1,135
Fundraising Event Expenses	$23,943	$20,100
Hospitality	$0	$2,000
Insurance	$7,976	$7,000
Interest Expense	$3,919	$4,500
Licenses and Fees	$939	$4,750
Training/Professional Development	$0	$2,300
Materials and Supplies:	$13,052	$28,200
Travel/Mileage Reimbursement	$1,970	$200
Office Supplies	$4,694	$6,000
Postage and Shipping	$4,695	$5,000
Printing and Reproduction	$11,606	$25,000
Professional Fees and Services	$56,206	$52,720
Facilities, Maintenance and Utilities	$26,302	$30,248
Exhibit Rental	$1,500	$0
In-Kind Expense	$17,145	$31,000
Depreciation Expense	$21,475	$4,452
Temporarily Restricted Funds	$115,325	$0
TOTAL EXPENSES:	**$536,488**	**$551,270**

Tigard 4th of July, Inc.
A Not for Profit Corporation
FIN 93-1031978

(503) 620-2844
Tigard Music
11579 SW Pacific Hwy
Tigard, Oregon 97223

February 9, 2012

Toby LaFrance
Finance Director
City of Tigard
13125 S.W. Hall Blvd.
Tigard, Oregon 97223

Dear Mr. LaFrance,

The Board of Directors of Tigard 4th of July, Inc., a Non Profit Corporation, submit this letter with enclosures as our Funding Request for the Fiscal Year 2012 - 2013.

To the criteria for funding, we submit the following comments:

(1) The Tigard Old Fashioned 4th of July Celebration is primarily for Tigard area residents; we do not advertise outside of the area.

(2) This event is open to all citizens, with the only restrictions being no alcoholic beverages, no smoking, no personal barbecues and no personal fireworks.

(3) We stress a family oriented type of celebration on this annual event, with effort to provide quality entertainment, a family/community style picnic atmosphere, and public opportunity to participate at no cost (unless they should desire to purchase snacks at very reasonable prices, the proceeds going toward the subsequent year's event).

(4) With twenty five annual events successfully accomplished (the first was in 1987), we feel that the event has proven to be valuable to the community, and very affordable for the city and the citizens attending.

(5) As with item (4), the Board of Directors feel that our success for twenty five years, and the records we have kept, demonstrate an ability to reach our goals and keep within reasonable budget commitments.

(6) Financial Statements are annually prepared and submitted.

(7) The Funding Request per our previous agreements with the City of Tigard are based upon the encouragement of other sources of revenue.

We hope you find the information contained herein to be adequate for the City's budgeting purposes. We also hope you look forward to enjoying each year's event as much as we look forward to putting it on.

Last year, the City of Tigard approved an award of $ 11,500.00 for the 2011/2012 fiscal year. We also received a supplemental allowance of $ 1,500.00 for insurance coverage. We took a draw on the current budget account in July of 2011. We will be seeking some or all of the remaining $ 1,000.00 prior to June of 2012.

For the fiscal year 2012/2013, the Board of Directors of Tigard 4th of July, Inc. **requests $ 13,500.00** in contribution from the City of Tigard **plus approximately $ 1,800** to assist with insurance costs we are incurring. For most of the twenty five years, we were able to present the event with the same $ 7,500 support from the City of Tigard. However, in recent years the costs have increased, other public/private support has been increasingly difficult to obtain, and the City's insurance carrier no longer allows for the event to be insured as a City event.

With regards to City in-kind contributions, we have identified the following impacted areas:

Public Works - If the City Public Works personnel prepare the fireworks firing trench; I have been previously advised that the estimated cost is $ 400 (1999 $ subject to indexed adjustment).

Police Department - The Police Department is advised of the event and incurs an estimated $ 1,200 (1999 $ subject to indexed adjustment) of cost for what primarily is traffic control after the event. Officers are present during the event more for public relations than for any policing requirements. We support the Officers presence, making some very important contacts with the citizens and youth in particular.

Administration - Insurance for the event is no longer available through the City. Tigard 4th of July, Inc. purchases fireworks liability insurance from the fireworks supplier and general liability insurance from a Special Events carrier.

Should you have questions about any of the above, please contact me for assistance.

Sincerely,

Ron Royse
President
RR/dbm

Enclosures

CC: Board Members

TIGARD 4TH OF JULY, INC.

Statement of Assets, Liabilities, & Fund Balance (Unaudited) December 31, 2011

		Current 12 Mo. Period	Year To Date
1000	**ASSETS**		
1450	Cash - Non Interest Bearing		
1451	Petty Cash	0.00	0.00
1452	General Checking Account	893.00	1,016.32
1460	Savings & Temp. Investments		
1461	Savings	0.00	0.00
1470	Accounts Receivable		
1471	Accounts Receivable	0.00	0.00
1476	(Uncollectable Allowance)	0.00	0.00
1480	Pledges Receivable		
1481	Pledges Receivable	0.00	0.00
1486	(Uncollectable Allowance)	0.00	0.00
1490	Grants Receivable		
1491	Grants Receivable	0.00	0.00
1500	Recievables from Related Parties		
1501	Receivables from Directors	0.00	0.00
1510	Other Receivables		
1511	Notes Receivable	0.00	0.00
1516	(Uncollectable Allowance)	0.00	0.00
1520	Inventories For Sale or Use		
1521	Inventories For Sale or Use	0.00	0.00
1530	Prepaid Expenses / Deferred Charges		
1531	Prepaid Expenses	0.00	0.00
1540	Investments - Securities		
1550	Investments - Assets		
1560	Investments - Other		
1570	Equipment		
1571	Equipment	0.00	0.00
1576	(Accumulated Depreciation)	0.00	0.00
1580	Other Assets		
	TOTAL ASSETS	**893.00**	**1,016.32**
2000	**LIABILITIES**		
2600	Accounts Payable & Accrued Exp		
2601	Accounts Payable	0.00	0.00
2610	Grants Payable		
2611	Grants Payable	0.00	0.00
2620	Revenue Designated (Future Per.)		
2621	Revenue Designated	0.00	0.00
2630	Loans from Related Parties		
2631	Loans from Directors	0.00	0.00
2640	Mortgages/Notes Payable		
2641	Notes Payable	0.00	0.00
2650	Other Liabilities		
2651	Other Liabilities	0.00	0.00
	Total Liabilities	**0.00**	**0.00**

TIGARD 4TH OF JULY, INC.

Statement of Assets, Liabilities, & Fund Balance (Unaudited) December 31, 2011

		Current 12 Mo. Period	Year To Date
3000	**FUND BALANCES**		
3670	Current Funds	0.00	0.00
3671	Unrestricted Funds	0.00	0.00
3676	Restricted Funds		
3680	Equipment Fund		
3690	Endowment Fund		
3700	Other Fund		
3710	Capital Stock or Trust Principal	0.00	0.00
3711	Capital Stock		
3720	Paid In or Capital Surplus		
3730	Retained Earnings / Accumulated Income		
3731	Retained Earnings > 01/01/2011	0.00	(123.32)
3732	Current Earnings > 12/31/2011	(893.00)	(893.00)
	Total Fund Balance	**(893.00)**	**(1,016.32)**
	TOTAL LIABILITIES & FUND BALANCE	**(893.00)**	**(1,016.32)**
		0.00	0.00

Footnote:	Tigard Music Donation ?	Not recorded
Footnote:	Arrow Mechanical Donation ?	Not recorded
Footnote:	Tigard Grant Pending	(1,000.00)

TIGARD 4TH OF JULY, INC.
Statement of Revenue & Expense (Unaudited) **December 31, 2011**

		Current 12 Mo. Period	Year To Date
4000	**INCOME**		
4010	Contributions, Gifts, Grants		
4011	Direct Public Support	(254.00)	(254.00)
4012	Indirect Public Support	0.00	0.00
4013	Government Grants	(14,500.00)	(14,500.00)
4020	Program Service Revenue		
4030	Membership Dues / Assessments		
4040	Interest Earnings		
4050	Dividends / Interest on Securities		
4060	Net Rental Income		
4061	Gross Rents	0.00	0.00
4066	Rental Expenses	0.00	0.00
4070	Other Investment Income		
4080	Gain / Loss from Sale of Assets		
4081	Gross Sale Amount	0.00	0.00
4086	Cost / Expense	0.00	0.00
4090	Fundraising Events		
4091	Gross Revenues	0.00	0.00
4096	Direct Expenses	0.00	0.00
4100	Gross Profit from Sales		
4101	Gross Sales Less Returns	0.00	0.00
4106	Cost of Goods Sold	0.00	0.00
4107	Cost of Goods Sold	0.00	0.00
4108	Cost of Goods Sold - Permit	0.00	0.00
4110	Other Revenue		
	Total Revenue	**(14,754.00)**	**(14,754.00)**
6000	**EXPENSES**		
6130	Program Service Expenses		
6131	Tigard 4th Celebration	13,658.00	13,658.00
6140	Management & General Expenses		
6141	Bank Service Charges	143.00	143.00
6142	Miscellaneous - Government	60.00	60.00
6150	Fundraising Expenses		
6151	Miscellaneous	0.00	0.00
6160	Payments to Affiliates		
	Total Expense	**13,861.00**	**13,861.00**
	(Excess) or Deficit	**(893.00)**	**(893.00)**

February 15, 2012

City of Tigard
C/O Finance Department
13125 SW Hall Blvd.
Tigard, OR 97223

RE: Festival of Balloons Continued Increased Grant Request to the City of Tigard

Thanks to the City of Tigard and the community support for more than 27 years, the Festival of Balloons in Tigard has grown to be a premiere community event in Oregon and one of the premiere hot air balloon festivals in the Northwest. In 2011, the Festival of Balloons in Tigard celebrated its 27th Anniversary and set the path for continued growth. Event partnerships are critical to the sustainability and growth of this event, especially in this current economic climate. This year, the Festival of Balloons in Tigard, respectfully requests continued increased support from the City of Tigard, to support its efforts to showcase Tigard as the vibrant community it is -- more than just a "suburb of the Portland market".

The Festival of Balloons in Tigard is a non-profit organization dedicated to raising funds for many vital non-profit groups in Tigard, while providing a family-friendly event for the entire community. Groups benefiting from Festival funds have included: Tigard Breakfast Rotary, Tigard Lunch Rotary, American Cancer Society – Relay for Life Tigard-Tualatin, Tigard High School Boosters, Tigard High School Band Auxiliary, Tigard High School Grad Night Committee, Southside Soccer, and local elementary, middle, and high schools with the Z100 promotion that we have created. The Festival of Balloons in Tigard raises approximately $35,000 for local Tigard non-profits and local schools annually. We are VERY proud of this!

Every year, approximately 20,000 spectators, volunteers, and travelers arrive at Tigard's beautiful Cook Park to experience the amazing sight of up to twenty five hot air balloons, to shop at the craft vendor booths, to dare the rides at the area's finest carnival, listen to live music, or to root for their teams in the youth soccer tournament. Evenings of balloons glowing, food, and music, keeps the community entertained for three full days, attracting local residents who mingle among their fellow neighbors, as well as to welcome visitors to Tigard. The Festival proudly displays that Tigard is a great place to live and work.

Past funding from the City of Tigard, annually has been a much-appreciated and vital resource for this event. The in-kind services of approximately $65,000 that has been provided are essential to the functionality of this community festival. **In 2013, to reach additional audiences with more aggressive marketing efforts, to enhance the guests' on-site experience, and due to these tough economic times where corporate sponsorship support has dwindled, the Festival of Balloons requests a $25,000 cash grant plus the continued in-kind services support.**

In return for this increased support, the Festival of Balloons will position The City of Tigard as a major sponsor of the Festival, complete with exposure on marketing and collateral materials, as well as the incorporation of a key city message into those marketing elements, as the City requests. We will gladly address additional specific City needs and are happy to host a meeting to finalize the details. Please contact Cindy Padilla at 503.612.8204 or at cpadilla@dpnicoli.com.

Thank you for your continued support of this important community event. We look forward to celebrating our 28th Anniversary this June 22-24 at Cook Park!

Sincerely,

Cindy Padilla

Cindy Padilla
Executive Director

10:32 AM
01/26/12
Cash Basis

Tigard Festival of Balloons, Inc.
Profit & Loss
January through December 2011

		Jan - Dec 11
Ordinary Income/Expense		
Income		
Corporate Events - Revenue		8,578.29
Car Show Revenue		
Rafile	369.00	
Registrations	2,290.00	
Total Car Show Revenue		2,659.00
Soccer Tourney Revenue		
Soccer Commission Revenue	767.70	
Registrations	20,540.00	
Total Soccer Tourney Revenue		21,307.70
Balloons Revenue		
Corporate Entry Fees	1,500.00	
Total Balloons Revenue		1,500.00
Field Merchant Revenue		
Business Expos	7,538.50	
Craft Vendors	7,560.00	
Food Vendors	9,685.00	
Total Field Merchant Revenue		24,783.50
Admissions Revenue		
Gate		
Friday Gate	16,329.85	
Saturday Gate	29,934.50	
Sunday Gate	9,039.33	
Total Gate	55,303.68	
Pre-Sales		
Marketing Online	5,615.61	
Wristband Fundraiser	2,776.00	
Wristband Gate	3,699.00	
3 Day Entrance Pass	11,794.87	
Total Pre-Sales	23,885.48	
Total Admissions Revenue		79,189.16
Parking Revenue		
Pre-Sales Parking	3,121.80	
Friday	5,527.51	
Saturday	10,184.75	
Sunday	5,638.77	
Total Parking Revenue		24,472.83
Shuttle Revenue		
Friday	1,083.47	
Saturday	2,589.86	
Sunday	1,217.86	
Total Shuttle Revenue		4,891.19
Sponsorships Revenue		
Grant	15,000.00	
Sponsorship General	12,000.00	
Total Sponsorships Revenue		27,000.00
Carnival Revenue		13,849.79
Ice Revenue		3,575.50
5K Run Revenue		1,000.00
Total Income		212,806.96

Tigard Festival of Balloons, Inc.
Profit & Loss
January through December 2011

		Jan - Dec 11
Cost of Goods Sold		
Corporate Events - Costs		
Corp Events - F&B	2,856.00	
Total Corporate Events - Costs		2,856.00
Car Show Costs		
Raffle Payout	369.00	
Adverstising	1,418.95	
Awards	473.75	
Commissions	1,000.00	
Signs	64.44	
Total Car Show Costs		3,326.14
Soccer Tourney Costs		
Awards - General	1,200.21	
Commissions	8,704.35	
Hosting Services - Field/Equip	1,230.00	
Signs	14.00	
Referees	3,544.00	
Staff	1,640.00	
Scheduling Software	820.00	
Supplies - General	300.00	
Soccer Reimbursement	0.00	
Total Soccer Tourney Costs		17,452.56
Wristband Day Costs		
Commissions-Fundraising	1,629.00	
Total Wristband Day Costs		1,629.00
Balloon (Pilot) Costs		
Office Supplies & Signage	25.00	
Awards	88.00	
Propane and Deisel	2,642.69	
Pilot Gifts	312.82	
Pilot Meals & Lodging	2,753.13	
Pilot Show Up Fees	4,000.00	
Total Balloon (Pilot) Costs		9,821.64
Admissions Costs		
Commissions	8,000.00	
Entrance Tickets	1,771.27	
Total Admissions Costs		9,771.27
Parking Costs		
Commissions	10,770.78	
Signs	76.87	
Pass Printing	217.47	
Parking Costs - Other	1,516.68	
Total Parking Costs		12,581.80
Shuttle Costs		
Commissions	2,000.00	
Golf Carts	2,563.00	
Total Shuttle Costs		4,563.00
Other Costs		
Ice Costs	4,466.20	
Total Other Costs		4,466.20
Total COGS		66,467.61
Gross Profit		146,339.35

Tigard Festival of Balloons, Inc.
Profit & Loss
January through December 2011

		Jan - Dec 11
Expense		
Advertising - Festival		
Radio	9,000.00	
Website	2,159.40	
Total Advertising - Festival		11,159.40
Bank Fees		639.03
Equipment Rental and Maint		210.00
Event Staff (Temp)		7,350.00
Food and Beverage		100.23
Insurance Expense		
Directors & Officers	1,404.00	
Event Policy	8,162.00	
General Liability	931.00	
Total Insurance Expense		10,497.00
Licenses, Permits, Misc Taxes		125.00
Lighting		1,150.96
Office Supplies		124.98
Mileage		94.35
Port-A-Potties		2,343.00
Postage, Mailing Service		185.00
Professional Fees		
Event Planning	6,235.00	
Accounting	685.00	
Clean-Up	1,000.00	
Electrical	8,325.00	
Music	20,025.00	
Security	11,716.31	
Total Professional Fees		47,986.31
Shirts & Clothing		1,103.56
Signs - Festival		3,387.55
Storage		2,784.60
Telephone & Internet		1,056.00
Tents and Staging		14,931.64
VIP Tent		29.48
Total Expense		105,258.09
Net Ordinary Income		41,081.26
Other Income/Expense		
Other Income		
Interest Earned		18.11
Total Other Income		18.11
Net Other Income		18.11
Net Income		41,099.37

2011 Tigard Festival of Balloons Actual

REVENUE	2010 - Actual	2011 Budget	2011 Actual
Corporate Events			**$8,578.29**
Car Show	**$3,215.00**	**$3,500.00**	**$4,159.00**
Registrations	$1,615.00		$2,290.00
Sponsorship	$1,500.00		$1,500.00
Raffle			$369.00
Vendors	$100.00		$0.00
Soccer Tournament Registration	**$15,050.00**	**$17,000.00**	**$21,307.70**
Registrations			$20,540.00
Vendors			$767.70
5K Run			$1,000.00
Balloon Entry Fees	**$3,000.00**	**$1,500.00**	**$1,500.00**
Vendor Fees	**$27,835.87**	**$27,000.00**	**$24,783.50**
Craft Vendors	$7,490.00		$7,560.00
Food Vendors	$8,275.87		$9,685.00
Commercial Exhibitors	$12,070.00		$7,538.50
Admissions Revenue	**$54,502.62**	**$40,000.00**	**$55,303.68**
Friday 1,428 at $7	$16,380.06		$16,329.85
Saturday 2,785 at $7	$27,839.44		$29,934.50
Sunday 785 at $7	$10,283.12		$9,039.33
Pre-Sales	**$16,347.67**	**$17,500.00**	**$23,885.48**
Wristband Fundraiser -money not desig	$1,992.44		$2,776.00
$4 portion of single day entrance	$3,984.87		$3,699.00
3 Day Entrance Pass	$10,370.36		$11,794.87
Marketing Online (Sharing Spree)			$5,615.61
Parking	**$19,602.79**	**$16,500.00**	**$24,472.83**
Friday 750 at $5	$3,373.89		$5,527.51
Saturday 1,000 at $5	$8,960.50		$10,184.75
Sunday 400 at $5	$5,594.52		$5,638.77
Online Parking Passes	$1,673.88		$3,121.80
Shuttle	**$3,614.89**	**$3,000.00**	**$4,891.19**

Oustanding Revenue Items

$180 - Ice

Outstanding Expense Items

$3,483.32 remaining from the original $5K field repair allotment.

Friday	$1,088.72		$1,083.47	
Saturday	$1,324.36		$2,589.86	
Sunday	$1,201.81		$1,217.86	
Sponsorship Revenue	**$6,050.30**	**$8,000.00**	**$10,500.00**	
General				
Landmark Ford - Disocunt Ticket	$1,500.00	$1,000.00	$1,000.00	
Cash (Valorie)	$50.30			
Mobile tours		$3,500.00	$3,500.00	
Landmark Ford - Back of Tickets	$1,000.00	$1,000.00	$1,000.00	
General Festival Sponsor - Veris Industries			$1,000.00	
Beer Garden	$3,500.00		$4,000.00	
Famous Dave's BBQ		TRADE		
Soccer				
Balloons				
Grants Revenue	**$15,000.00**	**$15,000.00**	**$15,000.00**	
City of Tigard	$15,000.00			
Carnival	**$14,292.00**	**$15,000.00**	**$13,849.79**	
Other	**$867.90**	**$500.00**	**$3,515.50**	
Ice/Soda	$326.50	$0.00	$3,515.50	
Helicopter	$541.40	$500.00	$0.00	
Total Revenue	**$179,379.04**	**$164,500.00**	**$212,746.96**	
EXPENSES	**2010**	**2011**		
EVENT EXPENSES:				
Corporate Events			**$2,856.00**	
Car Show	$2,918.26	$3,000.00	**$3,326.14**	
Soccer Tournament	$12,140.58	$14,000.00	**$17,452.56**	
BBQ Awards	$0.00	$0.00	**$0.00**	
Wristbands Commissions	$1,830.00	$2,000.00	**$1,629.00**	
Balloons	$9,394.05	$10,000.00	**$9,821.64**	
Admission Expense	$9,321.54	$9,300.00	**$9,771.27**	
Parking Expenses	$12,977.20	$11,500.00	**$12,581.80**	Will increase - after THS field repairs ($3,483.32 remaning unpaid of the $5K alloted)
Shuttle Costs	$4,317.11	$4,500.00	**$4,563.00**	
Educational Curriculum and Attraction			**$0.00**	
Garbage / RiverCity Environmental			**$0.00**	
Ice	$833.40	$400.00	**$4,466.20**	
Equipment Rental (Radios)			**$210.00**	
Permits	$125.00	$125.00	**$75.00**	
Lighting	$1,479.19	$1,500.00	**$1,150.96**	

Toilets	$3,165.50	$3,300.00	**$2,343.00**	
Clean Up	$1,000.00	$1,000.00	**$1,000.00**	
Electrical	$7,365.00	$7,500.00	**$8,325.00**	
Music	$18,050.00	$20,000.00	**$20,025.00**	
Security	$11,204.13	$13,000.00	**$11,716.31**	
Shirts and Clothing	$543.94	$600.00	**$1,103.56**	
Tents and Staging	$13,396.75	$12,000.00	**$14,931.64**	
VIP Tent	$290.04	$250.00	**$29.48**	
Décor/Cold Air Balloon				
Total Event Expenses	**$110,351.69**	**$113,975.00**	**$127,377.56**	
MARKETING/PR EXPENSES:				
Print Ads	$872.57	$1,500.00	**$0.00**	
Radio	$9,540.00	$9,000.00	**$9,000.00**	
Website	$959.40	$2,000.00	**$1,919.55**	
Subscriptions				
Printing/Collateral	$47.00	$250.00		
Signs and Banners	$4,009.40	$5,000.00	**$3,387.55**	
Total Marketing/PR Expenses	**$15,428.37**	**$17,750.00**	**$14,307.10**	
ADMIN COSTS:				
Event Staff, Temporary	$4,848.00	$5,000.00	**$4,350.00**	
Food and Beverage	$29.98	$100.00	**$100.23**	
Insurance Expense	$10,486.00	$10,500.00	**$10,497.00**	
Supplies, Office	$279.80	$400.00	**$124.98**	
Postage	$251.69	$300.00	**$185.00**	
Event Planning Fees	$1,194.88	$1,000.00	**$6,235.00**	
Bank Fees	$328.00	$500.00	**$639.03**	
Accounting Fees	$665.00	$750.00	**$685.00**	
Mileage	$93.00	$250.00	**$94.35**	
Storage	$2,784.60	$2,800.00	**$2,784.60**	
Telephone and Internet	$1,153.15	$1,200.00	**$768.00**	To date - Will increase
Misc Expense		$250.00		
Total Admin Expense	**$22,114.10**	**$23,050.00**	**$26,463.19**	
TOTAL EXPENSES	**$ 147,894**	**$ 154,775**	**$ 168,148**	
Other Income				
Earned Interest	**$10.66**	**$15.00**	**$10.88**	To Date - Will increase
Total Other Income				
NET PROFIT	**$31,495.54**	**$9,740.00**	**$44,609.99**	

AIS-782 **2.**

Business Meeting

Meeting Date:	02/28/2012		
Length (in minutes):	5 Minutes		
Agenda Title:	Proclaim March Earthquake Awareness Month		
Prepared For:	Joanne Bengtson	**Submitted By:**	Joanne Bengtson, City Management
Item Type:	Update, Discussion, Direct Staff	**Meeting Type:**	Proclamation

Information

ISSUE

Should the Mayor proclaim March 2012 as Earthquake Awareness Month?

STAFF RECOMMENDATION / ACTION REQUEST

N/A

KEY FACTS AND INFORMATION SUMMARY

The Governor will proclaim the month of March 2012 as Earthquake and Tsunami Awareness Month in Oregon. In the past, April has traditionally been Earthquake and Tsunami Awareness Month in Oregon. A decision was made this year to move it to March so it overlapped with National Tsunami Awareness Week and to coincide with the anniversary of the Great Japan Earthquake and Tsunami.

Last year the Mayor and Council did proclaim April as Earthquake Awareness Month.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

Last year the Mayor made this proclamation in March 2011.

Attachments

Earthquake Preparedness Month Proclamation

Proclamation

City of Tigard

EARTHQUAKE AWARENESS MONTH

WHEREAS, Scientific evidence indicates that the State of Oregon is at risk for a large damaging earthquake and tsunami; and

WHEREAS, The City of Tigard and its residents are vulnerable to the impacts of earthquakes; and

WHEREAS, Being prepared for earthquakes and other disasters must be undertaken at the individual, family and business level; and

WHEREAS, The State of Oregon has designated March as Earthquake Awareness Month to increase public awareness, understanding and education of earthquake risk; and

WHEREAS, Earthquake Awareness Month is a good time to begin making preparations for catastrophic emergencies by taking advantage of the city's earthquake and general disaster preparedness information and opportunities; and

WHEREAS, The city encourages residents to be prepared, alert and aware of threats to the safety and security of our community; and

WHEREAS, Being prepared for earthquakes prepares you for all potential natural disasters; and

WHEREAS, Tigard citizens that have taken the time to prepare for an earthquake or other emergency are in a better position to care for their family until emergency services are restored and they are often able to assist others in the event of such a disaster.

NOW, THEREFORE, I, Craig E. Dirksen, Mayor of the City of Tigard, do hereby proclaim March 2012, as

EARTHQUAKE AWARENESS MONTH

And encourage all Tigard residents to seriously contemplate the state of their personal preparedness, strive to meet the challenge of increasing their self-reliance and recognize the need to provide provisions in case emergency strikes.

Dated this _____ day of *March, 2012*

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.

_____
Craig E. Dirksen, Mayor
City of Tigard

Attest:

_____
City Recorder

AIS-837

4. A.

Business Meeting

Meeting Date:	02/28/2012		
Length (in minutes):	Consent Item		
Agenda Title:	Approve City Council Meeting Minutes		
Submitted By:	Cathy Wheatley, Administrative Services		
Item Type:	Motion Requested	**Meeting Type:**	Consent Agenda

Information

ISSUE

Approve City Council meeting minutes.

STAFF RECOMMENDATION / ACTION REQUEST

Approve minutes as submitted.

KEY FACTS AND INFORMATION SUMMARY

Attached council minutes are submitted for City Council approval. (Dates of meetings are listed under "Attachments" below.)

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

January 30, 2012 Special Meeting Minutes

City *of* Tigard
Tigard Special Meeting - Minutes

TIGARD CITY COUNCIL AND TIGARD-TUALATIN SCHOOL BOARD MEETING	
MEETING DATE AND TIME:	January 30, 2012 7:00 p.m.
MEETING LOCATION:	City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

1. SPECIAL MEETING

A. Call to Order- Mayor Dirksen

B. Roll Call

City Council roll call:

Name	Present	Absent
Mayor Dirksen	✓	
Council President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson	✓	
Councilor Woodard	✓	

Tigard staff: City Manager Wine, Assistant City Manager Newton, City Recorder Wheatley, Assistant Public Works Director Rager, Community Development Director Bunch, Parks Facilities Manager Martin

School Board roll call:

Name	Present	Absent
Chair Wolf	✓	
Vice Chair Turhune	✓	
Board Member Albertson	✓	
Board Member Smith	✓	
Board Member Zurschmeide	✓	

School Board staff: Superintendent Saxton, Director of Human Resources Brown, Director of Community Relations Stark Haydon, Executive Assistant to the Superintendent and Board Roberts

C. Pledge of Allegiance

2. Discussion Topics for the Joint Meeting with Tigard-Tualatin School Board:

Mayor Dirksen reviewed the scope of tonight's agenda and noted estimated time allotments for each item with the goal of concluding the meeting by 8:30 p.m.

A. Review recent accomplishments and goals of the district and the city.

Superintendent Saxton presented an electronic slide package entitled, "City of Tigard, Tigard-Tualatin SD Joint Meeting 1-30-12." A copy of the presentation is filed in the meeting packet. Topics covered included:

- Strategic Plan 2011-2016, which was adopted January 23, 2012, by the School District Board.
- Comprehensive K-12 literacy program –reading is the most important thing to teach children.
- New science curriculum adopted and currently being implemented.
- Technology initiative due to bond passage ($10 million for technology and text books). The district has 6,500 technology devices now and expects to add 2,000 this summer. Teachers are utilizing the technology to change instruction and teach students to use technology at a high level. Innovative grants were received this year and are anticipated for next year.
- The Tigard-Tualatin Online Academy opens Monday, February 6. Students will be able to access a full curriculum to earn a high school diploma. This offering differs from most in the state because it will be a hybrid model offering a location for students to meet with teachers and use computers. Students can participate in the academy at the school or at home. About 52 students have signed up so far.
- Middle Years International Baccalaureate (IB) -- A rigorous curriculum for Grades 11 and 12 exists now. The district is creating an IB program for Grades 6-10 for all students and then they would have a choice whether to continue in Grades 11 and 12. The program is in its exploration phase.
- The District is in an exploration phase of dual language immersion programming in at least one, maybe two, elementary schools next year. Students would receive instruction in Spanish and English to allow students to become bi-lingual in Spanish/English by the end of 5th grade. Metzger Elementary is the likely pilot school.
- Review of the "common core curriculum," which is a high-level internationally competitive curriculum. Testing from this curriculum is expected by 2014.
- Reviewed several graphs for reading, math, science, and writing of district students – scores are trending upward in almost all areas.

- The district's drop-out rate is 1.2 percent (high school). Four-year graduation rate is 82 percent compared to 67 percent at the state level. The five-year graduation rate in the district is 87 percent. In response to a question from Council President Buehner, Superintendent Saxton advised there are numerous comparisons between United States/Oregon with international standards. Typically, U S students do not score as well as students from Finland, China, Japan, Singapore, and South Korea. One of the common core curriculum goals is to raise standards so US students can compete on an international basis.

Mayor Dirksen reviewed achievements by the City of Tigard in the last couple of years:

- Transportation projects completed on Pacific Highway.
- Gains made with downtown improvements including reconstruction of Burnham Street. Plans are underway to reconstruct the south end of Main Street for aesthetics under the guidelines established for a "green street."
- Voters approved a park bond measure in 2010. The city has been carrying out its promises to use funds from the bond to purchase park properties. He referred to a purchase of properties near Fowler Middle School and on top of Bull Mountain along with some smaller parcels to expand the city's park inventory and to provide a greater level of service for a more urbanized area in the future. The primary purpose of the bond measure was to purchase more land so it is in public ownership and protected from potential development. Some of the bond proceeds are earmarked for future park development.
- The Mayor reviewed council's recently adopted 2012 City Council Goals. A copy of the goals were distributed to meeting participants and his review included the following:
    - Take the next step on major projects to which the city has already committed. One of those projects is to work on the Lake Oswego/Tigard Water Partnership. Through this partnership with Lake Oswego, in 2016 the city will transfer to a joint water supply system from the Clackamas River. This will give Tigard a direct ownership in its water source assuring more control over rates, capital projects funding and water availability.
    - The city will be working on the SW Corridor Plan regarding land-use policies along Pacific Highway and reviewing high capacity transit (HCT) coming from downtown Portland (Barbur Blvd., through Tigard, ending in Sherwood). Construction on the HCT could begin within the next ten years.
    - The city is working on improvements to its Tree Code. The City Council adopted an Urban Forestry Plan and the next step is to determine how the Tree Code needs to be amended. This project has included extensive public outreach and bringing people together from diverse viewpoints. The goal is to expand the urban forest canopy in Tigard from 25 percent to 38-40 percent, which is within national guidelines. After a review by the Planning Commission, the Plan will come before the City Council.
    - The city is looking to achieve long-term financial sustainability.

- The city has a goal to look at some aggressive projects to spur development and activity in the downtown. Over the years citizens have said that a vital downtown is important. The downtown is the "heart of Tigard."
- The Council will be reviewing its annexation policy with potential changes to address expansion and growth taking place to the west of the city.
- For the goal on recreation, the mayor advised the City Council would like to talk with district officials this evening about a potential partnership to better use the facilities owned by the city and school district; i.e., fields, and other facilities. The hope is to offer Tigard citizens better and more efficient use of these resources.
- The mayor reviewed the five-year City Council goals:
  - Obtain Ash Avenue railroad crossing in the downtown for better circulation flow.
  - Consider an urban renewal district along Pacific Highway should there be opportunities that come from the SW Corridor Plan.
  - Support the legislature to address the long-term financial needs of state and local governments.
  - Identify funding for city facility needs.
- Longer-term City Council goals include:
  - Continue to pursue opportunities to reduce traffic congestion.
  - Continue implementing the Downtown Urban Renewal Plan.
  - Continue monitoring the Tigard/Lake Oswego Water Partnership.

- Councilor Wilson added one of the City Council's accomplishments this year was hiring a new city manager. He introduced City Manager Wine. School Board Chairperson Maureen Wolf participated with the City Manager selection process; she said she was thrilled with the selection of Ms. Wine as the City Manager.

B. Explore the potential for partnership opportunities between the district and the city.

Mayor Dirksen introduced this agenda item. He asked Superintendent Saxton to take the lead in the discussion.

Superintendent Saxton said he realized there is some interest by the city in ball fields He referred to aerial photos in his slide presentation showing ball fields at the following schools: Alberta Rider, Durham Elementary, Metzger Elementary, Twality Middle School/Templeton Elementary, CF Tigard Elementary, Mary Woodard Elementary, Fowler Middle School, Tigard High School and the Art Rutkin School site. Each of these schools also have gymnasium spaces. The Alberta Rider cabin provides for interesting possibilities. Also, there is acreage at the Art Rutkin site that has potential for park usage.

Superintendent Saxton, when reviewing the slide showing the area around the Fowler Middle School, advised the district is in discussions with Westside Christian High School about potential joint use of some of the property for an artificial turf field. He noted the turf fields are used all year.

Board Member Zurschmeide commented on the positive aspects of the city's successful park bond measure, which resulted in the city's ability to purchase property adjacent to Fowler Middle School. School Board Chairperson Wolf added that there is a tremendous interest in parks, as evidenced in recent election results. She said "we have to be smarter, we have to work together and really use our resources to the best we can…I am excited to have this conversation to really hear what you are thinking and what your vision is in how the city would play into it. I think it is a great opportunity."

Mayor Dirksen said the city believes there is potential for the city and school district to do much more in the way of sharing resources to utilize facilities, making them more readily accessible to the entire community. The partnership could take the form of many different things. He suggested putting together a few initial agreements and expand the partnership from there. When he was elected in 2000, there was a measure before voters to form the Atfalati Park and Recreation District, creating a taxing authority similar to the Tualatin Hills Park & Recreation District (THRPD). The measure failed by a substantial margin. City officials have heard from citizens that they like the concept of a recreation district; however, they were concerned about creating a separate taxing entity. While the THRPD is very nice, it also expensive with a tax rate on its own that is the equivalent to the tax rate of some cities in the Portland metropolitan area. We have heard from many of our citizens that they would rather see a park and a recreation district as part of the city, not as a separate district.

Mayor Dirksen suggested finding a way to create a single administration -- an entity – that schedules and coordinates the use of all of the facilities, whether they be ball fields or gymnasiums and work with the different partners. There are probably some efficiencies that could be found to make these facilities more available to everyone. The initial partnership could be started by having members of staff from the district and the city meet to identify options for an office/person to coordinate the facilities owned by the city and the school district.

Mayor Dirksen referred to Superintendent Saxton's comment about the school district's partnership with Westside Christian High School. He said this has been done before with the Tigard Soccer Club to install the artificial field at the high school. These are examples of the numerous ways to pool resources and work together. Tonight, he hoped the board and council would agree to commit staff time to review and propose options.

In response to a question from School Board Member Albertson, Mayor Dirksen said the city's Park and Recreation Advisory Board has come to the City Council on more than one occasion to request funding be included in the budget for a recreation program and to build a facility such as a community center. Budget challenges have prevented the city from approving this request, although, there is a desire to provide a recreation program. Citizens regularly communicate their desire to have recreation facilities and programs for children and adults. To accomplish this, at least in the short term, the city is hoping that by working with the school district opportunities

can be identified by using what we already have in a more efficient way. School board member Albertson commented on the use of fields and that such a partnership could also mean that the facilities could be available all year round. Mayor Dirksen said city officials were thinking of asking groups who currently use the fields (such as the Little League and the Soccer Club) to participate in discussions about recreation. School Board Chairperson Wolf suggested that once the staff members come together for the initial discussions, they will be able to identify other groups that should be involved in the process.

Councilor Woodard advised for the last year he has been the council liaison to the city's Park and Recreation Advisory Board. Recreation has long been on the minds of the board and citizens of Tigard, but the difficulty has been in determining how to make it happen – especially since the recent hard economic times. The PRAB is hopeful that from the discussions between the city and school district officials, a way is found to work together. The recreation program might start out small, but by working together opportunities could be found so it is feasible to offer more. Councilor Woodard noted his appreciation for this meeting and is looking forward to what might develop from here.

Councilor Wilson said the youth in the community have been well served by existing volunteer organizations. He said he did not think the intent is to usurp anything from what is currently being offered. The idea is to explore having the city become a clearinghouse or coordinator of recreation opportunities. Councilor Wilson noted that the school district spans two cities. The City of Tualatin has done joint projects with the school district. The City of Sherwood also has arrangements with its school district where the city maintains the fields and pays for the water. Councilor Wilson suggested that at some point in the future we can look at under-utilized acreages for long-term improvements along with the coordination of groups that already exist. The city has parks, but not that many playing fields compared to what the school district has. The city would be dependent on the school district to provide this resource; although, he acknowledged this is not the district's core mission.

Board Member Smith said he thinks there is a lot of interest from groups in existence who are organized to provide opportunities for organized sports; he specifically referenced the youth football group that at one time wanted to lease a playing a field.

Mayor Dirksen supported the idea of starting small and building upon successes to gain support to do more in the future.

Mayor Dirksen summarized that he heard general consensus by board members and council members that staff representatives of the school district and city should get to together to begin talks about options and possibilities including ideas about how to create/fund an office to act as a central facilities coordinator.

City Manager Wine advised staff members could work to explore ideas and return with some concepts in the next few months. Superintendent Saxton added that he thought this was an exciting opportunity. Similar ventures in the City of Sherwood have served that community well.

Councilor Woodard suggested adult intramural sports might also be something to consider. Mayor Dirksen said he hoped that these types of activities can be included because of the efforts begun tonight.

In response to a question from Councilor Woodard, Mayor Dirksen said his thought was that the first step would be for staff to meet and outline some basic concepts for the board and the council to review. He suggested the City Council would review these concepts with the Park and Recreation Advisory Board, but this can be determined later.

C. Overview trends facing the school district that are shaping the need for facility/program changes.

Superintendent Saxton referred to a document entitled, Tigard-Tualatin School District Enrollment Forecast Update 2012-13 to 2021-22, prepared by Portland State University Population Research Center. This information is important because the number of students determines the amount of funding for the district. The information is also used for an annual long-range facility planning process. Interesting information includes:

- The district had an enrollment decrease over the last three years (decreased by 229 students). Last year the decrease was 27 students, which was the smallest decrease in the last three years. The falling numbers are attributed to the recession and that residents are beginning to "age in place." The metro region has lost 60,000 jobs since 2008; people have left the area.
- There is room for 10,500 additional housing units within district boundaries. Of those, 4,000 are in areas that have not been developed at all and the remaining units are infill or redevelopment.
- The district area is projected to have about 8 percent growth until 2021 (949 students). This is not a fast-growth rate – it's just less than 1 percent per year.
- The legislature passed a bill in the last session for mandatory full-day kindergarten beginning 2015. This means there will be a need for two more classrooms at each of the elementary schools.
- Housing types generate, historically, differing average numbers of students per unit, with condominiums and manufactured homes having the lowest numbers.
- From enrollment forecasts by school, by 2021/22, elementary schools are expected to have 497 more students, middle schools 194, and high schools 258 (949 total).

Council President Buehner asked about assumptions by the demographer and whether there was awareness of the development plans for the increased density in the downtown and Triangle. She said she would also be interested in the density assumptions for River Terrace, which might be increased to 15 units per acre. Superintendent Saxton said he was uncertain about the assumptions for downtown; however, planning staff members from those cities within the district are contacted for this information. The River Terrace areas was projected at an R-12 zoning density.

Demographic information will be monitored as trends will likely change.

Council President Buehner noted the importance of having the school district involved as the city creates the community plan for the River Terrace area to plan for future student populations. Superintendent Saxton said the district had members participate on both the technical committee and the citizens committee when the concept plan was prepared by Washington County. He indicated the district would be willing to have at least one participant for any planning the city does.

Councilor Wilson commented on the statement that people appear to be aging in place and how that has impacted enrollments. Superintendent Saxton referred to a chart in the Forecast that shows the relationship between birth cohorts and kindergarten enrollments in Tigard-Tualatin. Experience has been for significant decline in kindergarten (i.e., Mary Woodward) enrollment as neighborhoods become more established and residents age in place. In the Metzger area, young families have moved-in due to infill and kindergarten enrollment has increased. The district might need to look at a boundary adjustment between C.F. Tigard, Mary Woodward and Metzger elementary schools. As the economy recovers, the district anticipates a significant increase in the number of students will occur.

Superintendent Saxton noted there has been an increase in Hispanic enrollment; however, the rate of increase has decreased significantly over the last four years.

In response to a comment from Councilor Henderson, Superintendent Saxton said an increase is expected to the point additional facility capacity might be needed somewhere between 2016-2018.

Mayor Dirksen commented on the history of growth in the area and the recent expansion of the Urban Growth Boundary and the addition of the River Terrace area to the City of Tigard. As the community plan is completed and development begins, we will see another growth in housing units leading to growth within the district.

Community Development Director Bunch welcomed and urged participation in the upcoming work to be done to develop the community plan for the River Terrace area. He distributed and reviewed information entitled, "River Terrace Facts." Total acreage is about 535. Tigard and Washington County agreed that areas 63 and 64 can be most efficiently urbanized by a city capable of providing the full range of urban services. For urbanization to take place, the city must refine the County Concept Plan (West Bull Mountain) into an implementable Community Plan.

Community Development Director Bunch reviewed the recently annexed River Terrace area consisting of approximately of 218 acres (Area 64). This area is connected by a utility corridor to the City of Tigard. There are 50 acres of a recently expanded area within the Urban Growth Boundary, which connects Area 63 to the newly annexed area.

Additional annexation of areas adjacent to 64 are anticipated in late spring, early summer though a "triple majority" annexation process.

Community Development Director Bunch described components of the community plan, which will contain all of the ordinances, master plans, and a business plan to develop the area for urban uses. This plan is required by both the state and metro, which will take the concept to a plan for urbanization. This is a significant exercise that will take between 18 to 24 months per Community Development Director Bunch. He reviewed the timeline of activities and the agencies, property owners and developers that will be asked to participate. Staff is working with the county to identify some funding for the plan development using some construction excise tax. Additional lands are anticipated. Beaverton will work with Tigard because of their commitment to expand their Urban Growth Boundary to the Cooper Mountain area. Community Development Director Bunch and Council President Buehner discussed the timeline as presented by Mr. Bunch. They disagreed as to the projected completion date with Council President Buehner saying her understanding was that the date was to be within 18 months. Assistant City Manager Newton clarified that the scope of the plan is occurring now.

Superintendent Saxton said he was pleased to hear about timing of development and plans for annexation, which will help the district plan for future schools. Mayor Dirksen confirmed that the city is committed to planning the area all at once so all the segments would be open for development at the same time. Community Development Director Bunch said it is important for the planning to occur at the same time, which is why staff is waiting for annexation to be concluded. In the meantime, work on the defining the scope is being done.

Board Member Zurschmeide commented on the significant lead time that the school district requires to build additional schools.

Community Development Director Bunch noted there are a number of pieces that need to come together, including a Metro ordinance regarding the Urban Growth Boundary. The city is committed to keeping citizens informed through one or two letters prior to the process starting.

Board Vice Chair Turhune said there is a high degree of interest to determine what can be created in the Urban Growth Boundary with regard to parks on property owned by the school district.

Community Development Director Bunch commented on the reasons why the county agreed the city is the best choice to oversee the development of this area. The county does not have access to water, they do not offer park services, and the transportation issues are fairly significant.

In response to a question from Councilor Henderson, Community Development Director Bunch agreed the Washington County concept plan includes all of the areas mentioned, which provides the basis to plan for systems such as sanitary sewer.

Community Development Director Bunch referred to the density or the number of dwelling units per acre. Even though the dwelling units were planned at an "outer neighborhood design designation," which is 10 units per acre, by the time you remove the roads, natural resources, and the institutional uses, development will occur at about 6.25 units per acre. Metro determined the rural element should be developed at 15 units per acre. This means the density will be brought into the whole area to be "smoothed out."

Councilor Wilson commented that, from a policy standpoint, the city has a concern about density on the "fringes," which brings into play the high-capacity transit corridor project. He said when he first began on the Planning Commission, the Phil Lewis Elementary School was closed and the Tigard Triangle was "getting out of the residential business" and now we are talking about planning to add residents. Councilor Wilson said he hopes some of the density can be transferred from the fringes to the Triangle and Downtown because of concerns about serving it with roads and already clogged highways, which relates to our citizens' greatest concerns.

Mayor Dirksen noted the complexities of planning for this area, which is why the next several months will be used to determine what needs to be and what can be done. Because of the geographic location of this area, it will be its own little community – but it will still need to integrate into the larger community and rest of Washington County. He said he is certain there is a compromise that will create the type of community we would all like to see. He was happy that the school district will participate in this planning process.

Council President Buehner noted the need for school district boundary line adjustments. There are multiple properties that are in more than one school district. Superintendent Saxton said he communicates with the Beaverton School Superintendent regarding school district lines. No details have been worked out, but they will have this conversation and agreed it would be best to do this before a lot of people have moved into the area. Brief discussion followed on the challenges for determining school district boundaries and the types of issues to address.

Community Development Director Bunch said in talking to developers and bankers, they do not expect the market to return to the state it was in in 2006 and 2007. The Urban Land Institute predicts that the "real investment" will likely occur in smaller housing and apartments. The housing market has fundamentally changed. It will be a long time before there is complete build out in this new area.

3. ADJOURNMENT

Mayor Dirksen and School Board Chairperson Wolf both expressed appreciation for the opportunity to meet tonight and agreed the board and council should meet more frequently in the future.

The meeting adjourned at 8:35 p.m.

_____
Catherine Wheatley, City Recorder

Attest:

_____
Mayor, City of Tigard

Date:_____

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AIS-778

4. B.

Business Meeting			
Meeting Date:	02/28/2012		
Length (in minutes):	Consent Item		
Agenda Title:	Resolution Waiving Temporary Sign Permit Fees for Tigard Youth Football		
Prepared For:	Toby LaFrance		
Submitted By:	Liz Lutz, Financial and Information Services		
Item Type:	Resolution	**Meeting Type:**	Consent Agenda

Information

ISSUE

Does the Tigard City Council find benefit to the community of waiving the temporary sign permit fees for Tigard Youth Football to hang five banners, outweighs the $260 financial hardship to the city?

STAFF RECOMMENDATION / ACTION REQUEST

Consider Resolution waiving $260 of permit fees for Tigard Youth Football.

KEY FACTS AND INFORMATION SUMMARY

On January 12, 2012, Dawn Rachale Holman from Tigard Youth Football e-mailed the city to request a waiver of permit fees charged to hang five banners (text of email is attached). According to the Master Fees and Charges Schedule, Temporary Sign Permits are $52 per sign. Dawn Rachele is requesting the city waive fees for two signs totaling a $260 fee waiver. TMC 3.32.070 authorizes Council to waive fees for non-profits. The text of the TMC is as follows:

"3.32.070 Exemptions. The City Council is authorized to waive or exempt the fee or charge imposed upon an application or for the use of City facilities and services, if a nonprofit organization requests such a waiver in writing and the Council determines that community benefit from the proposed activity outweighs the financial burden on the City. The waiver or exemption shall not excuse the nonprofit organization from compliance with other requirements of this code."

Tigard Youth Football is a qualifying non-profit. They have made their request to waive fees in writing. If Council determines that the benefit to the community outweighs the loss of $260 in permit fees, then Council is authorized to waive the fees.

OTHER ALTERNATIVES

City Council could deny the request.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

Tigard citizens are involved in the community and participate effectively.

Programs and activities are available in the community to meet the needs of a diverse population.

DATES OF PREVIOUS CONSIDERATION

None

Fiscal Impact

Cost: NA

Budgeted (yes or no): NA

Where Budgeted (department/program): NA

Additional Fiscal Notes:

Waiving the fees will reduce City of Tigard General Fund revenues by $260.

Attachments

Resolution

Waiver request

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 12-

A RESOLUTION WAIVING $260 IN TEMPORARY SIGN PERMIT FEES FOR TIGARD YOUTH FOOTBALL

WHEREAS, Tigard Municipal Code 3.32.070 authorizes City Council to waive fees for non-profits when the request is made in writing and Council determines that the community benefit outweighs the financial burden to the City; and

WHEREAS, Tigard Youth Football has requested in writing the waiver of fees for two temporary sign permits; and

WHEREAS, The Master Fees and Charges states that the fee for temporary sign permits is $52 per sign; and

WHEREAS, Council determines that the community benefit outweighs the $260 financial burden to the City.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Tigard Youth Football receives a waiver of $260 in temporary sign permit fees.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2012.

_____
Mayor - City of Tigard

ATTEST:

_____
City Recorder - City of Tigard

January 13, 2012

Toby LaFrance
Director of Finance & IS
City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223

Mr. LaFrance and the Tigard City Council,

Tigard Youth Football (TYF) is a non-profit organization that allows children in grades 3-8 the opportunity to play full-pad tackle football and learn essential life skills such as working together as a team to achieve a common goal and dealing with adversity. We also teach kids to exhibit excellent sportsmanship and to be proud of being a Tigard Tiger! As evidenced by the photo to the right, we also strongly support Breast Cancer Awareness Month during the month of October – one of the few programs to do so in the Tualatin Valley Youth Football League.

Each year, in order to promote participation in TYF, we place registration signs throughout our community. In the past, TYF has paid these fees, which takes away funds that might be otherwise used to provide scholarships to families that can't afford to pay or to buy newer, safer equipment. We are requesting a waiver of the fees associated with posting signs in public places as outlined in TMC 3.32.070.

TYF greatly appreciates the Council's consideration of this important matter.

Sincerely,

Dawn Rachele Holman
Events Coordinator
Tigard Youth Football

AIS-709 **5.**

Business Meeting

Meeting Date: 02/28/2012

Length (in minutes): 5 Minutes

Agenda Title: Continue Quasi-Judicial Public Hearing (Fields) to 9/11/12- Comprehensive Plan Amendment, Sensitive Lands Reviews and Adjustment to Extend Wall St

Submitted By: Cheryl Caines, Community Development

Item Type: Public Hearing - Quasi-Judicial **Meeting Type:** Council Business Meeting - Main

Information

ISSUE

Consider the applicant's hearing continuance request for a proposed Comprehensive Plan Amendment, Sensitive Lands Reviews and an Adjustment to extend Wall Street across Fanno Creek to the Fred Fields property that lies east of the library and southwest of the railroad tracks. The applicant (Fred Fields) has proposed an extension of Wall Street across Fanno Creek. To construct the improvements requires:

1) a Comprehensive Plan Amendment to remove the Goal 5 protection from Tigard Significant Wetlands found on the site;
2) two Sensitive Lands Reviews for work within the floodplain and wetlands (fill and bridge/road construction); and
3) an Adjustment to the street standards in order to construct a narrower street section than required by code. The proposed narrower section eliminates planter strips/street trees and is proposed for the bridge portion of the road extension.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends continuance of the public hearing until September 11, 2012 as requested by the applicant.

KEY FACTS AND INFORMATION SUMMARY

The applicant is requesting a continuance to the public hearing for a Type IV Comprehensive Plan Map Amendment to remove Goal 5 protection from Tigard Significant Wetlands and surrounding riparian corridor in order to extend Wall Street across City of Tigard property and Fanno Creek. The extension of Wall Street is proposed to provide access to the applicant’s property that lies west of the railroad tracks. This property is not currently served by a public street or improved access.

A Type III Sensitive Lands Review is required for proposed work within the 100-year floodplain/floodway and Type II Sensitive Lands Review for the wetlands. The applicant is requesting a Type II adjustment to the street improvement standards in order to construct a narrower street section than required by code. This Adjustment would apply only to the bridge portion of the street. Because the sensitive lands and adjustment were requested in conjunction with the Comprehensive Plan Amendment, each review follows the Type IV review process.

Two public hearings were held on August 16, 2010 and October 18, 2010 with the Tigard Planning Commission. Testimony was taken at both hearings. After deliberations, the commission voted 7-0 to recommend that City Council deny all four applications. The commissioners stated that the applicant had not provided evidence or enough detailed information to approve this proposal. The commission's findings and recommendation were included in a memo to City Council found in the council packet. This memo also provided a brief application history, list of key findings from the staff report and a list of items included in the attachments.

This item was originally scheduled for the December 14, 2010 City Council meeting. On December 9, 2010 the applicant requested in writing that the hearing be continued until February 22, 2011. The public hearing was

opened on December 14th and immediately continued to the February 22nd date as requested. The applicant requested two additional continuances to pursue a second application for the bridge known as the "Pivot Road" application. This proposal adjusted the alignment slightly north from the original design. The applicant has received approval with conditions from the Hearings Officer for the Pivot Road application; however, the applicant requested again to continue the public hearing until September 13, 2011 to accommodate possible appeals of the Pivot Road application.

The Pivot Road approval was not appealed but requires approval of construction plans and permits from other state agencies. While waiting for related permit approvals, the applicant requested two subsequent continuances. The last being to a date certain of February 21, 2012.

The applicant is again requesting a continuance for the hearing until September 11, 2012 in order to pursue a third application for a modified bridge design (narrower bridge).

While this number of continuances is not typical, the code does not speak to the number or time limit on continuances of actions being processed as Type IV applications. However, the applicant has indicated that the continuances are to allow pursuit of modification to the previously approved bridge design. Once a decision for the third application is final, hearings for this application will either proceed, or the application will be withdrawn.

OTHER ALTERNATIVES

If the City Council does not accept the Planning Commission's recommendation to deny, then the application could be:

1) Approved - The City Council may find that the applicant has satisfied the applicable review criteria and met the burden of proof necessary to approve the request.
or
2) Approved with Conditions - The City Council may find that the applicant can satisfy the applicable review criteria if certain non-discretionary items are conditioned to be submitted to the record.

Both alternatives would require that findings be developed to support the decision.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

The city has an on-going obligation to establish transportation priorities to be consistent with current circumstances and anticipated trends. The 2002 Tigard Transportation System Plan (TSP), which was in effect at the time this application was made, shows an east-west, Hall to Hunziker connection via Wall Street. This connection is shown to extend across the Fields property and the abutting Portland Western Railroad right-of-way. However implementation of the Hall-Hunziker connection is not guaranteed by its being identified in the 2002 TSP.

DATES OF PREVIOUS CONSIDERATION

Previous continuance dates are December 14, 2010, February 22, 2011, May 24, 2011, July 12, 2011, September 13, 2011, December 13, 2011 and February 21, 2012.

Fiscal Impact

Cost:	unknown
Budgeted (yes or no):	yes/no
Where Budgeted (department/program):	Community Development/Public Works

Additional Fiscal Notes:

If the request is denied: the applicant may appeal the decision. If appealed, there will be staff time dedicated to the case and attorney costs to defend the decision. While the staff time is budgeted, use of the time for the appeal will detract from other tasks and priorities.

If the request is approved: Wall Street is a public street. Once the street and bridge are constructed, the maintenance and repairs would be the City's responsibility. The cost is unknown at this time.

Attachments

Continuance Request Letter

MILLER NASH LLP
ATTORNEYS AT LAW

PORTLAND, OREGON
SEATTLE, WASHINGTON
VANCOUVER, WASHINGTON
CENTRAL OREGON
WWW.MILLERNASH.COM

3400 U.S. Bancorp Tower
111 S.W. Fifth Avenue
Portland, Oregon 97204-3699
OFFICE 503.224.5858
FAX 503.224.0155

William L. Rasmussen
Will.rasmussen@millernash.com
(503) 205-2308 direct line

RECEIVED
FEB 06 2012
CITY OF TIGARD
PLANNING/ENGINEERING

February 3, 2012

BY FIRST-CLASS MAIL AND ELECTRONIC MAIL

Ms. Cheryl Caines
Associate Planner
City of Tigard
13125 S.W. Hall Boulevard
Tigard, Oregon 97223

Subject: Fields: Wall Street Extension Original Application (CPA 2009-00004, SLR 2009-00004, SLR 2009-00005, VAR 2010-00002)

Dear Cheryl:

I am writing on behalf of the applicant to request that the City Council hearing in the above-captioned matter be continued to September 11, 2012. The purpose of this continuance request is to allow the applicant to pursue permitting of a skinnier, less impactful version of the Pivot Road option before the City takes further action on the original alignment.

Please feel free to contact me if you have any question.

Very truly yours,

William L. Rasmussen

cc: Mr. Richard A. Canaday

PDXDOCS:1956893.1
196080-0005

AIS-682

6.

Business Meeting

Meeting Date: 02/28/2012

Length (in minutes): 15 Minutes

Agenda Title: Informational Public Hearing to Consider a Resolution Finalizing Sanitary Sewer Reimbursement District No. 42 (SW 100th Avenue)

Prepared For: Greg Berry

Submitted By: Greer Gaston, Public Works

Item Type: Resolution
Public Hearing - Informational

Meeting Type: Council Business Meeting - Main

Information

ISSUE

Shall the City Council hold a public hearing and consider a resolution finalizing Sanitary Sewer Reimbursement District No. 42, established to construct sanitary sewers in SW 100th Avenue?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the council hold the public hearing and approve the resolution.

KEY FACTS AND INFORMATION SUMMARY

Under the Citywide Sanitary Sewer Extension Program, the city installs public sewers to each lot within a reimbursement district. Property owners are not required to pay any fees until they connect to the public sewer. At the time of connection, the property owner:

- Pays a connection and inspection fee.
- Reimburses the city for the owner's share of the sewer installation.
- Is responsible for any plumbing modifications to connect to the public sewer.
- Is responsible for disconnecting the owner's existing septic system in accordance with county regulations.

This sanitary sewer project makes sewer service available to 23 lots.

If the resolution is approved, the owners will be notified that the sewer is ready for connection.

OTHER ALTERNATIVES

The council could decide not to approve the resolution and provide staff with direction regarding the finalization of the district.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

The reimbursement district implements Comprehensive Plan Goal 11.3, “Develop and maintain a wastewater collection system that meets the existing and future needs of the community.”

On September 14, 2010, City Council adopted the City of Tigard Sewer Master Plan. The proposed sewer extension is consistent with this plan.

DATES OF PREVIOUS CONSIDERATION

At its January 25, 2011 meeting, the City Council held an informational public hearing and approved the formation of Reimbursement District No. 42 by adopting Resolution No. 11-05.

Fiscal Impact

Cost:	$320,751
Budgeted (yes or no):	Yes
Where Budgeted (department/program):	Sewer Fund

Additional Fiscal Notes:

Construction costs came in under budget; the final project is 42 percent less than the $554,784 estimated in the original City Engineer's Report prepared when the district was formed. This savings is a direct result of lower construction costs, which staff attributes to a competitive bidding climate in the construction industry.

Final costs are as follows:

• Construction	$264,199
• Engineering and Inspection	$35,667 *
• Purchasing Easements	$20,885
Project Total	**$320,751**

* This equals 13.5 percent of the construction cost as defined in TMC 13.09.040(1)

Each owner's cost to connect to the sewer system is calculated in the Final City Engineer's Report (Exhibit A to the resolution.) The cost to each owner under the incentive program established by Resolution No. 01-46 is also shown in Exhibit A.

Attachments

Resolution

Exhibit A - Final Engineer's Report

Exhibit B - Reimbursement District Map

Resolution No. 11-05 Establishing District

Vicinity Map

Letter to Property Owner

Notice to Property Owner

Mailing List

Resolution No. 01-46

Resolution No. 03-55

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 12-

A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 42 (SW 100TH AVENUE) AND AMENDING THE PRELIMINARY CITY ENGINEER'S REPORT CONTAINED IN RESOLUTION NO. 11-05.

WHEREAS, on January 25, 2011, the City Council adopted Resolution No. 11-05 to form Sanitary Sewer Reimbursement District No. 42 to construct sewers in SW 100th Avenue in accordance with Tigard Municipal Code (TMC) Chapter 13.09; and

WHEREAS, Resolution No. 11-05 included the City Engineer's Report which contained an estimated construction and total project cost; and

WHEREAS, construction of the sewer improvements has been completed, final costs have been determined, and the City Engineer's Report has been revised to include the final costs as required by TMC 13.09.105 (1); and

WHEREAS, the property owners within the district have been notified of an informational hearing in accordance with TMC 13.09.060, and an informational hearing was conducted in accordance with TMC 13.09.105; and

WHEREAS, the City Council has determined that the proposed revisions to the City Engineer's Report, as recommended by the City Engineer, are appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Final City Engineer's Report titled "Sanitary Sewer Reimbursement District No. 42," attached hereto as Exhibit A, is hereby approved.

SECTION 2: The City Engineer's Report as presented in Resolution No. 11-05 is hereby amended by the attached Final City Engineer's Report (Exhibit A).

SECTION 3: In accordance with TMC Chapter 13.09, Sanitary Sewer Reimbursement District No. 42 is hereby finalized. The district includes the area(s) depicted in Exhibit B.

SECTION 4: The city recorder shall cause a copy of this resolution to be filed in the office of the county recorder and shall mail a copy of this resolution to all affected property owners at their last known address.

SECTION 5: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2012.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Exhibit A

Final City Engineer's Report

Sanitary Sewer Reimbursement District No. 42

(SW 100th Avenue)

Background

This project was constructed and funded under the Citywide Sanitary Sewer Extension Program. Under the program, the City of Tigard installs public sewers to each lot within an established reimbursement district. At the time of connecting to the public sewer, the property owner:

- Pays a connection and inspection fee, currently $4,535.
- Reimburses the city for the owner's share of the sewer installation.
- Is responsible for any plumbing modifications to connect to the public sewer.
- Is responsible for disconnecting the owner's existing septic system in accordance with Washington County regulations.

There is no requirement to connect to the sewer or pay any fee until connection is made.

Project Area - Zone of Benefit

This sanitary sewer project makes sewer service available to the 23 lots listed in the attached table and depicted in reimbursement district maps, (Exhibit B to the resolution). Installing the service required extending an existing sewer in SW 100th Avenue through an easement connecting to SW View Terrace. No further extension of this line will be required. The surrounding area is completely served with sewer.

Cost

The final cost to provide sanitary sewers to the 23 lots is $320,751.

Construction		$264,199
Purchasing Easements		$20,885
Engineering and Inspection*		$35,667
Total		$320,751

* This equals13.5 percent of the construction cost as defined in TMC 13.09.040(1)

This is the amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their share of the project cost. However, the actual amount that each property owner pays may be affected by the owner's participation in the city's early connection incentive program.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay a connection and inspection fee, currently $4,535, upon connection to the public line. This fee is expected to increase on July 1, 2012. Owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All but three of the northernmost properties in the proposed district are zoned R3.5. The remaining three properties are zoned R12 but are expected to receive similar benefits. Consequently, applying the same method of assigning costs to all lots within the district is proposed. Lot size varies from about 14,300 to 57,000 square feet as shown on the attached list. Therefore, it is recommended that the total cost of the project be divided among the properties proportional to the square footage of each property.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's final fair share of the public sewer line is $0.5493 per square foot of lot served. In accordance with Resolution No. 01-46, owners who complete their connection within three years of City Council approval of the Final City Engineer's Report are eligible for incentives. Under these incentives, each owner's share would be limited to $6,000, to the extent that this share does not exceed $15,000. In addition to paying for the first $6,000, owners are responsible for paying all actual costs that exceed $15,000. Upon request, payment of costs that exceed $15,000 may be deferred until the lot is developed, as provided by Resolution No. 03-55.

Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The finance director has set the annual interest rate at 6.05 percent as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted February 14, 2012

Michael A. Stone, P.E.
City Engineer
I:\ENG\1 - Active Projects\100th Ave San Sew Reimbursement Dist 42 IFAS 93002 Key 93042-500\Finalization\Ex A part 1 to Resolution.doc

100TH AVENUE
Reimbursement District No. 42

Final Cost to Property Owners
February 7, 2012

	OWNER	SITE ADDRESS	TAX LOT ID	AREA (S.F.)	AREA (AC)	FINAL REIMBURSEMENT FEE	FINAL AMOUNT TO BE PAID BY OWNER	AMOUNT TO BE PAID BY CITY	AMOUNT THAT CAN BE DEFERRED BY OWNER
1	PETERSEN, DAVID	14085 SW 100TH	2S111BB00300	13,400	0.308	$7,360	$6,000	$1,360	$0
2	RIVER PRESERVATION LLC	14135 SW 100TH	2S111BB00400	32,551	0.747	$17,880	$8,880	$9,000	$2,880
3	RANDALL, MARIA L	14130 SW 100TH AVE	2S111BA00805	31,690	0.728	$17,407	$8,407	$9,000	$2,407
4	RUEDY, ROBERT E	14185 SW 100TH AVE	2S111BB00500	49,518	1.137	$27,200	$18,200	$9,000	$12,200
5	DOERING, JOSHUA N & ANGIE L	14170 SW 100TH AVE	2S111BA00802	31,828	0.731	$17,483	$8,483	$9,000	$2,483
6	FAST CASH HOUSE BUYERS LLC	14220 SW 100TH AVE	2S111BA00801	24,664	0.566	$13,548	$6,000	$7,548	$0
7	SMITH, SHELLEY A & ENGWEILER, GLENN	14270 SW 100TH AVE	2S111BA00807	24,788	0.569	$13,616	$6,000	$7,616	$0
8	COLLING, JOYCE C	EMPTY LOT	2S111BB00600	56,798	1.304	$31,199	$22,199	$9,000	$16,199
9	KASTEL, CHARLES G & MARY J TRS	14259 SW 100TH AVE	2S111BB01100	41,347	0.949	$22,712	$13,712	$9,000	$7,712
10	BIRNEY, JEFFREY D & NORIKO	14265 SW 100TH AVE	2S111BB00800	15,283	0.351	$8,395	$6,000	$2,395	$0
11	KARR, EVELYN E REV LIV TRUST	14280 SW 100TH AVE	2S111BA00900	35,158	0.807	$19,312	$10,312	$9,000	$4,312
12	POLIVKA, JON & CAMPELL-POLIVKA, HOLLY M	14305 SW 100TH	2S111BB00700	15,207	0.349	$8,353	$6,000	$2,353	$0
13	JONES, VERNON G & COLLEEN D	14320 SW 100TH AVE	2S111BA02300	14,334	0.329	$7,874	$6,000	$1,874	$0
14	LEE, SAMUEL & KYUNG	14345 SW 100TH	2S111BC00100	55,129	1.266	$30,282	$21,282	$9,000	$15,282
15	UM, EUNKYU C & KWANG Y	10150 SW VIEW TER	2S111BC01300	15,127	0.347	$8,309	$6,000	$2,309	$0
16	BOGERT, MARK H & MARY E	14445 SW 100TH	2S111BC00200	20,457	0.470	$11,237	$6,000	$5,237	$0
17	HOWSE, DIANNA L & ONRELAS, STEVE F	14415 SW 100TH	2S111BC00300	16,046	0.368	$8,814	$6,000	$2,814	$0
18	PHILLIPS, AMY & LINN, JEREMY J	10220 SW VIEW TER	2S111BC01100	15,034	0.345	$8,258	$6,000	$2,258	$0
19	SEARS, ALLEN C	10190 SW VIEW TER	2S111BC01200	15,029	0.345	$8,255	$6,000	$2,255	$0
20	BAUMAN, WAYNE & MARY	10270 SW VIEW TER	2S111BC01000	15,246	0.350	$8,374	$6,000	$2,374	$0
21	BUEHLER, GREGORY & SARA L.	10145 SW VIEW TER	2S111BC01400	15,246	0.350	$8,374	$6,000	$2,374	$0
22	MUDROW, MICHAEL & DIANE C.	10185 SW VIEW TER	2S111BC01500	14,810	0.340	$8,135	$6,000	$2,135	$0
23	PROUTY, JAASON & AMY E	10225 SW VIEW TER	2S111BC01600	15,246	0.350	$8,374	$6,000	$2,374	$0
			Totals	**583,936**	**13.41**	**$320,751**	**$201,474**	**$119,277**	

The "FINAL REIMBURSEMENT FEE" column shows the final reimbursement fee for each lot. There are no requirements to connect to the sewer or pay any fees until the owner decides to connect to the sewer.

In accordance with Resolution No. 01-46, each property owner will be required to pay the first $6,000 of the final reimbursement fee for connections completed within the first three years of City Council's approval of the final City Engineer's Report following construction. The "AMOUNT TO BE PAID BY CITY" column shows that portion of the reimbursement fee that the owners will not be required to pay if they connect to the sewer during this three year period.

This resolution also requires owners to pay any fair share amount that exceed $15,000. Consequently, if the final fair share for an owner exceeds $15,000, the owner would be required to pay $6,000 plus that amount of the fair share that exceeds $15,000. Under Resolution No. 03-55, payment of the amount in excess of $15,000 may be deferred until the owner's lot is developed. This amount is shown in the "AMOUNT THAT CAN BE DEFERRED BY OWNER" column.

In addition to the reimbursement fee, the owners will also be required to pay a connection fee, currently $4535 at the time of connection to the sewer. The connection fee is expected to increased on July 1, 2012. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

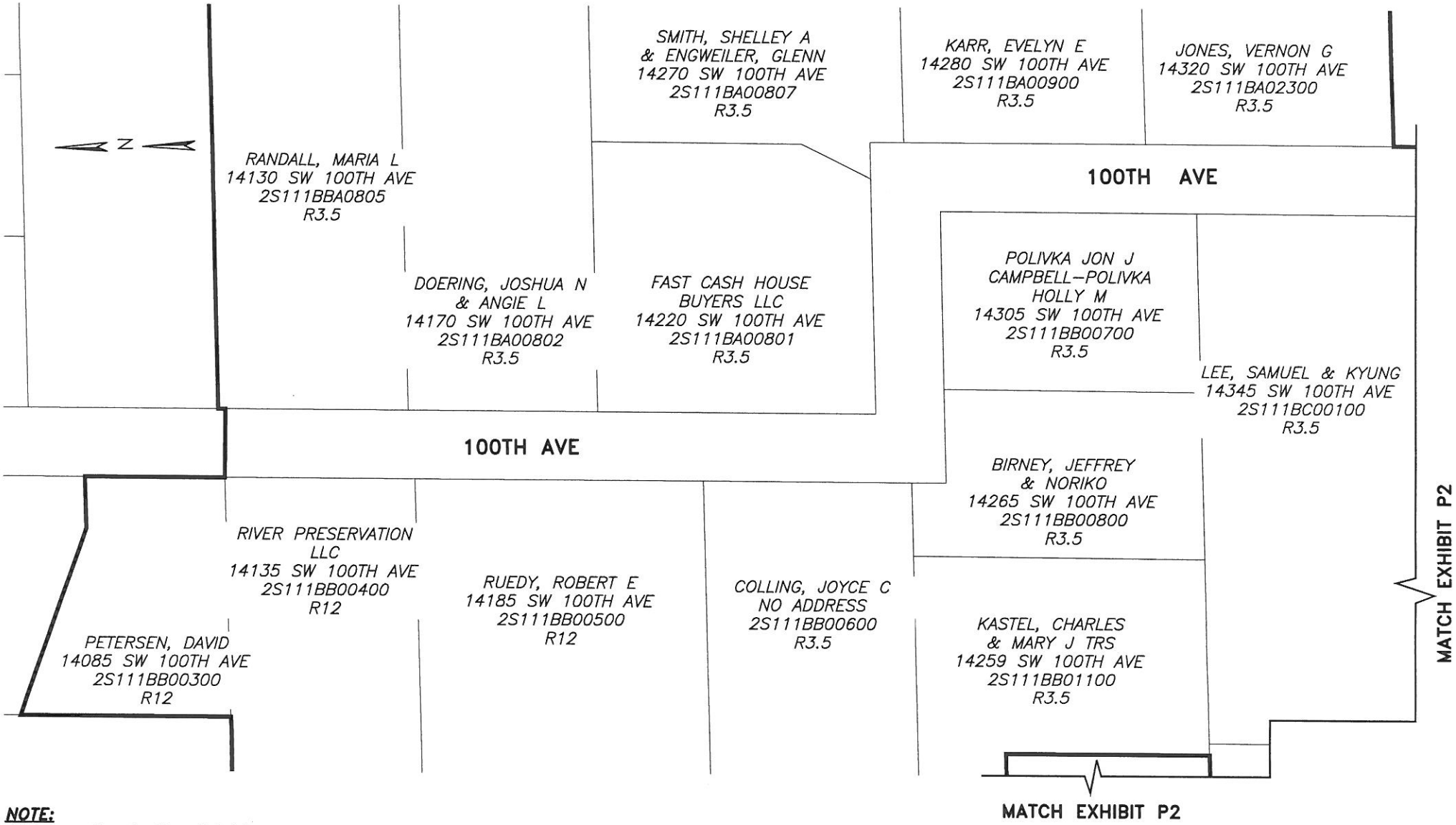
Ref: Resolutions 01-46 and 03-55

100TH AVENUE
Reimbursement District No. 42
Final Cost to Property Owners

February 7, 2012

Final Construction Cost	$264,199
15% contingency (construction)	
Final construction subtotal	$264,199
13.5% contingency (Admin & Eng)	$35,667
Easement cost	$20,885
Total project costs	**$320,751**
Total area to be served (S.F.)	583,936
Total cost per S.F. to property owner	**$0.54929109**

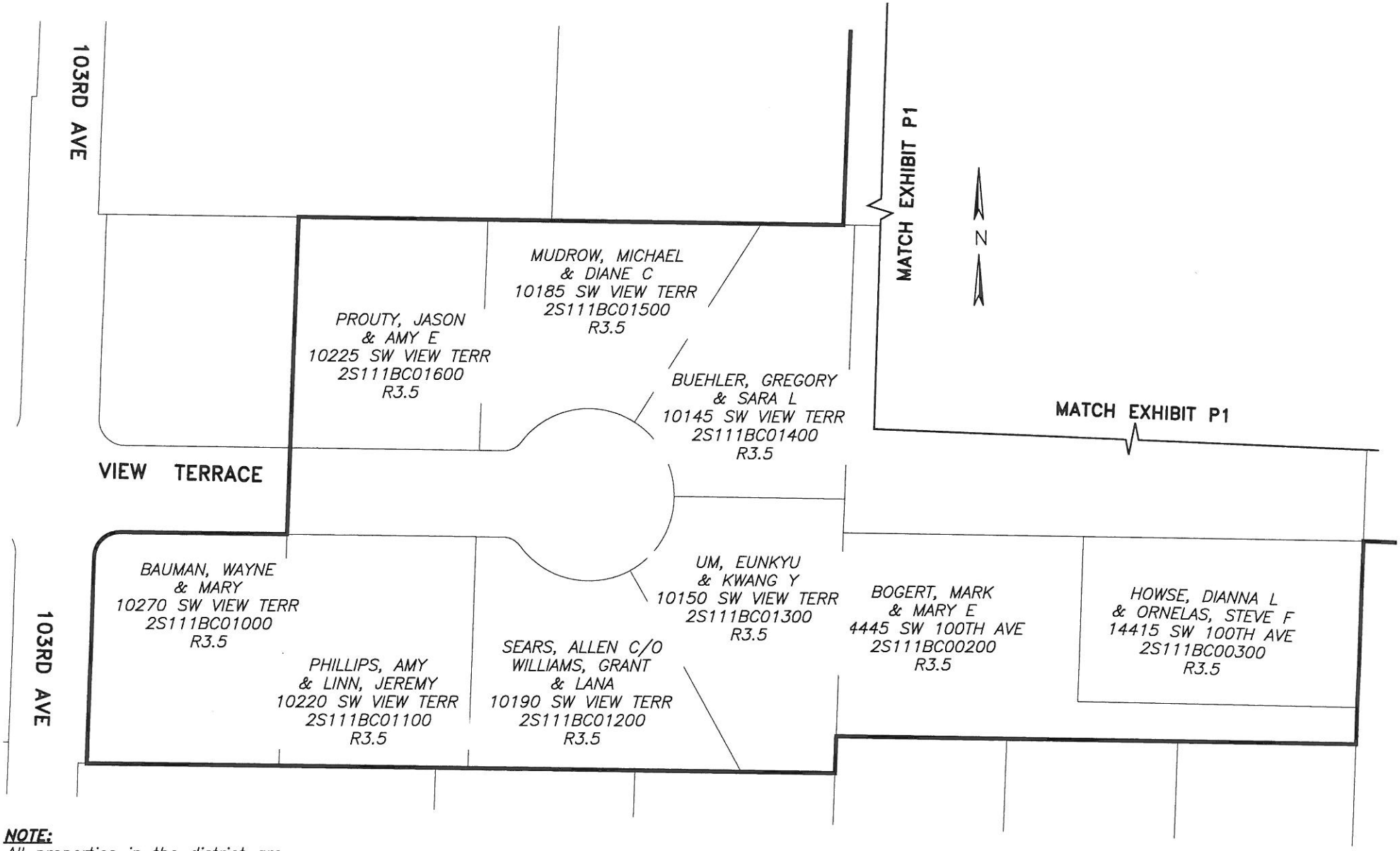
100TH AVE DIST NO. 42
FY 2009-10 SANITARY SEWER EXTENSION PROGRAM
A PORTION OF THE NW 1/4 SECTION 11 T2S R1W W.M.



NOTE:
All properties in the district are zoned R3.5 or R12

EXHIBIT B (P1)
NTS

100TH AVE DIST NO. 42
FY 2009-10 SANITARY SEWER EXTENSION PROGRAM
A PORTION OF THE NW 1/4 SECTION 11 T2S R1W W.M.



NOTE:
All properties in the district are zoned R3.5 or R12

EXHIBIT B (P2)
NTS

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 11- 05

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 42 (SW 100TH AVENUE)

WHEREAS, the City has initiated the Citywide Sanitary Sewer Extension Program to extend public sewers and recover costs through reimbursement districts in accordance with TMC Chapter 13.09; and

WHEREAS, the property owners of proposed Sanitary Sewer Reimbursement District No. 42 (SW 100th Avenue) have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the reimbursement district, the estimated costs, a method for spreading the cost among the parcels within the district, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a reimbursement district as recommended by the City Engineer is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 42," attached hereto as Exhibit A, is hereby approved.

SECTION 2: A reimbursement district is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described in Exhibit B. The district shall be known as "Sanitary Sewer Reimbursement District No. 42."

SECTION 3: Payment of the reimbursement fee, as shown in Exhibit A, is a precondition of receiving City permits applicable to development of each parcel within the reimbursement district as provided for in TMC 13.09.110.

SECTION 4: An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the reimbursement fee.

SECTION 5: The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.

SECTION 6: This resolution is effective immediately upon passage.

PASSED: This 25th day of January 2011.

Mayor - City of Tigard

ATTEST:

Catherine Wheatley
City Recorder - City of Tigard

Agenda Item No. 4 REVISED
Meeting of 1-25-2011

Exhibit A

City Engineer's Report
Sanitary Sewer Reimbursement District No. 42
(SW 100th Avenue)

Background

This project will be constructed and funded under the Citywide Sanitary Sewer Extension Program. Under the program, the City of Tigard installs public sewers to each lot within an established reimbursement district. At the time of connecting to the public sewer, the property owner:

- Pays a connection and inspection fee, currently $4,135.
- Reimburses the City for the owner's share of the sewer installation.
- Is responsible for any plumbing modifications to connect to the public sewer.
- Is responsible for disconnecting the owner's existing septic system in accordance with Washington County regulations.

There is no requirement to connect to the sewer or pay any fee until connection is made.

Project Area - Zone of Benefit

Serving the 23 lots in the following table requires extending an existing sewer in SW 100th Avenue through an easement connecting to SW View Terrace. No further extension of this line will be required. The surrounding area is completely served with sewer.

The proposed project would provide sewer service to a total of 23 lots within the proposed reimbursement district as shown on Exhibit B to the proposed resolution.

Cost

The estimated cost to provide sanitary sewers to the 23 lots is $554,785.

Construction		$470,397
Purchasing Easements		$20,885
Engineering and Inspection *		$63,503
Total		$554,785

* 13.5 percent as defined in TMC 13.09.040(1)

This is the estimated amount that will be reimbursed to the sanitary sewer fund as property owners connect to the sewer and pay their share of the project costs. However, the actual amount each property owner pays may be affected by the property owner's participation in the City's early connection incentive program.

In addition to sharing the cost of the public sewer, each property owner will be required to pay a connection and inspection fee, currently $4,135, upon connection to the public line.

Owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All but three of the northernmost properties in the proposed district are zoned R3.5. The remaining three properties are zoned R12 but are expected to receive similar benefits. Consequently, applying the same method of assigning costs to all lots within the district is proposed. Lot size varies from about 14,300 to 57,000 square feet as shown in the attached Estimated Cost to Property Owners list. Therefore, it is recommended that the total cost of the project be divided among the properties proportional to the square footage of each property.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's estimated fair share of the public sewer line is $0.95008 per square foot of lot served. In accordance with Resolution No. 01-46, owners who complete their connection within three years of City Council approval of the Final City Engineer's report are eligible for incentives. Under these incentives, each owner's share would be limited to $6,000, to the extent that this share does not exceed $15,000. In addition to paying for the first $6,000, owners are responsible for paying all actual costs that exceed $15,000. Upon request, payment of costs that exceed $15,000 may be deferred until the lot is developed, as provided by Resolution No. 03-55.

Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's share of the public sewer costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in Resolution No. 98-22.

Recommendation

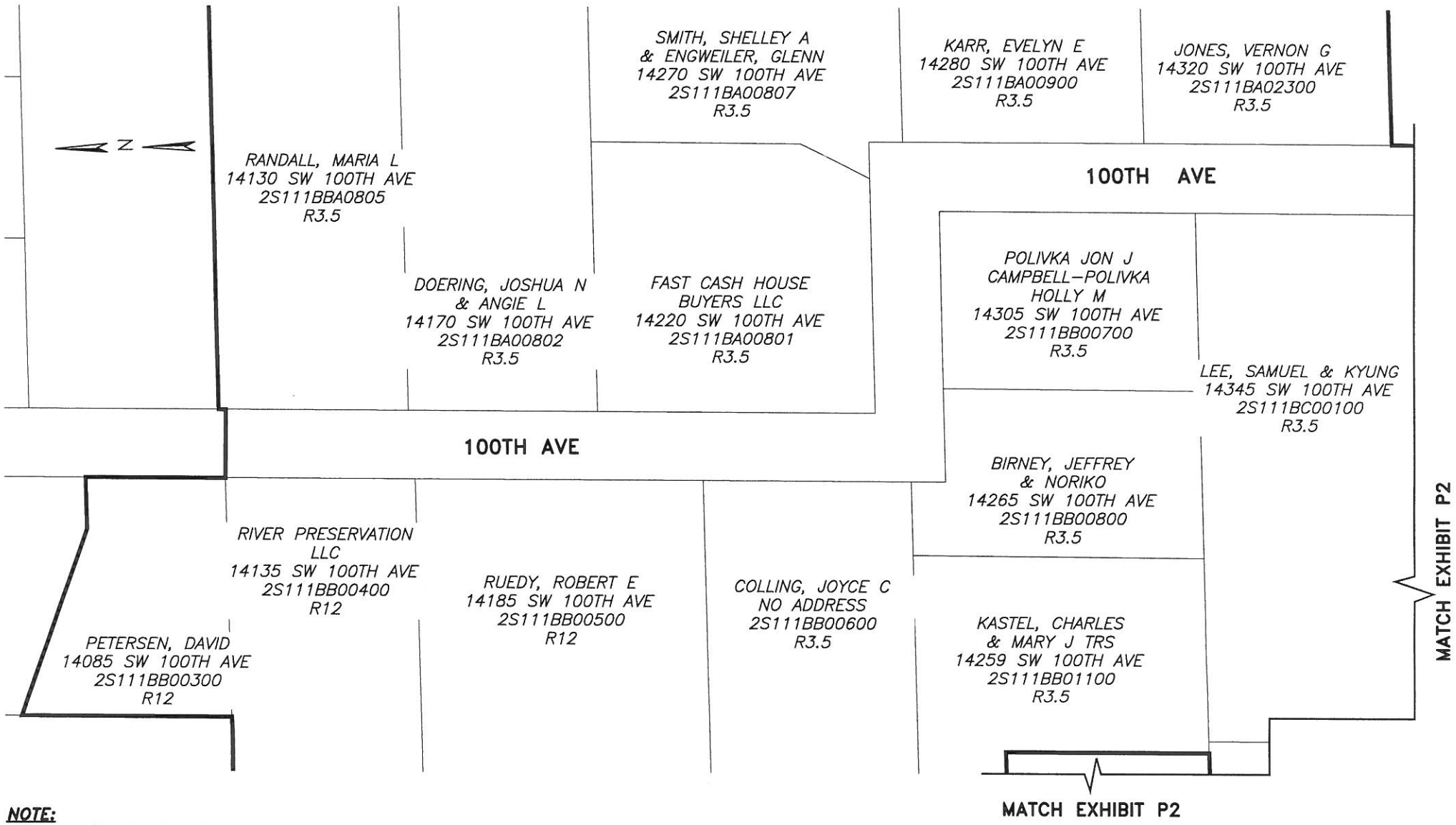
It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted January 10, 2011

_____

Theodore S. Kyle, P.E.
City Engineer

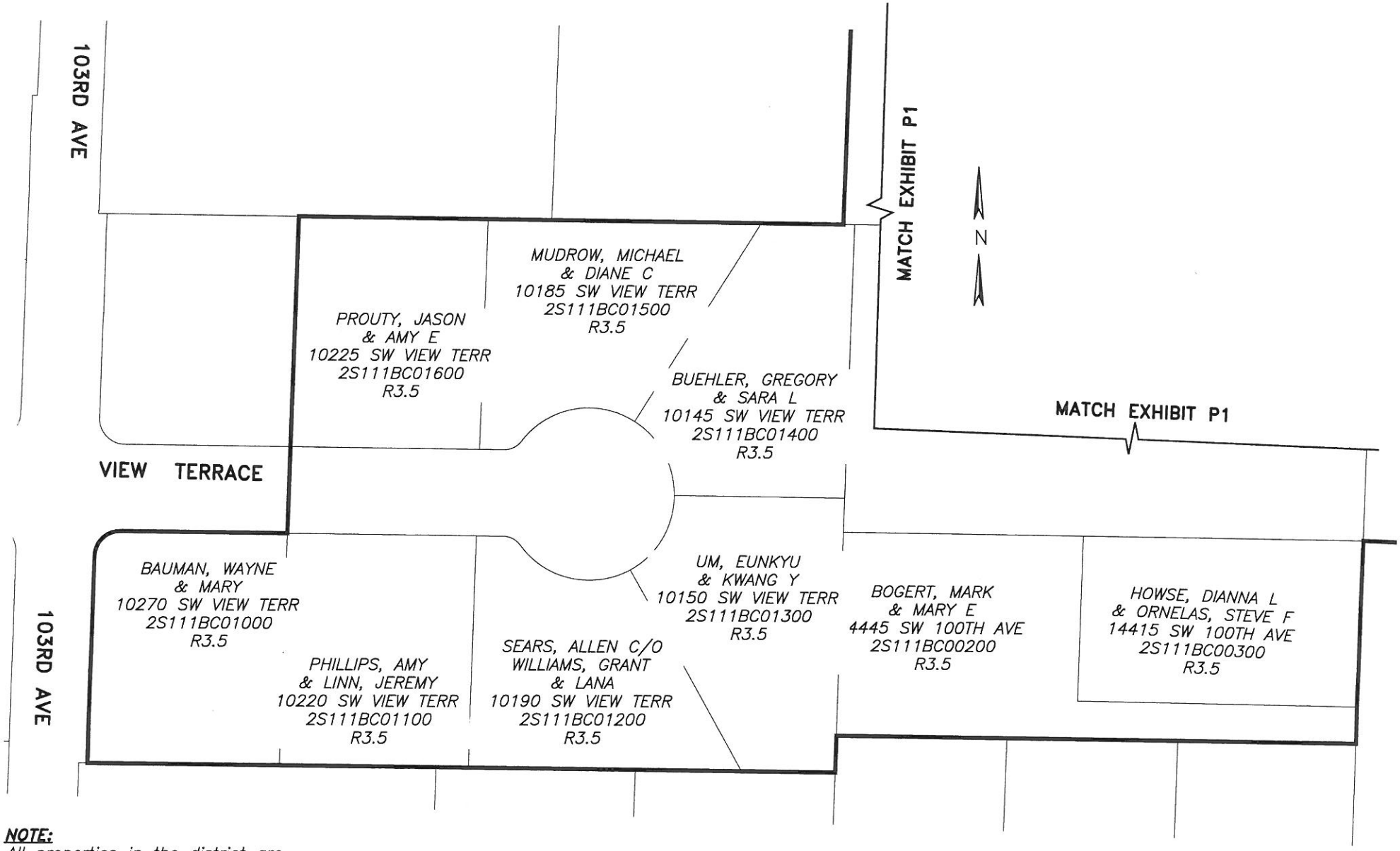
100TH AVE DIST NO. 42
FY 2009–10 SANITARY SEWER EXTENSION PROGRAM
A PORTION OF THE NW 1/4 SECTION 11 T2S R1W W.M.



NOTE:
All properties in the district are zoned R3.5 or R12

EXHIBIT B (P1)
NTS

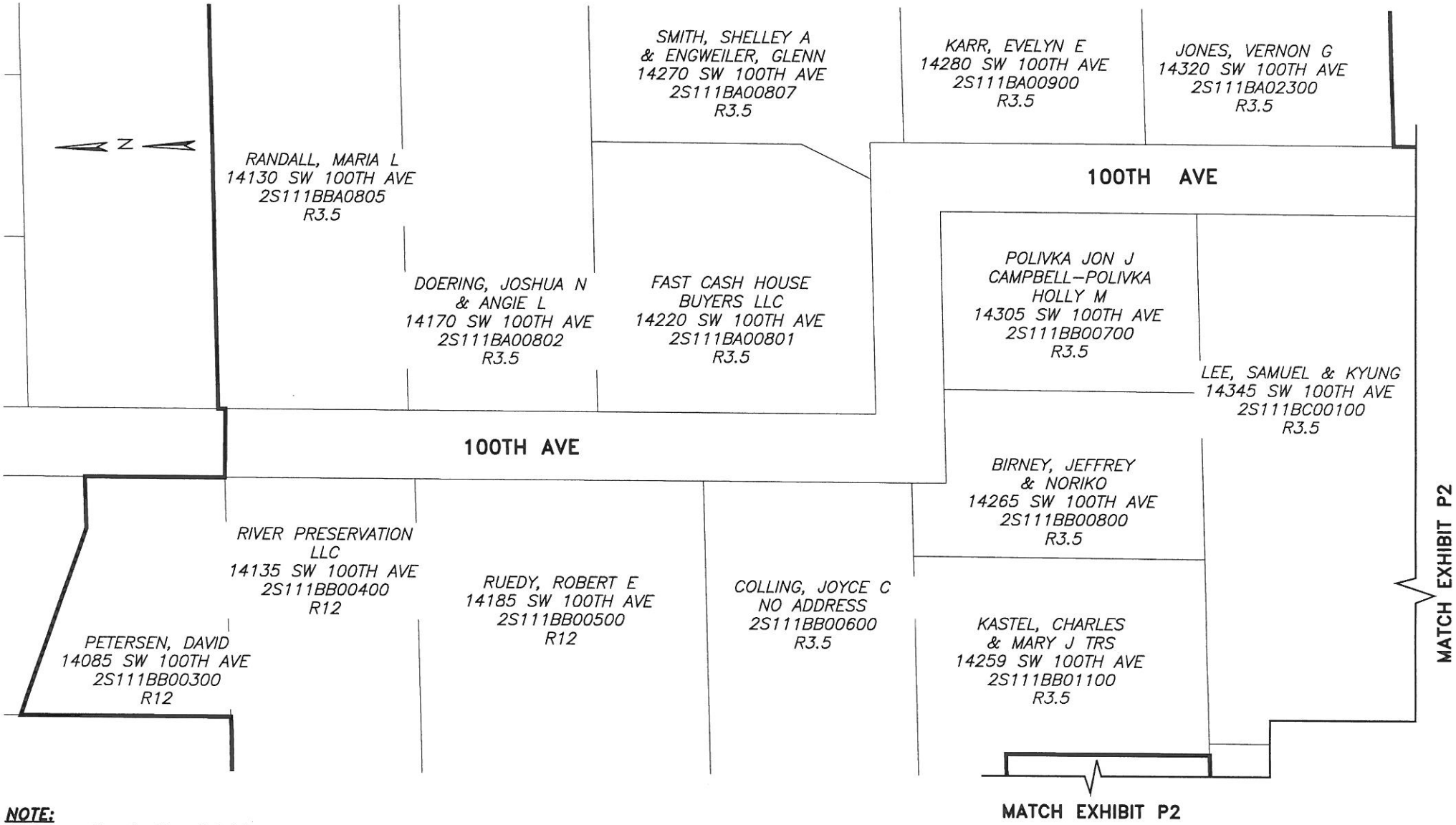
100TH AVE DIST NO. 42
FY 2009-10 SANITARY SEWER EXTENSION PROGRAM
A PORTION OF THE NW 1/4 SECTION 11 T2S R1W W.M.



NOTE:
All properties in the district are zoned R3.5 or R12

EXHIBIT B (P2)
NTS

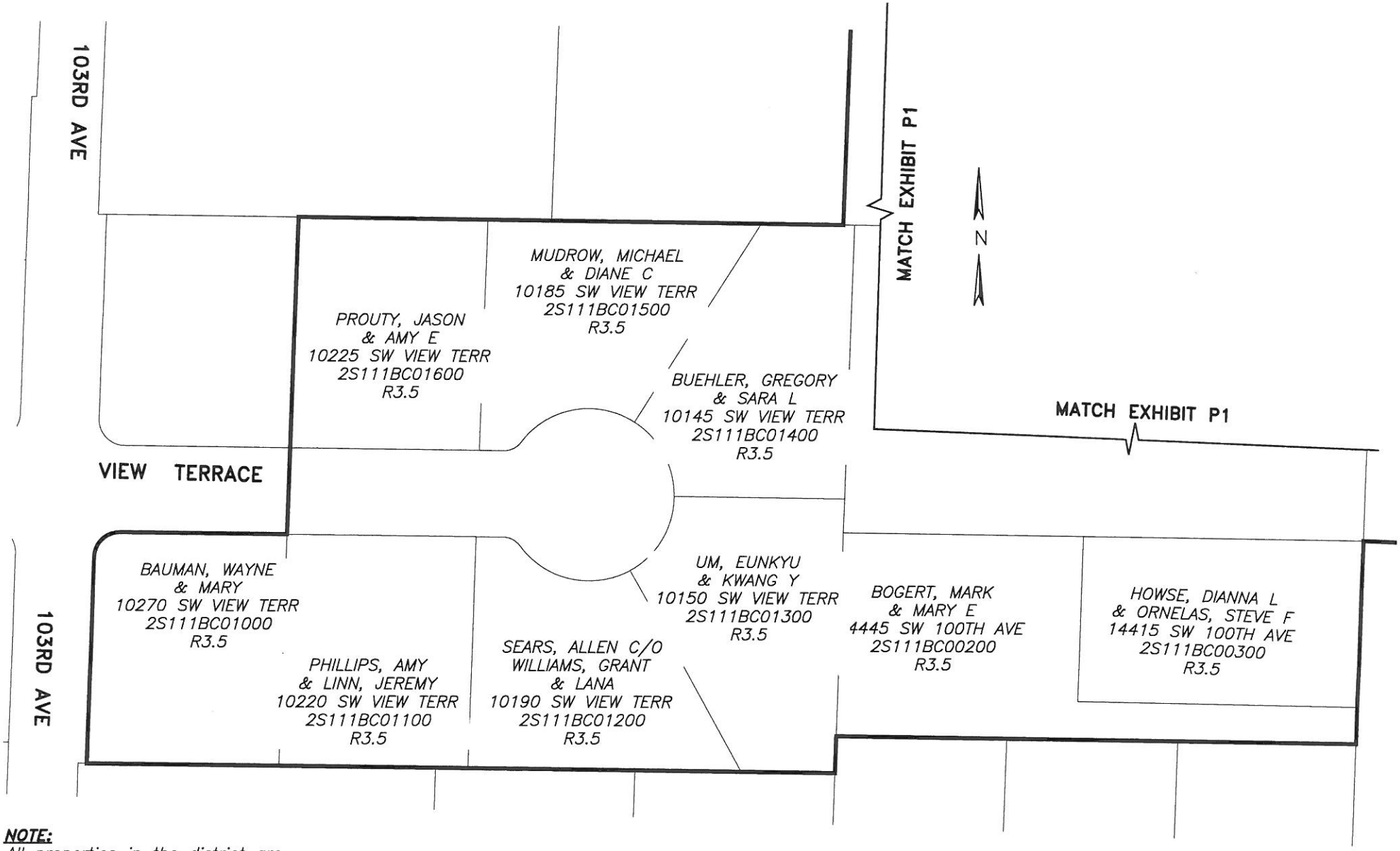
100TH AVE DIST NO. 42
FY 2009-10 SANITARY SEWER EXTENSION PROGRAM
A PORTION OF THE NW 1/4 SECTION 11 T2S R1W W.M.



NOTE:
All properties in the district are zoned R3.5 or R12

EXHIBIT B (P1)
NTS

100TH AVE DIST NO. 42
FY 2009-10 SANITARY SEWER EXTENSION PROGRAM
A PORTION OF THE NW 1/4 SECTION 11 T2S R1W W.M.



NOTE:
All properties in the district are zoned R3.5 or R12

EXHIBIT B (P2)
NTS

February 9, 2012

«TID»
«OWNER»
«ADD»
«City» «state» «zip»

Subject: Notice of Hearing to Finalize SW 100th Avenue
Sanitary Sewer Reimbursement District No. 42

City Council will hold a public hearing on February 28, 2012 to finalize Reimbursement District No. 42, see enclosed notice. You are encouraged to attend and offer oral or written testimony. Enclosed with the hearing notice is the proposed final cost of the project along with a list of each property owner's proposed reimbursement fee.

The reimbursement fee is your share of the cost of constructing the public sewer and is one half of the total project cost as shown in the column with the "Final Reimbursement Fee" heading. Your fee is calculated as follows:

Total project cost **$320,751/**Total area of all lots **583,936 (**Area of your lot **«Lot_Size»)= $«Final_Fee»**

The actual fee required to connect is subject to the City's Incentive Program.

We will send you the results of the hearing, which will include the approved amount your final reimbursement fee. The fees discussed above are not due until you decide to connect to the sewer.

Please call me if have questions. I may be reached at 503-718-2468 or at greg@tigard-or.gov.

Sincerely,

Greg N. Berry

Greg N. Berry, P.E.
Project Engineer

I:\ENG\1 - Active Projects\100th Ave San Sew Reimbursement Dist 42 IFAS 93002 Key 93042-500\Finalization\Letter to Property Owners.doc

February 9, 2012

NOTICE
of
INFORMATIONAL HEARING
Tuesday, February 28, 2012
7:30 PM
Tigard Civic Center
Town Hall

The following will be considered by the Tigard City Council on February 28, 2012, at 7:30 pm at the Tigard Civic Center - Town Hall, 13125 SW Hall Blvd., Tigard, Oregon. Both public oral and written testimony is invited. The public hearing on this matter will be conducted as required by Section 13.09.105 of the Tigard Municipal Code. Further information may be obtained from the Public Works Department at 13125 SW Hall Blvd., Tigard, OR 97223, or by calling 503-718-2468.

INFORMATIONAL PUBLIC HEARING:

FINALIZATION OF SANITARY SEWER REIMBURSEMENT DISTRICT NO. 42 (SW 100th Avenue). The Tigard City Council will conduct a public hearing to hear testimony on the finalization of Sanitary Sewer Reimbursement District No. 42, which has been formed to install public sewers in SW 100th Avenue.

Each property owner's recommended fair share of the public sewer line is $**0.5493** per square foot of lot served as shown on the enclosed list. For owners with a fair share amount of less than $15,000, the owner's fair share would be limited to $6,000 for connections completed within three years of City Council approval of the final City Engineer's Report as in accordance with Resolution No. 01- 46. In addition to paying for the first $6,000, owners will remain responsible for paying actual costs that exceed $15,000. Upon request, payment of costs that exceed $15,000 may be deferred until the lot is developed as provided by Resolution No. 03-55.

2S111BC01000
BAUMAN, C WAYNE & MARY
10270 SW VIEW TER
TIGARD, OR 97224

2S111BB00800
BIRNEY, JEFFREY D & NORIKO
14265 SW 100TH AVE
TIGARD, OR 97224

2S111BC00200
BOGERT, MARK H AND
MARY E
14445 SW 100TH
TIGARD, OR 97223

2S111BC01400
BUEHLER, GREGORY J & SARA L
10145 SW VIEW TER
TIGARD, OR 97224

2S111BB00600
COLLING, JOYCE C
959 SW 7TH ST
DUNDEE, OR 97115

2S111BA00802
DOERING, JOSHUA N &
DOERING, ANGIE L
14170 SW 100TH AVE
TIGARD, OR 97224

2S111BA00801
FAST CASH HOUSE BUYERS LLC
PO BOX 66836
PORTLAND, OR 97290

2S111BC00300
HOWSE, DIANNA L &
ORNELAS, STEVE F
14415 SW 100TH AVE
TIGARD, OR 97224

2S111BA02300
JONES, VERNON G
COLLEEN D
14320 SW 100TH AVE
TIGARD, OR 97224

2S111BA00900
KARR, EVELYN E REV LIV TRUST
BY EVELYN E KARR TR
14280 SW 100TH AVE
TIGARD, OR 97224

2S111BB01100
KASTEL, CHARLES G & MARY J TRS
14259 SW 100TH
TIGARD, OR 97224

2S111BC00100
LEE, SAMUEL & KYUNG
14345 SW 100TH AVE
TIGARD, OR 97224

2S111BC01500
MUDROW, MICHAEL T & DIANE C
10185 SW VIEW TERR
TIGARD, OR 97224

2S111BB00300
PETERSEN, DAVID
14085 SW 100TH AVE
TIGARD, OR 97224

2S111BC01100
PHILLIPS, AMY &
LINN, JEREMY J
10220 SW VIEW TER
TIGARD, OR 97224

2S111BB00700
POLIVKA, JON J &
CAMPBELL-POLIVKA, HOLLY M
14305 SW 100TH AVE
TIGARD, OR 97224

2S111BC01600
PROUTY, JASON S &
PROUTY, AMY E
10225 SW VIEW TER
TIGARD, OR 97224

2S111BA00805
RANDALL, MARIA L
14130 SW 100TH AVE
TIGARD, OR 97224

2S111BB00400
RIVER PRESERVATION LLC
PO BOX 513
WILSONVILLE, OR 97070

2S111BB00500
RUEDY, ROBERT E
14185 SW 100TH AVE
TIGARD, OR 97224

2S111BC01200
SEARS, ALLEN C
c/o WILLIAMS, GRANT & LANA
10190 SW VIEW TER
TIGARD, OR 97224

2S111BA00807
SMITH, SHELLEY A &
ENGWEILER, GLENN A
14270 SW 100TH AVE
PORTLAND, OR 97224

2S111BC01300
UM, EUNKYU C & KWANG Y
10150 SW VIEW TER
TIGARD, OR 97224

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46

A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

WHEREAS, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

WHEREAS, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

SECTION 2: A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within **three years** after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by **two years** from the date this resolution is passed, which ever is later, as shown on the attached Table 1.

SECTION 3: To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed $15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed $6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over $15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee, which is still payable upon application for

sewer connection.

SECTION 4: The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

SECTION 5: Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.

SECTION 6: The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over $6,000 up to a maximum of $15,000 per connection.

EFFECTIVE DATE: July 10, 2001

PASSED: This 10th day of July 2001.

Jim Griffith
Mayor - City of Tigard

ATTEST:

Catherine A. Heatley
City Recorder - City of Tigard

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

TABLE 1
Reimbursement Districts with Refunds Available

DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
TIGARD ST.No.8	5,193	No reimbursement available	
FAIRHAVEN ST/WYNo.9	4,506	No reimbursement available	
HILLVIEW ST No.11	8,000		July 11, 2003
106TH & JOHNSON No.12	5,598	No reimbursement available	
100TH & INEZ No.13	8,000		July 11,2003
WALNUT & TIEDEMAN No.14	8,000		July 11,2003
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		July 11,2003
*WALNUT & 121ST No.18	-	Amount to be reimbursed will be	Three years from service availability
*ROSE VISTA No.20	-	determined once final costs are determined.	

* Currently being constructed

CITY OF TIGARD, OREGON

RESOLUTION NO. 03-55

A RESOLUTION PROVIDING ADDITIONAL INCENTIVES TO THE NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM (RESOLUTION NO. 01 – 46).

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on July 10, 2001, the City Council established the Revised and Enhanced Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 01-46 to encourage owners to connect to public sewer within three-years following construction of sewers; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners of large lots to promptly connect to sewers once service is available.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: In addition to the incentives provided by Resolution No. 01-46, any person whose reimbursement fee exceeds $15,000 and wishes to connect a single family home or duplex to a sewer constructed through a reimbursement district may defer payment of the portion of the reimbursement fee that exceeds $15,000, as required by Section 3 of Resolution No. 01-46, until the lot is partitioned or otherwise developed in accordance with a land use permit. The land use permit shall not be issued until payment of the deferred amount is made. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payment of this deferred amount.

SECTION 2: Lots that qualify under Section 1, within reimbursement districts that have exceeded the three-year period for connection, and have not connected to sewer can connect the existing structure, pay a reimbursement fee of $6,000, and defer payment of the portion of the reimbursement fee that exceeds $15,000 if connection to the sewer is completed within one year after the effective date of this resolution.

SECTION 3: Vacant lots improved with a single family home or duplex during the term of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, pay $6,000 if the fee exceeds that amount, and may defer payment of the portion of the reimbursement fee that exceeds $15,000 as provided by Section 1.

SECTION 4: Vacant lots that are partitioned, subdivided, or otherwise developed during the life of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, shall pay a reimbursement fee of $6,000, and shall pay any amount due over $15,000 at the time of development. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payments made under this section.

SECTION 5: The owner of any lot for which deferred payment is requested must enter into an agreement with the City, on a form prepared by the City Engineer, acknowledging the

owner's and owner's successors obligation to pay the deferred amount as described in Section 1. The City Recorder shall cause the agreement to be filed in the office of the County Recorder to provide notice to potential purchasers of the lot. The recording will not create a lien. Failure to make such a recording shall not affect the obligation to pay the deferred amount.

SECTION 6: Any person who qualifies under Section 1 and has paid a reimbursement fee for the portion of the reimbursement fee in excess of $15,000 is entitled to reimbursement for that amount from the City upon request. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. Any person requesting a refund must sign an agreement similar to that described in Section 5 acknowledging the obligation to pay the refunded amount upon partitioning or developing the lot.

SECTION 7: The Sanitary Sewer Fund continues to remain the funding source for the Neighborhood Sewer Reimbursement District Program and shall provide the funding for the installation costs over $6,000 up to a maximum of $15,000 per connection and for any deferred payment permitted by this resolution.

SECTION 8: This resolution is effective immediately upon passage.

PASSED: This 14th day of October 2003.

~~Mayor - City of Tigard~~
Craig E. Dirksen, Council President

ATTEST:

Catherine Wheatley
City Recorder - City of Tigard

i:\eng\greg\reimbursement districts\revisions res 01-46 aug 26 03\oct 14 03 council\10-14-03 addition to res 1-46 res.doc

AIS-768 **7.**

Business Meeting

Meeting Date: 02/28/2012

Length (in minutes): 30 Minutes

Agenda Title: Renew Annexation Incentives and Discuss Annexation Policy Direction - Resolution

Submitted By: Gary Pagenstecher, Community Development

Item Type: Resolution **Meeting Type:** Council Business Meeting - Main

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Information

ISSUE

Consider a resolution to renew annexation incentives, which defines incentives for voluntary annexation of unincorporated lands to the municipal city limits. Also, initiate a broader discussion, per the 2012 council goal to re-evaluate the city's annexation policy and develop a philosophy and approach to consider annexations, including islands.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends that council adopt the proposed resolution amending Resolution No. 07-13 extending voluntary annexation incentives until February 2013. Also council is requested to initiate a broader discussion on annextion policy to provide staff direction regarding its 2012 annexation goal.

KEY FACTS AND INFORMATION SUMMARY

As stipulated in Resolution 11-08, council's annual review of its annexation policy, including annexation incentives, is to occur in February 2012.

The previously approved Res. 07 - 13 annexation incentives include: 1) waiver of the city annexation application fee for all annexation requests, and 2) phasing in of city property taxes over a three-year period at the rate of 33%, 67%, and 100%. In July of 2007, City Council passed a second resolution to subsidize payment of Metro's annexation mapping fee for applicants (Resolution 07-47). City staff then began the practice of assisting applicants with property descriptions, provided it does not involve field work. Resolutions extending the incentives were subsequently adopted annually.

Attachment 1 provides an updated resolution extending the current incentives to February 2013.

In addition to extending the current incentives, staff is seeking direction on City Council's 2012 goal to reevaluate the annexation policy and develop a philosophy and approach to consider annexations, including islands. To assist with what is expected to be a first discussion of this topic is Attachment 2; a map of the current islands of unincorporated land with the city boundary.

OTHER ALTERNATIVES

1. Not adopt the 2012 resolution allowing the incentives to expire
2. Amend the resolution such as remove, add or modify incentives

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

2012 City Council Goal 4. Annexation
a. Re-evaluate the city's annexation policy.
b. Develop a philosophy and approach to consider annexations, including islands.

DATES OF PREVIOUS CONSIDERATION

2008, 2009, 2010, 2011, and Feb 14, 2012

Fiscal Impact

Cost:	TBD
Budgeted (yes or no):	yes
Where Budgeted (department/program):	Community Development

Additional Fiscal Notes:

The fiscal impact of maintaining these incentives is highly variable and related mostly to development activity. For example, in 2011, there was one annexation by the city for which the resolution does not apply and one by a landower that has been put on hold by the owner. In 2010, there was only one annexation in Metzger and the City lost approximately $3,349 in fees and paid $150 in Metro mapping fees. Also a small amount of staff time was spent assisting the owner with the required property description. However, over the five-year period that the incentives have been in place the City has foregone and spent about $30,775. It is estimated that by 2012 foregone fees will have been covered by new property tax revenue from annexed properties. If activity increases significantly, the budget may need an adjustment to compensate for the fees and staff time.

In addition to the forgone fee revenue, the City also did not receive the full amount of property taxes. It is estimated that, during the last five years, the City did not receive about $8,600 in property tax revenue because of the tax phase-in incentive.

Attachments

Annexation Incentives Resolution

Tigard Unincorporated Islands Map

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 12-

A RESOLUTION AMENDING RESOLUTION 07-13 TO EXTEND THE INCENTIVES FOR VOLUNTARY ANNEXATION OF UNINCORPORATED LANDS TO THE MUNICIPAL CITY LIMITS TO FEBRUARY 2013.

WHEREAS, Resolution 07-13 establishes policy to guide city actions pertaining to annexation of unincorporated lands to the municipal city limits, and provides incentives to annex, including waiver of the city annexation application fee until July1, 2008 and phasing in of increased property taxes over a three-year period at the rate of 33 percent, 67 percent, and 100 percent, for properties that annex during the period of March 13, 2007, to February 2008 per Oregon Administrative Rule (OAR 150-222.111); and

WHEREAS, Resolution 07-47 amends Resolution 07-13 to expand the incentives to include city payment of the Metro mapping/ filing fee until July 1, 2008; and

WHEREAS, the city's operational and administrative procedures have been to assist in the preparation of legal descriptions as long as they do not require field survey work and to waive the pre-application conference fee for individual property owners interested in voluntary annexation; and

WHEREAS, Resolution 08-12 amends Resolution 07-13 to extend the offer of incentives to annex until February, 2009; and

WHEREAS, the City Council passed Resolution 09-12 on February 24, 2009 to continue to offer incentives to property owners who voluntarily annex to the city until February 2010; and

WHEREAS, the City Council passed Resolution 10-12 on February 9, 2010 to continue to offer incentives to property owners who voluntarily annex to the city until February 2011; and

WHEREAS, the City Council passed Resolution 11-08 on February 22, 2011 to continue to offer incentives to property owners who voluntarily annex to the city until February 2012; and

WHEREAS, on December 6, 2011, City Council set goals for 2012 including Goal 4, Annexation to a) Re-evaluate the city's annexation policy, and b) Develop a philosophy and approach to consider annexations, including islands.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution 07-13 is hereby amended to renew the offer of incentives to annex until February 2013, including:

- Waiver of the city annexation application fee;
- Phasing in of increased property taxes for properties that annex during the period of March 13, 2007, to February, 2011, per Oregon Administrative Rule (OAR 150-222.111);
- City payment of the Metro mapping/filing fee;
- Assistance in the preparation of legal descriptions, not to include field survey work; and
- Waiver of the pre-application conference fee for individual property owners interested in voluntary annexation.

SECTION 2: Review of the annexation policy and associated incentives shall occur annually, and pursuant to 2012 Council Goal 4, Annexation, a process for review shall be established.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2012.

_____
Mayor - City of Tigard

ATTEST:

_____
City Recorder - City of Tigard

Unincorporated Islands

City of Tigard, Oregon

Islands = 13 Properties = 81

Acres = 46.7 Owners = 74

TIGARD MAPS

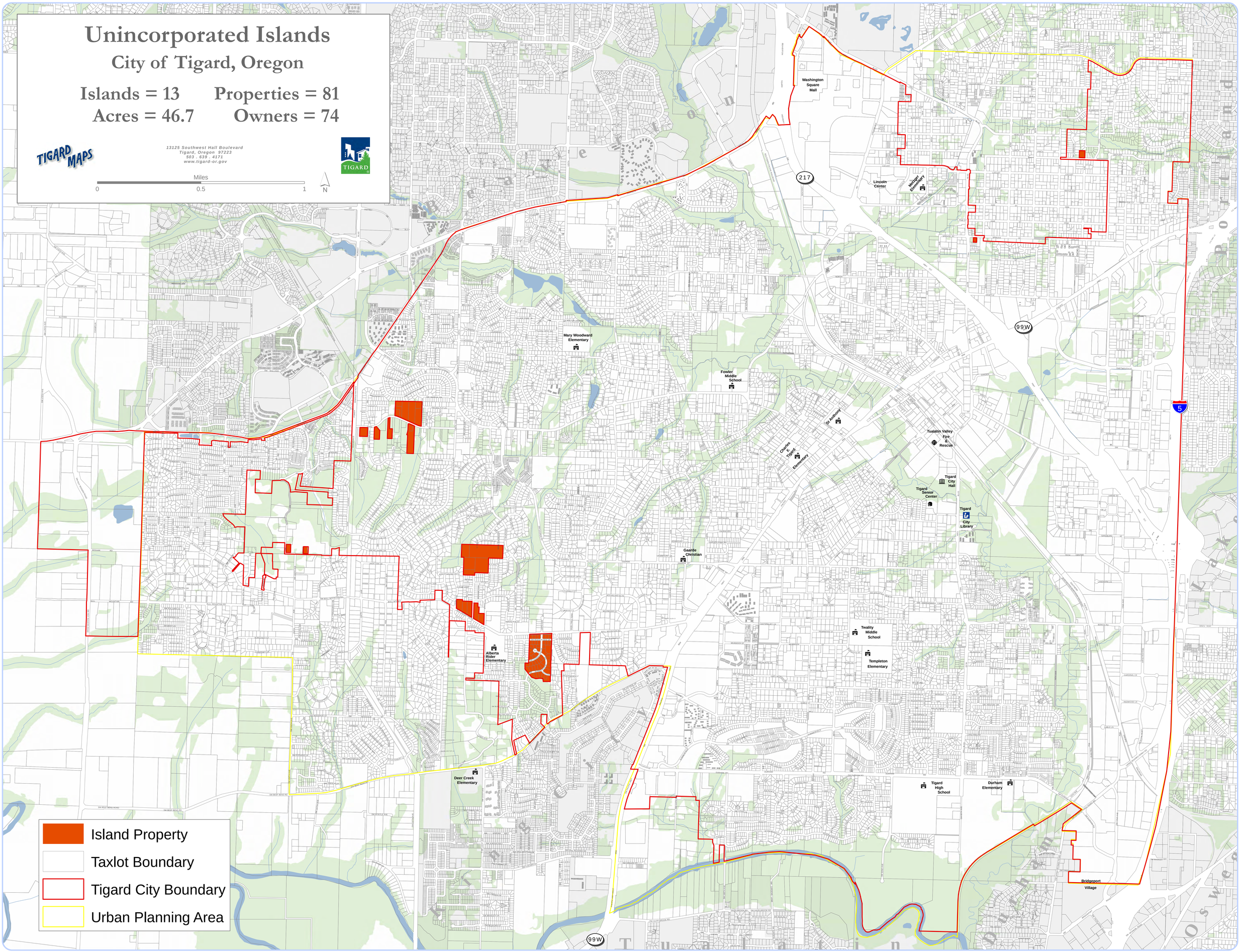
13125 Southwest Hall Boulevard
Tigard, Oregon 97223
503 . 639 . 4171
www.tigard-or.gov

TIGARD

Miles

0 0.5 1

N



Plot Date: 2/15/2012

AIS-758 **8.**

Business Meeting

Meeting Date: 02/28/2012

Length (in minutes): 30 Minutes

Agenda Title: Public Hearing to Amend Tigard Municipal Code Chapter 1.16 and to Create a New Title 6

Submitted By: Susan Hartnett, Community Development

Item Type: Ordinance Public Hearing - Legislative

Meeting Type: Council Business Meeting - Main

Information

ISSUE

Public hearing to adopt amendments to Tigard Municipal Code (TMC) Chapter 1.16 and to create a new Title 6 that consolidates nuisance violations. Amendments to other TMC titles are required to correct cross-references and delete text being moved into Title 6 from other chapters.

STAFF RECOMMENDATION / ACTION REQUEST

Approve the attached ordinances.

KEY FACTS AND INFORMATION SUMMARY

Council is asked to approve two ordinances that amend the Tigard Municipal Code (TMC) to enhance code enforcement tools and improve usability of the code. The first ordinance and its exhibits (Attachment 1) approves: 1) amendments to Tigard Municipal Code (TMC) Chapter 1.16 to add administrative enforcement and abatement procedures and enhance the usability of the code, and 2) amendments to Chapters 7.42, 7.74, 12.02, and 14.04 to change cross references within these chapters to be consistent with the amended Chapter 1.16 numbering. (For ease of reading Chapter 1.16 is provided in "clean copy as Attachment 2.)

The second ordinance and its exhibits (Attachment 3) approves: 1) creation of Title 6, which consolidates nuisance violations, 2) amendments to delete Chapters 7.40 and 7.61 because the text from those chapters is being moved into Title 6, and 3) amendments to Chapters 2.52, 15.16 and 18.725 to change cross references within these chapters to be consistent with the new Title 6.

During three prior meetings, City Council has reviewed and discussed the content of the proposed amendments. Council also provided feedback to staff and the exhibits attached to the ordinances reflect the changes directed by the council. At the January 24, 2012 meeting, council completed their discussion and directed staff to bring the amendments forward to a public hearing.

Background: Budget reductions in fiscal year 2010-2011 resulted in elimination of the city's only code enforcement officer. It was decided that maintaining a credible code enforcement function required new administrative enforcement tools to provide more cost efficient and effective services. In response, City Council, at its February 15, 2011 meeting, directed staff to prepare the necessary amendments to the TMC. Over the next several months, council and staff developed the following general strategy regarding TMC amendments.

1. Provide for administrative remedies in Chapter 1.16 to augment existing judicial and emergency remedies.
2. Provide for administrative fees, also in Chapter 1.16, and add these to the Master Fees and Charges Schedule.
3. Consolidate nuisance regulations from multiple TMC locations into a new Title 6.
4. Establish the authority to create administrative rules as needed.

Council subsequently directed staff to refine the above into specific TMC amendments for its consideration.

OTHER ALTERNATIVES

Direct staff to further refine the code amendments and reconsider the ordinances at a later date.
Do not approve the ordinances.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Goal #1b. Implement Comprehensive Plan through code revisions.
The Code Compliance Program contributes to many of the Comprehensive Plan's goals and policies related to the community's livability and vitality.

DATES OF PREVIOUS COUNCIL CONSIDERATION

The council has discussed this topic on the following dates:

- July 27, 2010
- February 15, 2011
- August 23, 2011
- September 13, 2011
- November 22, 2011
- December 13, 2011
- January 24, 2012

Attachments

Attachment 1 - Ordinance (Chapter 1.16) and Exhibits

Attachment 2 - Chapter 1.16 (clean)

Attachment 3 - Ordinance (Title 6) and Exhibits

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 12-

AN ORDINANCE AMENDING CHAPTER 1.16 OF THE TIGARD MUNICIPAL CODE TO PROVIDE AN ADMINISTRATIVE ENFORCEMENT PROCESS, AUTHORIZE ADMINISTRATIVE ABATEMENT OF NUISANCES, AUTHORIZE THE USE OF ADMINISTRATIVE RULES, CLARIFY ELEMENTS OF THE CIVIL INFRACTIONS PROCESS AND AMEND TITLES 7, 12, AND 14.

WHEREAS, Chapter 1.16 of the Tigard Municipal Code (TMC), known as the "civil infractions ordinance," sets forth procedures for the enforcement of certain provisions of the TMC; and

WHEREAS, the procedures in Chapter 1.16 provide only a judicial enforcement process which requires substantial amounts of staff and court time; and

WHEREAS, the addition of an administrative enforcement process will provide more efficient and effective administration of the enforcement process; and

WHEREAS, a process whereby the city can act directly to abate nuisances will expedite compliance; and

WHEREAS, the City Council unanimously authorized the use of administrative rules in Ordinance No. 11-06 and provided rule-making procedures; and

WHEREAS, the use of administrative rules to establish procedures related to certain aspects of code enforcement provides appropriate oversight and flexibility; and

WHEREAS, the City Council establishes a policy that, in addition to seeking compliance in civil infractions cases, the city will seek to recover for the public the costs of enforcement, including staff time; and

WHEREAS, sections of the TMC that refer to existing sections of Chapter 1.16 need to be amended to be consistent with the new text.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Chapter 1.16 is amended as shown in Exhibit A; text to be deleted is shown in ~~strikethrough~~ and text to be added is shown in <u>underline</u>

SECTION 2: Cross-references in the Tigard Municipal Code are amended as follows: Chapter 7.42 as shown in Exhibit B-1, Chapter 7.74 as shown in Exhibit B-2, Chapter 12.02 as shown in Exhibit B-3 and Chapter 14.04 as shown in Exhibit B-4; text to be deleted is shown in ~~strikethrough~~ and text to be added is shown in <u>underline</u>.

SECTION 3: This ordinance shall be effective 30 days after its passage by the council, signature by the mayor, and posting by the city recorder.

PASSED: By _____ vote of all council members present after being read by number and title only, this ____ day of _____ 2012.

_____
City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2012.

_____
Mayor - City of Tigard

Approved as to form:

_____
City Attorney

_____
Date

Chapter 1.16 CIVIL INFRACTIONS.

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ARTICLE I. GENERAL PROVISIONS

1.16.010 Title for Provisions

–The ordinance codified in this chapter shall be known as the "civil infractions ordinance," and may also be referred to herein as "this chapter." (Ord. 86-20 §1(Exhibit A(1)), 1986).

1.16.020 Establishment ~~A~~and Purpose~~.~~

~~1.~~A. The purpose of this chapter is to establish civil procedures for the enforcement of certain provisions of the Tigard Municipal Code (TMC).

B~~2~~. The ~~civil infraction~~ procedures for the judicial enforcement process and the administrative enforcement process established herein are for the purpose of:

1. ~~d~~Decriminalizing penalties for infractions of certain civil ordinances and

2. ~~for the purpose of p~~Providing a convenient and practical forum for the hearing and determination of cases arising out of such infractions.

The civil infractions procedures are ~~is~~ intended to be used for all violations of the TMC other than certain violations of Title 7 and Title 10.

~~3~~C. The civil infractions abatement procedures established herein are for the purpose of authorizing the ~~City~~ city to proceed to abate such infractions:

1. ~~i~~If it is determined that the infraction presents an immediate danger to the public health, safety or welfare~~.~~; or

D. If it is determined that the property owner or responsible person is incapable of or unwilling to abate the infraction within a timeline satisfactory to the city.

1.16.030 Definitions~~.~~

For the purposes of this chapter, the following definitions shall apply:

A. "Abate" means to restore a property to its condition prior to the infraction, or similar condition that is free of the subject infractions. In the case of graffiti, "abate" means to remove graffiti from the public view.

B. "City manager" means the city manager or any other city employee designated by the city manager.

6C. "Civil Iinfraction" shall or "infraction" means:

1. tThe failure to comply with a code provision of this code other than certain provisions of Chapter Title 7 and Chapter Title 10 and shall also mean

2. tThe process of imposing a civil penalty under this chapter.

References to "uniform infraction" throughout the code other than in certain provisions of Chapter Title 7 and Chapter Title 10 shall be deemed to be references to "civil infraction." (Ord. 07-03, Ord. 05-08, Ord. 02-27, Ord. 86-20 §1(Exhibit A(4)), 1986).

D1. "Civil iInfractions hHearings oOfficer" means the mMunicipal jJudge or the individual appointed by the mMunicipal jJudge with the delegated authority to preside over the code enforcement hearings and to perform the related functions as specified by this chapter.

E. "Costs" means any expenses incurred and charges associated with any action taken by the city under this chapter including but not limited to the cost to the public of the staff time invested and, regarding items confiscated for violation of Sections 6.03.010 and 6.03.020, all expenses incurred and charges associated with the removal, storage, detention, processing, disposition and maintenance thereof.

2F. "Code eEnforcement oOfficer" means the individual or individuals appointed or designated by the dDirector of cCommunity dDevelopment or the Ccity mManager to enforce the provisions of this chapter. For enforcement of Chapters 10.16 through 10.32, Section 7.40.1256.02.060, and Chapter 7.60, "cCode Eenforcement Oofficer" also includes Ccommunity Sservice Oofficers of the police department

G. "Finance officer" means the senior financial officer of the city or the designee of the senior financial officer.

H. "Letter of Complaint" means a letter of notification to a responsible party that the city has received a complaint indicating that a violation may exist on the party's property.

I. "Notice of Assessment" means a formal letter or form notifying a respondent or recipient that an administrative fee, administrative costs, or costs of abatement have been assessed against them or against property in which they hold an interest.

J. "Notice of Violation" means a formal letter or form notifying a responsible party that the city has probable cause to believe that a violation has been found to exist on the party's property.

K. "Order to Abate" means an order to a respondent or responsible party to abate an infraction from the municipal court as provided in Article II, or from the code enforcement officer as provided in Article III.

L. "Person" means an individual human being and may also refer to a firm, corporation, unincorporated association, partnership, limited liability company, trust, estate or any other legal entity.

M. "Premises" means a parcel of land and any improvements on it.

N. "Recipient" means a person who has received a Letter of Complaint under the administrative process.

3O. "Respondent" means a person charged with a civil infraction. A respondent will have received a Notice of Violation or a summons and complaint as provided in Article II

or an Order to Abate as provided in Article III.

P. "Responsible party" means any one of the following:

1. An owner,

2. An entity or person acting as an agent for an owner by agreement that has authority over the property, is responsible for the property's maintenance or management, or is responsible for curing or abating an infraction,

3. Any person occupying the property, including bailee, lessee, tenant or other having possession or

4. The person who is alleged to have committed the acts or omissions, created or allowed the condition to exist, or placed the object or allowed the object to exist on the property.

There may be more than one responsible party for a particular property or infraction.

~~5~~P. "Violation" means failure to comply with a requirement imposed directly or indirectly by this code. "Violation" may also mean civil infraction, except as used in those portions of Chapter 7 and of Chapter 10 that do not use the civil infraction procedure.

~~4.~~Q. "Voluntary Compliance Agreement" means an agreement, whether written or verbal, between the ~~Code Enforcement Officer~~city and the recipient or respondent, which is intended to resolve the alleged civil infraction.

1.16.040 Use ~~O~~of Language~~.~~

As used in this chapter, pronouns indicating the masculine gender shall include the feminine and neuter genders; the singular ~~pronouns~~ shall include the plural; and "person" shall, where appropriate, include any partnership, corporation, unincorporated association, the State of Oregon~~,~~ or other entity. (Ord. 86-20 §1(Exhibit A(14)), 1986).

1.16.050 Reference ~~T~~to State Law~~.~~

Any reference to an Oregon state statute incorporates into this chapter by reference the statute in effect on the effective date of the ordinance codified in this chapter. (Ord. 86-20 §1(Exhibit A(11)), 1986).

1.16.060 Culpability~~.~~, ~~Chapter Provisions~~ Not Exclusive, Remedies Cumulative~~.~~

~~1~~A. Acts or omissions to act which are designated as an infraction by any ~~City~~ city ordinance do not require a culpable mental state as an element of the infraction.

~~2~~B. The procedures prescribed by this chapter shall be the exclusive procedures for imposing civil penalties; however, this section shall not be read to prohibit in any way alternative remedies set out in the Tigard Municipal Code which are intended to abate or alleviate code infractions, nor shall the ~~C~~city be prevented from recovering, in any manner prescribed by law, any ~~expense~~ costs incurred by it in abating or removing ordinance infractions pursuant to any code provision. (Ord. 86-20 §1(Exhibit A(3)), 1986).

C. The remedies and procedures for abatement of civil infractions provided in this chapter are in addition to all other remedies and procedures provided by law. Nothing in this chapter shall limit or restrict in any way the city's right to obtain abatement by means of a civil infraction, judicial action, an administrative enforcement action, a criminal action, a civil lawsuit or any other form of procedure to obtain abatement.

1.16.065 Liability

A. The city shall not be liable to any person for any loss or injury to person or property growing out of any casualty or incident happening to such person or property on account of a property owner, lessee or occupant of property who fails or neglects to promptly comply with the duties imposed by this section.

B. The city shall be exempt from all liability, including but not limited to common-law liability that it might otherwise incur to an injured party as a result of the city's negligent failure to abate an infraction.

C. If any property owner, lessee or occupant, by his failure or neglect to perform any duty required of him by the terms of this section, contributes in causing injury or damages, they shall reimburse the city for all damages or injury it has sustained or has been compelled to pay in such case, including but not limited to reasonable attorney fees for the defense of the same, and such payments as may be enforced in any court having jurisdiction.

1.16.070 Effect o~~O~~f This Chapter~~.~~

~~1~~A. Citations or complaints issued and filed with the ~~M~~municipal ~~C~~court prior to the effective date of the ordinance codified in this chapter shall be processed in accordance with the provisions in effect at the time the complaint was issued.

~~2~~B. Nothing in this chapter shall be construed as a waiver of any prior assessment, bail or fine ordered by the ~~M~~municipal ~~C~~court. (Ord. 86-20 §1(Exhibit A (12)), 1986).

1.16.080 Severability~~.~~

The provisions of this chapter are severable. If any section, sentence, clause or phrase of this chapter is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of the chapter. (Ord. 86-20 §1(Exhibit A(13)), 1986).

1.16.090 Reports ~~O~~of Infractions~~.~~

All reports or complaints of infractions covered by this chapter shall be made or referred to an authorized ~~C~~code ~~E~~enforcement ~~O~~officer. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(A), 1986).

1.16.100 Assessment by Code Enforcement Officer~~.~~

A~~1~~. ~~Assessment.~~ Upon receiving a report or complaint or otherwise becoming aware of a violation of this code~~When an alleged infraction is reported to the Ccode Eenforcement Oofficer~~, the ~~C~~code ~~E~~enforcement ~~O~~officer shall review the facts and circumstances surrounding the alleged infraction and if he ~~or she~~ deems it appropriate will proceed with appropriate enforcement actions.

B~~2~~. ~~Sufficiency of Evidence.~~ The ~~C~~code ~~E~~enforcement ~~O~~officer shall not proceed further with the matter if the o~~O~~fficer determines that there is not sufficient evidence to support the allegation, or if the o~~O~~fficer determines that it is not in the best interest of the c~~C~~ity to proceed. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(B)), 1986).

1.16.105 Administrative Rules

The city manager is authorized to draft and adopt administrative rules to define procedures to work with respondents or recipients toward the abatement of civil infractions. Any such administrative rules and regulations shall be adopted pursuant to the provisions of Chapter 2.04, be consistent with this chapter and shall include the following:

A. Specific form documents or templates for all written communications referenced in this chapter to ensure that communications from the city are uniform, including a:

1. Letter of Complaint

2. Notice of Violation

3. Order to Abate

4. Notice of Assessment

B. Procedures for the preparation, execution, delivery, and posting of notices of a:

1. Letter of Complaint

2. Notice of Violation

3. Order to Abate

4. Notice of Assessment

C. Procedures for review by the civil infractions hearing officer to consider protest by a responsible party of an administrative Order to Abate consistent with Section 1.16.420.

D. Procedures for determination of the time allowed to abate an infraction or otherwise respond as provided in a:

1. Letter of Complaint

2. Notice of Violation

3. Order to Abate

E. Procedures for the calculation of administrative fees.

F. Standards for confidential or anonymous reporting and circumstances in which such reporting is allowed.

~~**1.16.110 Notice - Validity.**~~

~~Repealed by Ord. 02-27.~~

1.16.110 Warrants - Right of Entry

A. The city manager or designee may enter property, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any regulations of this code, or whenever the city manager or designee has reasonable cause to believe that there exists in any structure or upon any property any condition which constitutes a violation of provisions of this code.

B. In the case of entry into areas of property that are plainly enclosed to create privacy and prevent access by unauthorized persons, the following steps shall be taken.

1. The code enforcement officer shall first make a reasonable attempt to locate the owner or other persons having charge or control of the property, present proper credentials and request entry.

2. If entry is refused or if the owner or other persons having charge or control of the property cannot be located, the code enforcement officer may attempt to obtain entry by obtaining a warrant.

1.16.111 Warrants - Grounds for Issuance

A. A warrant for inspection, investigation, removal or abatement purposes shall only be issued upon cause, supported by affidavit, particularly describing:

1. The applicant's status in applying for the warrant;

2. The statute, ordinance or regulation requiring or authorizing the inspection or investigation or the removal and abatement of the violation;

3. The building or property to be inspected, investigated or entered;

4. The purpose for which the inspection, investigation, removal or abatement is to be made;

5. The basis upon which cause exists to inspect, investigate, remove or abate the violation; and

6. In the case of removal or abatement, a statement of the general types and estimated quantity of the items to be removed or conditions abated.

B. Cause shall be deemed to exist if:

1. Reasonable legislative or administrative standards for conducting a routine, periodic, or area inspection or for removing and abating violations are satisfied

with respect to any building or upon any property, or

2. An investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with regulations, or

3. There is cause to believe that a violation exists for which removal or abatement is required or authorized by this chapter.

1.16.112 Warrants - Procedure for Issuance

A. Before issuing a warrant, a judge may examine the applicant and any other witness under oath and shall be satisfied of the existence of grounds for granting such application.

B. If the judge is satisfied that cause for the inspection, investigation, removal or abatement of any infraction exists and that other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing:

1. The person or persons authorized to execute the warrant,

2. The property to be entered, and

3. The purpose of the inspection or investigation or a statement of the general types and estimated quantity of the items to be removed or conditions abated.

C. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specifically determined, upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

D. In issuing a warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and to assist the representative of the city in any way necessary to enter the property and complete the investigation or remove and abate the infraction.

1.16.113 Warrants - Execution

A. In executing a warrant on occupied property the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.

B. In executing a warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection A. above, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted on the property.

C. A warrant must be executed within 10 working days of its issue and returned to the judge by whom it was issued within 10 working days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

1.16.114 Warrants - Disposal of Seized Property

The city manager or designee may cause any items removed pursuant to an abatement warrant to be disposed of in an approved manner whenever the city manager or designee, in his sole discretion, finds that the fair and reasonable value of the items at resale would be less than the cost of storing and selling the items. In making the above determination, the city manager or designee may include in the costs of sale the reasonable cost of removing the items to

a place of storage, of storing the items for resale, of holding the resale including reasonable staff allowances and all other reasonable and necessary costs of holding the sale.

1.16.115 Voluntary Compliance Agreement

A~~a~~. The ~~C~~code ~~E~~enforcement ~~O~~officer may, at any time prior to a first appearance in court, enter into a V~~v~~oluntary C~~c~~ompliance A~~a~~greement with ~~the~~a respondent or recipient. The agreement shall include the time allowed to abate the infraction and shall be binding on the respondent or recipient.

B~~b~~. The fact that a person alleged to have committed a civil infraction enters into a V~~v~~oluntary C~~c~~ompliance A~~a~~greement shall not be considered an admission of having committed the infraction for any purpose.

C~~c~~. The city shall ~~abate~~ suspend further processing of the alleged infraction during the time allowed in the V~~v~~oluntary C~~c~~ompliance A~~a~~greement for ~~the~~ completion of the necessary corrective action. The ~~C~~city shall take no further action concerning the alleged violation if all terms of the V~~v~~oluntary ~~c~~Compliance ~~a~~Agreement are satisfied, other than steps necessary to terminate the enforcement action.

D~~2~~. Failure to comply with any term of a~~the~~ signed V~~v~~oluntary C~~c~~ompliance A~~a~~greement constitutes an additional and separate infraction which shall be handled in accordance with ~~the~~ procedures established by this chapter~~,~~. ~~except that~~ A~~a~~fter the V~~v~~oluntary C~~c~~ompliance A~~a~~greement has been signed no further notice need be given before a civil infraction summons and complaint based on this infraction is issued. The ~~C~~city may also proceed on the alleged infraction that gave rise to the Voluntary Compliance Agreement. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(10)), 1986).

1.16.120 Notice~~.~~ - Notice of Violation and Letter of Complaint

A. Upon receiving a report or complaint or otherwise becoming aware of a violation of this code, the code enforcement officer may cause a notice ~~Notice~~of the alleged civil infraction ~~may~~to be given to ~~the respondent~~ any responsible party for the property containing the alleged infraction.

B. Under the judicial enforcement process set forth in Article II, a Notice of Violation for the alleged civil infraction may be given to the responsible party before a civil infraction summons and complaint is issued for an infraction. Verification of the violation is a requirement for a Notice of Violation. A Notice of Violation ~~It~~ is not ~~a prerequisite~~ required before ~~to the issuance of the~~ a summons and complaint is issued. The use of a Notice of Violation ~~and the giving of notice~~is at the sole discretion of the ~~C~~code ~~E~~enforcement ~~O~~officer.

C. Under the administrative enforcement process set forth in Article III, a Letter of Complaint may be mailed to any responsible party for the property containing the alleged civil infraction. Verification of the violation is not a requirement for issuing a Letter of Complaint but the issuance of a Letter of Complaint is a required first step in the administrative process. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)~~©~~(2)), 1986).

~~**1.16.130 Notice – Class 2 And 3 Infractions (Repealed by Ord. 02-27).**~~

1.16.140 Time to ~~Remedy~~ Abate Infraction After Notice

A. If a Notice of Violation or a Letter of Complaint is given to a recipient or respondent pursuant to this chapter, the ~~C~~code ~~E~~enforcement ~~O~~officer shall give the recipient or respondent a ~~reasonable~~ specific timeline within which to cure or to remedy abate the alleged infraction ~~after the notice is given~~consistent with subsection 1.16.140.B.

B. The time allowed shall not be less than ~~twenty-four~~24 hours~~,~~ for a Notice of Violation, or five days for a Letter of Complaint, nor more than ~~thirty~~ 30 days~~.~~ except in cases

where compliance is voluntary and the code enforcement officer deems it appropriate to enter into a Voluntary Compliance Agreement with the recipient or respondent.

C. ~~Where there is an extreme hardship, as determined by the Code Enforcement Officer, t~~The code enforcement officer may grant additional time to the respondent if, in the officer's judgment, compliance within the ~~30-day~~30-day timeline would constitute a significant hardship to the recipient or respondent or other significant mitigating circumstances exist. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(4)), 1986).

1.16.150 Immediate ~~Remedial~~ Abatement Action Required When~~.~~

A. Notwithstanding the ~~remedial~~ abatement time periods contained in Section 1.16.140, if the ~~C~~code ~~E~~enforcement ~~O~~officer determines that the alleged infraction presents an immediate danger to the public health, safety or welfare, or that any continuance of the violation would allow the recipient or respondent to profit from the violation or would otherwise be offensive to the public at large the ~~O~~officer may require immediate remedial action.

B. If, in such cases, the ~~C~~code ~~E~~enforcement ~~O~~officer is unable to serve a ~~n~~Notice of ~~infraction~~ Violation or Letter of Complaint on the recipient or respondent or, if after such service the recipient or respondent refuses or is unable to remedy the infraction, the ~~C~~city may proceed to remedy the infraction as provided in ~~S~~subsection C ~~1.16.340 of this chapter~~ below. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(5)), 1986).

C. In the case of an immediate danger to the public health, safety or welfare ~~declared~~ determined under ~~S~~subsection A, the city may abate the infraction and charge the abatement cost back to the recipient or respondent, after obtaining a warrant to enter the property and abate the infraction. If the immediate danger constitutes an emergency threatening immediate death or physical injury to persons, the city may abate the infraction without obtaining a warrant if the delay associated with obtaining the warrant would result in increased risk of death or injury, and may charge the abatement costs back to the recipient or respondent.

ARTICLE II. JUDICIAL ENFORCEMENT

1.16.160 Notice - Methods of Service
1.16.170 Notice - Computation of Time Period
1.16.180 Notice - Information
1.16.190 Failure to Respond to Notice
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1.16.210 Civil Infraction Summons and Complaint - Timing
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1.16.230 Civil Infraction Summons and Complaint - Service - Failure to Receive - Default
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1.16.250 No Right to Jury
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1.16.280 Witnesses
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1.16.340 Remedial Action by City - Summary Abatement
1.16.350 Default Judgment

ARTICLE II. JUDICIAL ENFORCEMENT

1.16.160 Notice - Methods of Service.

If a Notice of Violation Notice of Infraction is given to a respondent pursuant to this chapter, service of such notice may be made as follows:

A1. A Notice of Violation notice of the alleged infraction may be given to the respondent in person by the Ccode Eenforcement Oofficer.

2B. A Notice of Violation Notice of the alleged infraction may be given by a telephone call to the respondent. If notice is given in this manner, the respondent may be given, at the Code Enforcement Officercode enforcement officer's discretion, a notice of infractionNotice of Violation by first class mail sent to his last known address as soon as possible after the initial notice by telephone.

3C. A Notice of Violation notice of the alleged infraction may be given by mailing to the respondent at his last known address.

4D. A Notice of Violation Notice of the alleged infraction may be given by affixing to the main door of the property or premises. If notice is given in this manner, the cCode eEnforcement Oofficer may, at his or her discretion, also provide the respondent with a Nnotice of infraction Violation by mail sent to the respondent's last known address as soon as possible after the initial notice by posting. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(6)), 1986).

1.16.170 Notice - Computation oOf Time Period.

1A. Where the Notice of Violation notice of infraction is delivered in person or by telephone the time period to abate the infraction shall begin to run immediately upon such delivery.

2B. Where the Notice of Violation notice of infraction is mailed to the respondent, for the purposes of computing any time period prescribed by this chapter, notice to abate the infraction shall be considered complete three days after such mailing, if the address to which it is mailed is within the state, and seven days after mailing if the address to which it is mailed is outside the state.

3C. Where the Notice of Violation notice of infraction is affixed to the main door of the property or premises, for purposes of computing the time period to abate the infraction, notice shall be considered complete three days after such affixation. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(7)), 1986).

1.16.180 Notice - Information.

A1. The following information shall be included in the Notice of Violation notice of infraction if one is given:

1a. A description or identification of the activity or condition constituting the alleged infraction, and the identification of the recipient as the respondent;

2b. A statement that the cCode eEnforcement oOfficer has determined the activity or condition to be an infraction;

3c. A statement of the action required to remedy or cure abate the alleged infraction and the time and date by which the remedyabatement must be completed unless a Vvoluntary Ccompliance Aagreement is executed;

4d. A statement advising the respondent that if the required remedyabatement is not completed within the time specified and the respondent has not entered into a Vvoluntary Ccompliance Aagreement, a civil infraction summons and complaint will be issued and a forfeiture in the maximum amount provided and civil penalties for the particular infraction may be imposed.

B. 2. The following information may be included in the notice of infraction at the discretion of The cCode eEnforcement Oofficer :has the discretion to include in the Notice of Violation an invitation to contact the cCode eEnforcement oOfficer to discuss any questions the respondent may have about the alleged violation, the requirements for compliance, and any possibility of entering into a voluntary compliance agreementVoluntary Compliance Agreement. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(8)), 1986).

1.16.190 Failure tTo Respond tTo Notice.

If notice is given, and the respondent either receives or rejects the notice of infractionNotice of Violation and fails to remedyabate or cure the alleged infraction within the time specified in the Notice of Violationnotice of infraction, the cCode eEnforcement oOfficer shallmay serve the respondent with a civil infraction summons and complaint. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(9)), 1986).

1.16.200 Voluntary Compliance Agreement.

1. Effect of Agreement.

a. The Code Enforcement Officer may enter into a voluntary compliance agreement with the respondent. The agreement shall include time limits for compliance and shall be binding on the respondent.

b. The fact that a person alleged to have committed a civil infraction enters into a voluntary compliance agreement shall not be considered an admission of having committed the infraction for any purpose.

c. The City shall abate further processing of the alleged infraction during the time allowed in the voluntary compliance agreement for the completion of the necessary corrective action. The City shall take no further action concerning the alleged violation if all terms of the voluntary compliance agreement are satisfied, other than steps necessary to terminate the enforcement action.

2. Failure to Comply with Agreement. The failure to comply with any term of the voluntary compliance agreement constitutes an additional and separate infraction, and shall be handled in accordance with the procedures established by this chapter, except that after the voluntary compliance agreement has been signed no further notice need be given before a civil infraction summons and complaint is issued. The City may also proceed on the alleged infraction that gave rise to the voluntary compliance agreement. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(10)), 1986).

1.16.210 Civil Infraction Summons aAnd Complaint - Timing.

A civil infraction summons and complaint may be served on the respondent:

1A. Immediately upon discovery of the infraction;

B2. Where the response period given in a nNotice of infraction vViolation is given and the response period in the violation notification has expired; or

3C. Where the period for compliance given in a Vvoluntary Ccompliance Aagreement has been executed, whether verbal or written, when the period for compliance has expired and the infraction has

not been ~~cured~~abated. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(D)(1)), 1986) .

1.16.220 Civil Infraction Summons ~~a~~And Complaint - Process Requirements~~.~~

~~1~~A. The physical form taken by a civil infraction summons and complaint is not material. What is material is the substance, the information contained therein. The ~~C~~city may utilize various physical formats for the summons and complaint. ~~A "long form" and a "short form" are specifically authorized but other formats may be used.~~ The state uniform citation may be used. Any form prepared by the c~~C~~ity should normally contain or solicit the following information, but no complaint or summons shall be considered invalid for failure to comply with these rules, so long as the basic information regarding the infraction and the court date is included.

~~2~~B. The civil infractions summons and complaint shall contain the following information:

~~a~~1. The name and address of the respondent;

~~b~~2. A description of the infraction that can be understood by a person making a reasonable effort to do so;

~~c~~3. The date, time~~,~~ and place at which the infraction is alleged to have been committed. If the infraction is alleged to be ongoing, the civil~~,~~ infractions summons and complaint shall so state and shall list a date on which the infraction was observed;

~~d~~4. A file or reference number;

~~e~~5. The date the civil infraction summons and complaint was issued;

~~f~~6. The name of the code enforcement officer issuing the citation;

~~g~~7. The time, date~~,~~ and location at which the respondent is to appear in court;

~~h~~8. A notice that a complaint based on the violation will be filed with the court;

~~i~~9. The amount of the maximum civil penalty for the infraction;

~~j~~10. An explanation of the respondent's obligation to appear at the hearing and that a monetary judgment may be entered for up to the maximum civil penalties if the respondent fails to make all required court appearances;

~~k~~11. A space wherein the respondent may admit having committed the alleged infraction;

~~l~~12. The time period for returning the form to the court;

~~m~~13. A notice that, if the respondent admits having committed the infraction as charged, payment, in the amount shown on the summons and complaint or as agreed with the code enforcement officer pursuant to 1.16.660 of this chapter, as may be appropriate, must accompany the admission; and

~~n~~14. A form of verification that the person signing the complaint swears that the person has reasonable grounds to believe, and does so believe, that the respondent committed the alleged infraction. (Ord. 02-27, Ord. 86-41 §§1 - 4, 1986; Ord. 86-35 §§1 - 4, 1986; Ord. 86-20 §1(Exhibit A(5)(D)(2)), 1986).

1.16.230 Civil Infraction Summons ~~a~~And Complaint - Service - Failure To Receive - Default~~.~~

A. ~~1.~~Service of the civil infraction summons and complaint ~~-~~shall be made consistent with the requirements of the

Oregon Rules of Civil Procedure and may be made by:

1. ~~p~~Personal service on the respondent or an agent for the respondent,

2. ~~by s~~Substitute service at the respondent's dwelling or office~~;~~.

3. ~~by a~~Affixing to the main door of the property or premises, or by

4. ~~c~~Certified mail, return receipt requested, to the respondent at his last known address.

B. In the event of substitute service at the respondent's dwelling, the person served must be at least ~~fourteen~~ 14 years of age and residing in the respondent's place of abode.

C. Service at the respondent's office~~,~~ must be made during regular business hours. Substitute service at the respondent's office must be made to the person who is apparently in charge.

D. If substitute service is used~~,~~ a true copy of the summons and complaint, together with a statement of the date, time and place at which service was made, must be mailed to the respondent at the respondent's last known address. Service will be considered complete upon such a mailing.

E. Service by any other method reasonably calculated, under all the circumstances, to apprise the respondent of the existence and pendency of the infraction and to afford a reasonable opportunity to respond shall be acceptable.

~~2~~F. Service on particular respondents, such as minors, incapacitated persons, corporations, limited partnerships, the state, other public bodies and general partnerships shall be as prescribed for the service of a civil summons and complaint by the Oregon Rules of Civil Procedure.

~~3~~G. No default shall be entered against any respondent without proof that the respondent had notice of the civil infraction summons and complaint. A sworn affidavit of the c~~C~~ode e~~E~~nforcement o~~O~~fficer outlining the method of service, including the date, time and place of service shall create a rebuttable presumption that the respondent had such notice. (Ord. 02-27, Ord. 89-21 §1, 1989: Ord. 86-20 §1(Exhibit A(5)(D)(3)), 1986).

1.16.240 Civil Infractions Summons a~~A~~nd Complaint - Respondent's Response Required~~.~~

A~~1.~~ ~~Response Required.~~ A respondent served with a civil infraction summons and complaint shall respond to the complaint by personally appearing at the scheduled first appearance in court or by making a written response by mail or personal delivery to the c~~C~~ourt.

B~~2.~~ ~~Admission.~~ If the respondent admits the infraction, the respondent may so indicate on the summons and forward the form to the ~~C~~court. Payment in the amount of the civil penalty for the infraction, as shown on the summons or as agreed with the ~~C~~code ~~Enforcement~~ enforcement ~~Officer~~ officer pursuant to section 1.16.~~420 660 of~~660 of this ~~chapter,~~chapter shall be submitted with the response. An appropriate findings shall be entered in the records of the ~~Civil~~ civil i~~I~~nfraction ~~Hearings~~ hearings ~~Officer~~ officer indicating the receipt of the civil penalty.

C~~3.~~ ~~First A~~appearance. If the respondent does not admit the infraction, the respondent must appear at the scheduled first appearance in court.

1. At the first appearance, the respondent may deny the infraction and request a hearing, admit the infraction, or not contest the infraction.

2. If the respondent either admits or does not contest the infraction the respondent shall be given the opportunity

to provide a statement. Based on the statement provided by the respondent and any additional information provided by the c~~C~~ode e~~E~~nforcement o~~O~~fficer, the c~~C~~ivil i~~I~~nfractions h~~H~~earings o~~O~~fficer shall impose a civil penalty not to exceed the maximum civil penalty allowed for the infraction.

3. If the respondent requests a hearing, a hearing shall be scheduled. (Ord. 02-27, Ord. 86-41 §5, 1986; Ord. 86-35 §5, 1986; Ord. 86-20 §1(Exhibit A(5)(E)), 1986).

1.16.250 No Right t~~T~~o Jury~~.~~

Any hearing to determine whether an infraction has been committed shall be held before the ~~Civil~~ civil ~~Infraction~~ infraction ~~Hearings~~ hearings ~~Officer~~ officer without a jury. (Ord. 86-20 §1(Exhibit A(5)(F)(1)), 1986).

1.16.260 Representation b~~B~~y Counsel~~.~~

The respondent may be represented by legal counsel; however, legal counsel shall not be provided at public expense. Written notice shall be provided to the ~~Hearings~~ hearings ~~Officer~~ officer and ~~Code~~ code ~~Enforcement~~ enforcement ~~Officer~~ officer no later than five days prior to any appearance by legal counsel at an appearance or hearing. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(F)(2)), 1986).

1.16.270 Opportunity ~~T~~to b~~B~~e Heard - Cross-Examination~~.~~

At a hearing a respondent shall have the right to present evidence and witnesses in the respondent's favor, to cross-examine any witnesses who testify against the respondent, and to submit rebuttal evidence. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(F)(3)), 1986).

1.16.280 Witnesses~~.~~

A. ~~1.~~ The respondent may request that witnesses be ordered by subpoena to appear at the hearing. The respondent shall make such request in writing to the ~~C~~court at least five days prior to the scheduled hearing.

B. ~~2.~~ Subject to the same five-day limitation, the ~~Code Enforcement Officer~~~~Code~~code enforcement officer, the citizen who signed the complaint~~,~~ or the ~~City~~city a~~A~~ttorney, as appropriate, may also request in writing that the ~~C~~court order certain witnesses
to appear by subpoena.

C. If a civil penalty is declared in the final order, the order shall also provide that the respondent shall pay any witness fees payable in connection with the hearing. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(F)(4)), 1986).

1.16.290 Hearing - Admissible Evidence~~.~~

A~~1.~~ ~~Admissible Evidence.~~
~~a. Relevant Evidence.~~The hearing shall be limited to production of evidence only on the infraction alleged in the complaint.

B~~b~~. ~~Oral Evidence.~~ Oral evidence shall be taken only upon oath or affirmation administered by the c~~C~~ivil i~~I~~nfractions h~~H~~earings ~~O~~officer.

C~~c~~. ~~Admissibility of Evidence.~~ Evidence shall be admitted if it is of the type which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might render such evidence inadmissible in civil actions in courts of competent jurisdiction in this state.

D~~d~~. ~~Exclusion of Evidence.~~ Irrelevant or unduly ~~repetitions~~repetitious evidence shall be excluded.

~~2. Burden of Proof. The complainant or, if the City is the complainant, the Code Enforcement Officer, shall have the burden of~~

~~proving the alleged civil infraction by a preponderance of the evidence. (Ord. 86-20 §1(Exhibit A(5)(F)(5) and (6)), 1986).~~

1.16.295 Burden of Proof

The complainant or, if the ~~C~~city is the complainant, the c~~C~~ode e~~E~~nforcement ~~O~~officer, shall have the burden of proving the alleged civil infraction by a preponderance of the evidence. (Ord. 86-20 §1(Exhibit A(5)(F)(5) and (6)), 1986).

1.16.300 Hearing - Decision ~~B~~by Hearings Officer~~.~~

A. The h~~H~~earings o~~O~~fficer shall determine if the respondent committed the infraction as alleged in the complaint.

B. When the infraction has not been proven, a written order dismissing the complaint shall be entered in the c~~C~~ourt records.

C. When the ~~H~~hearings ~~O~~officer finds that the infraction was committed, written findings shall be prepared which set out sufficient information to substantiate the commission of the infraction.

D. Written orders, including findings, shall be prepared within ten working days of the oral decision. The c~~C~~ourt shall serve true copies of the h~~H~~earings o~~O~~fficer's findings, order and judgment on all parties, either personally or by mail. (Ord. 02-27, Ord. 89-21 §2, 1989: Ord. 86-20 §1(Exhibit A(5)(F)(7)), 1986).

~~**1.16.305 Civil Penalty - Abatement Requirements.**~~

~~Upon a finding that the infraction was committed by the respondent, the Hearings Officer may require the respondent to abate the ordinance infraction within a specified time period identified in the final order. (Ord. 89-21 §3, 1989).~~

1.16.310 Order to Abate - Judicial

Upon a finding that the infraction was committed by the respondent, the h~~H~~earings o~~O~~fficer may ~~require the~~ issue an Order to Abate requiring the respondent to abate the ordinance infraction within a specified time period identified in the final order. Orders to Abate issued under this section may only be appealed pursuant to 1.16.330. (Ord. 89-21 §3, 1989).

1.16.320 Hearing - Records~~.~~

The ~~Court~~ court shall maintain a record of the hearing proceedings. A mechanical recording of the hearing, accompanied by any written documents, correspondence or physical evidence associated with the matter~~,~~ shall be sufficient to meet the requirements of this section. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(F)(9)), 1986).

1.16.330 Finality ~~O~~of Decision - Appeals~~.~~

The determination of the ~~H~~hearings ~~Officer~~ officer shall be final. Review of the ~~H~~hearing ~~O~~officer's determination shall be to the circuit court by writ of review, pursuant to Chapter 34 of the Oregon Revised Statutes. (Ord. 86-20 §1(Exhibit A(5)(F)(10)), 1986).

1.16.340 Remedial Action ~~B~~by the City ~~-~~ ~~Costs~~Summary Abatement~~.~~

~~1.~~ Upon finding that an infraction was committed, as determined by a final decision of the ~~H~~hearings ~~O~~officer, the ~~C~~city may, after obtaining a warrant to enter the property and abate the infraction, ~~remedy~~proceed to abate the infraction and charge the ~~remedial~~ abatement costs back to the respondent pursuant to 1.16.680.C. For the purposes of this subsection "a final decision of the ~~H~~hearings ~~O~~officer" means a final decision for which judicial review was not sought within the time allowed by law or a decision of the ~~H~~hearings ~~O~~officer that was upheld by a final decision in the judicial

review and appeal process.

~~2. In the case of an immediate danger to the public health, safety or welfare declared under Section 1.16.150 of this code, the City may remedy the infraction and charge the remedial cost back to the respondent, after obtaining a warrant to enter the property and abate the infraction. If the immediate danger constitutes an emergency threatening immediate death or physical injury to persons, the City may abate the infraction without obtaining a warrant if the delay associated with obtaining the warrant would result in increased risk of death or injury, and may charge the remedial costs back to the respondent.~~

~~3. The Code Enforcement Officer shall have the right at reasonable times to enter into or upon property in accordance with law to investigate or to remedy the infraction. This provision does not authorize a warrantless entry when a warrant is required by state or federal law.~~

~~4. The Finance Officer shall keep an accurate record of all costs incurred by the City in remedying the infraction. The Finance Officer shall notify the respondent by certified mail, return receipt requested, of these costs, and advise the respondent that the costs will be assessed to and become a lien against the respondent's property if not paid within thirty days of the notice, and shall further notify the respondent that the respondent is entitled to a hearing to contest the amount of the costs to be assessed.~~

~~5. The respondent shall be entitled to request a hearing to consider the amount of the costs assessed to remedy the alleged infraction. That hearing shall be conducted pursuant to the procedures established in Sections 1.16.250 through 1.16.330 of this chapter.~~

~~6. If the remedial costs are not paid, the Finance Officer shall follow the procedures for lien filing and docketing as contained in Section 1.16.370 of this chapter.~~

~~(Ord. 02-27, Ord. 99-01; Ord. 86-20 a71(Exhibit A(6)), 1986).~~

1.16.350 Default Judgment~~.~~

Subject to the limitations set forth in Section 1.16.230~~.3~~, a default judgment shall be entered in an amount up to the maximum civil penalty applicable to the charged infraction if the respondent fails to appear at the scheduled hearing. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(7)), 1986).

~~**1.16.360 Enforcement - Rules And Regulations.**~~

~~The Code Enforcement Officer is authorized to promulgate any rules he or she considers necessary to enforce this chapter. To be effective, such rules must be approved by the City Council by resolution. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(10)), 1986).~~

~~**1.16.370 Lien Filing And Docketing.**~~

~~1. When a judgment is rendered by the Hearings Officer in favor of the City for the sum of ten dollars or more, exclusive of costs and disbursements, the Code Enforcement Officer shall, at any time thereafter while the judgment is enforceable, file with the City Finance Officer a certified transcript of all those entries made in the docket of the Hearings Officer with respect to the action in which the judgment was entered.~~

~~2. Upon receipt of this transcript, the Finance Officer shall enter the judgment of the Hearings Officer on the City's lien docket.~~

~~3. From the time of entry of the judgment on the City's lien docket, the judgment shall be a lien upon the real property of the person against whom the judgment was entered in the hearing. Except as provided in 16.16.370.4 of this section, entry of the judgment in the City's lien docket shall not thereby extend the lien of the judgment more than ten years from the original entry of the judgment at the hearing.~~

~~4. Whenever a judgment of the Hearings Officer which has been entered pursuant to this subsection is renewed by the Hearings Officer, the lien established by 1.16.370.3 of this section is automatically extended ten years from the date of the renewal order.~~

~~5. The Finance Officer shall file the transcript of the judgment with the Washington County Clerk for entry in the judgment docket of the circuit court. All costs associated with the filing of the transcript shall be added to the amount of the judgment. (Ord. 86-20 §1(Exhibit A(9)), 1986).~~

~~1.16.380 Continuous Infractions.~~

~~When an infraction is of continuous nature, unless otherwise specifically provided, a separate infraction shall be deemed to occur on each calendar day the infraction continues to exist. (Ord. 86-20 §1(Exhibit A(8)(A)), 1986).~~

~~1.16.385 Failure To Comply With Judgment Order.~~

~~Failure to abate an infraction or pay the civil penalty or court costs imposed within the time allowed for abatement or payment shall constitute a Class 1 civil infraction. Failure to comply with a judgment order is a continuous infraction and a separate infraction will be deemed to occur each calendar day the failure to comply infraction continues to exist past the time allowed in the judgment order. (Ord. 89-21 §4, 1989).~~

~~1.16.390 Penalty - Payment Due When.~~

~~Any civil penalty assessed shall be paid no later than thirty days after the final order. Such period may be extended upon order of the Hearings Officer. (Ord. 86-20 §1(Exhibit A(8)(B)), 1986).~~

ARTICLE III. ADMINISTRATIVE ENFORCEMENT

1.16.400 Order to Abate - Administrative
1.16.410 Abatement by the Responsible Party
1.16.420 Order to Abate - Administrative - Appeals Process
1.16.430 Abatement by the City
1.16.440 Judicial Review

ARTICLE III. ADMINISTRATIVE ENFORCEMENT

1.16.400 ~~Penalty - Classifications.~~Order to Abate - Administrative

~~For the purpose of determining civil penalties, infractions are classified in the following categories:~~

~~1. Class 1 infractions;~~

~~2. Class 2 infractions;~~

~~3. Class 3 infractions. (Ord. 86-20 §1(Exhibit A(8)(C)), 1986).~~

A. Upon finding any of the following the code enforcement officer may cause an Order to Abate to be posted on the subject property and mailed to the owner and each other known responsible party:

1. A violation exists, or

2. Any responsible party is not responsive or cooperative after receiving a Letter of Complaint, or

3. A recipient failed to comply with the terms of a Voluntary Compliance Agreement,

B. The order shall require the respondent to abate the ordinance infraction within a specified time period.

C. Prior to mailing or posting an Order to Abate, the code enforcement officer must have probable cause to believe that a civil infraction exists, based on personal observation of the violation by the code enforcement officer or other credible authority.

D. The code enforcement officer shall cause a copy of the Order to Abate to be posted on the premises at the site of the violation.

E. An Order to Abate shall be mailed by first class or certified mail to the last known address of the responsible party. An Order to Abate shall contain:

1. A description of the real property, by street address or otherwise, on which the infraction exists.

2. The date of the order.

3. A direction to abate the infraction within no less than 10 days and no more than 30 days from the date of the order.

4. A description of the infraction.

5. A statement that, unless the infraction is removed:

a. A warrant may be obtained,

b. The city may abate the infraction, and

c. The cost of abatement will be charged to the responsible party.

6. A statement that failure to abate an infraction may result in imposition of an administrative fee or lien on the property.

7. A statement that the responsible party may protest the Order to Abate by giving notice to the code enforcement officer within 10 days following the date of the order. Contact information for the code enforcement officer shall be included in the Order to Abate.

F. Upon completion of mailing and posting, the persons mailing and posting shall execute and file certificates stating the date and place of the mailing and posting, respectively.

G. An error in the address or name of the responsible party shall not make the Order to Abate void, and in such case the posted notice shall be sufficient.

1.16.410 ~~**Penalty—Assessment.**~~**Abatement by the Responsible Party**

~~**The civil penalty to be assessed for a specific infraction shall be as follows:**~~

~~**1. For Class 1 infractions, an amount not to exceed two hundred fifty dollars;**~~

~~**2. For Class 2 infractions, an amount not to exceed one hundred fifty dollars;**~~

~~**3. For Class 3 infractions, an amount not to exceed fifty dollars. (Ord. 86-20 §1(Exhibit A(8)(D)), 1986).**~~

A. Within the timeline specified in the Order to Abate, the responsible party shall abate the infraction or appeal the Order to Abate pursuant to 1.16.420.

B. Any responsible party intending to abate the infraction shall provide notice to the code enforcement officer before abating the infraction and shall allow the city to inspect during and on completion of the abatement. The notification shall state how the infraction will be abated, when it will be abated, and who will be abating it.

~~**1.16.415 Penalty -- Repeat Violations.**~~

~~**The maximum amounts of the civil penalties set forth in section 1.16.410 above shall be doubled in the event that the respondent is found in violation of a second and similar violation within 24-months of the initial violation and quadrupled in the event of a third or subsequent repetition within 24 months of the initial violation. (Ord. 02-27).**~~

1.16.420 ~~**Penalty -- Prior to Hearing.**~~**Order to Abate -- Administrative -- Appeal Process**

~~**The Code Enforcement Officer is authorized to reduce the amount of the penalty to be paid by the respondent, if the penalty amount is paid in full on or before the time and date of the first appearance. (Ord. 02-27).**~~

A. A responsible party~~,~~ protesting that the alleged infraction does not exist shall file with the code enforcement officer a written statement specifying the basis for the protest before the abatement date specified in the order or at most within 10 days of the date of the notice. Standing to protest is limited to a responsible party.

B. Upon receipt of a written statement of protest from a responsible party, the code enforcement officer shall, within 10 days of receipt of the protest, schedule a hearing before the civil infractions hearings officer, to be held within 30 days of receipt.

C. At the hearing set for consideration of the infraction, the person protesting may appear and be heard by the civil infractions hearings officer and the civil infractions hearings officer shall determine whether or not an infraction in fact exists. The city manager is authorized to draft and adopt rules and policies to provide for a civil infractions hearings officer review process consistent with this subsection and principles of due process. The civil infractions hearings officer's determination shall be required only in those cases where a written protest has been filed as provided in this section.

D. If the civil infractions hearings officer determines that an infraction does in fact exist, the responsible party shall, within five days after the civil infractions hearings officer's determination, abate the infraction, unless the civil infractions hearings officer determines that the responsible party should not be given the opportunity to abate or unless the civil infractions hearings officer decision allows a period of time greater than five days.

E. The civil infractions hearings officer may determine that the responsible party for the infraction should not be given the opportunity to abate only if the civil infractions hearings officer finds that the responsible party for the infraction is unlikely to properly abate the infraction. The determination that a responsible party is unlikely to properly abate the infraction shall be based on the findings as to one of the following:

1. Whether the person acted intentionally or whether the infraction is egregious; or

2. Whether the person had knowledge that the action was a violation of state law or city code; or

3. Whether the person has the professional expertise to perform the abatement.

~~1.16.425 Delinquent Civil Penalties.~~

~~Delinquent civil penalties and those imposed by default judgment which were assessed for infractions may, in addition to any other method, be collected or enforced pursuant to Oregon Revised Statutes 30.310. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(8)(E)), 1986).~~

1.16.430 Abatement by the City

If, within the time allowed, the infraction has not been abated by the responsible party, the city manager may cause the infraction to be abated by securing an abatement warrant pursuant to sections 1.16.110 through 1.16.114.

1.16.440 Judicial Review

Judicial review of a decision of the civil infractions hearings officer on the appeal of an Order to Abate shall be on the record by writ of review pursuant to ORS Chapter 34 and not otherwise.

ARTICLE IV. PENALTIES, FEES AND COSTS

1.16.600 Continuous Infractions
1.16.610 Failure to Comply With Judgment Order, Order to Abate or Notice of Assessment
1.16.620 Penalties, Fees and Costs - Payment
1.16.630 Penalties and Fees - Classifications
1.16.640 Penalties and Fees - Amounts to be Assessed
1.16.650 Penalties and Fees - Repeat Violations
1.16.660 Penalties and Fees - Prior to First Appearance in Court
1.16.670 Delinquent Civil Penalties, Fees and Costs
1.16.680 Penalties, Fees and Costs - Assessment
1.16.690 Administrative Fees and Costs - Notice of Assessment
1.16.700 Administrative Fees and Costs - Notice of Objection and Hearing
1.16.710 Penalties, Fees and Costs - Collection, Lien Filing and Docketing

ARTICLE IV. PENALTIES, FEES AND COSTS

1.16.~~380~~600 Continuous Infractions

When an infraction is of a continuous nature, unless otherwise specifically provided, a separate infraction shall be deemed to occur on each calendar day the infraction continues to exist. (Ord. 86-20 §1(Exhibit A(8)(A)), 1986).

1.16.~~385~~610 Failure ~~T~~to Comply With Judgment Order, Order to Abate or Notice of Assessment

A. Failure to ~~abate~~ comply with a judicial Order to Abate an infraction or pay ~~the~~a civil penalty or court costs imposed within the time allowed for abatement or payment shall constitute a Class 1 civil infraction.

B. Failure to comply with an administrative Order to Abate an infraction or to pay an administrative fee or statement of administrative or abatement costs within the time allowed for such abatement or payment in a Notice of Assessment shall constitute a Class I Civil Infraction.

C. Failure to comply with a

judgment order, an Order to Abate or a Notice of Assessment is a continuous infraction and a separate infraction will be deemed to occur each calendar day the failure to comply infraction continues to exist past the time allowed in the judgment order. (Ord. 89-21 §4, 1989).

1.16.~~390~~620 Penalties,~~y~~ Fees and Costs - Payment Due When

Any civil penalty administrative fees, or costs assessed shall be paid no later than 30 days ~~thirty days~~ after the final order or the date of notice. Such period may be extended ~~upon order of the Hearings Officer~~by the code enforcement officer for the administration process or upon order of the hearings officer. (Ord. 86-20 §1(Exhibit A(8)(B)), 1986).

1.16.~~400~~630 Penalties~~y~~ and Fees - Classifications

For the purpose of determining civil penalties and administrative fees, infractions are classified in the following categories:

A. Class 1 infractions;

B. Class 2 infractions;

C. Class 3 infractions.
(Ord. 86-20 §1(Exhibit A(8)(C)), 1986).

1.16.~~410~~640 Penalt~~y~~ies and Fees -- Amounts to be Assessed~~ment~~

The civil penalty or administrative fee to be assessed for a specific infraction shall be as follows:

A~~1~~. For Class 1 infractions,

1. ~~a~~An amount not to exceed ~~two hundred fifty dollars~~$250 per day under either the judicial or the administrative enforcement process, or

2. Under the administrative enforcement process, an amount:

a. Computed in a manner established by administrative rule pursuant to 1.16.105

b. For the entire period the violation exists and not for each day of the violation.

B~~2~~. For Class 2 infractions, an amount not to exceed ~~one hundred fifty dollars~~$150 per day;

C~~3~~. For Class 3 infractions, an amount not to exceed ~~fifty dollars~~$50 per day. (Ord. 86-20 §1(Exhibit A(8)(D)), 1986).

1.16.~~415~~650 Penalties~~y~~ and Fees -- Repeat Violations

The maximum amounts of the civil penalties and administrative fees set forth in ~~section 1.16.410~~1.16.640.A.1, 1.16.640.B and 1.16.640.C ~~above~~ shall be doubled in the event that the respondent is found in violation of a second and similar violation within 24 ~~-~~months of the initial violation and quadrupled in the event of a third or subsequent repetition within 24~~-~~ months of the initial violation. (Ord. 02-27).

1.16.~~420~~660 Penalties~~y~~ and Fees -- Prior to First Appearance in Court

The ~~C~~code ~~E~~enforcement ~~O~~officer is authorized to reduce the amount of ~~the~~ a civil penalty that could be imposed or the amount of an administrative fee ~~to be paid by the respondent,~~ if compliance has been achieved and the ~~penalty~~ amount is to be paid in full on or before the time and date of the first appearance in court or before the timeline set out in a Letter of Complaint or an Order to Abate. (Ord. 02-27).

1.16.~~425~~670 Delinquent ~~Civil~~ Penalties, Fees and Costs

Delinquent civil penalties, administrative fees~~,~~ or costs and

~~those~~penalties imposed by default judgment ~~which were assessed for infractions~~ may~~, in addition to any other method,~~ be collected or enforced pursuant to Oregon Revised Statutes 30.310 or any other method. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(8)(E)), 1986).

1.16.680 Penalties, Fees and Costs - Assessment

A. Upon a finding by the civil infractions hearings officer that an infraction was committed by the respondent, the civil infractions ~~H~~hearings ~~O~~officer may assess a civil penalty pursuant to Sections ~~1.16380~~ 1.16.600 ~~through~~ - ~~1.16.420~~ 1.16.650~~of this chapter~~, plus ~~hearing~~ costs. ~~and witness fees if any.~~

B. Upon a finding by the code enforcement officer that an infraction was committed by the respondent and if, within the time allowed in an Order to Abate, the infraction has not been abated by the responsible party, the code enforcement officer may assess an administrative fee pursuant to Sections 1.16.600 - 1.16.650, plus costs.

C. For abatement of a violation by the city by judicial process pursuant to Section 1.16.340 or administrative process pursuant to Section 1.16.430 the code enforcement officer shall keep an accurate record of the costs incurred by the city in abating the violation. The total amount of these charges will be assessed against the responsible party as the cost of abatement.

1.16.690 Administrative Fees and Costs - Notice of Assessment

Upon the assessment of administrative fees or costs pursuant to Section 1.16.680 the code enforcement officer shall forward to all persons responsible for the violation a Notice of Assessment stating:

A. The total administrative fees and costs, if any, assessed for the violation;

B. That the total amount of the fees and costs as indicated will be assessed to and become a lien against the property of persons responsible for the violation unless paid within 30 days from the date of the notice;

C. That any responsible party for the fees and costs may file a written notice of objection to the amount of the fees and costs with the code enforcement officer not more than 10 days from the date of the notice.

1.16.700 Administrative Fees and Costs - Notice of Objection and Hearing

If an objection to an administrative fee or costs is filed as provided in Section 1.16.690, the code enforcement officer shall, within 10 days, cause a hearing to be scheduled to be held within 30 days before the civil infractions hearings officer. The civil infractions hearing officer shall hear the objection and determine the amount of the fee and costs to be assessed including the costs to the city of responding to the objection if the city's position is sustained.

1.16.710 Penalties, Fees and Costs –- Collection, Lien Filing and Docketing

A~~1~~. When a judgment is rendered by the hearings officer in favor of the city for the sum of ~~ten dollars~~ $100 or more, exclusive of costs~~and disbursements~~, the ~~C~~code ~~E~~enforcement ~~O~~officer shall, at any time thereafter while the judgment is enforceable, file with the ~~C~~city ~~F~~finance ~~O~~officer a certified transcript of all those entries made in the docket of the hearings officer with respect to the action in which the judgment was entered.

B. ~~Upon receipt of this transcript, the Finance Officer shall enter the judgment of the Hearings Officer on the City's lien docket.~~ An assessment of the

administrative fees and costs as stated in the Notice of Assessment shall be made if:

1. No objection to administrative fees and costs is filed as provided in Section 1.16.700 or;

2. Fees or costs remain applicable following a hearing on an objection and the fees and costs are not paid within 30 days from the date of the notice or the date of the hearing order.

C. The code enforcement officer shall file with the city finance officer a certified statement of the total fees and costs due.

D. Upon receiving the statement of total fees and costs due or the certified transcript, the ~~C~~city ~~F~~finance ~~O~~officer shall enter that total on the ~~C~~city's lien docket.

E. The city may bring legal action to collect any civil penalties, fees, costs or interest provided for in this chapter. The city may also use a professional collection agency, or cause the full amount of civil penalties, fees, costs or interest owed to be entered into the city's lien docket and, from the time of entry on the city's lien docket it shall constitute a lien upon property of all persons responsible for the violation.

F. A lien shall bear interest at the rate of nine percent per year. Such interest shall commence to run from date of the entry of the lien in the lien docket.

G. An error in the name of any person to whom notice is sent shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against property of the responsible party for the violation.

H. The ~~F~~finance ~~O~~officer shall file the statement of total fees and costs due or the transcript of the court judgment with the Washington County Clerk for entry in the judgment docket of the circuit court. All costs associated with the filing of the transcript shall be added to the amount of the ~~judgment~~ statement.

Chapter 7.42 CHRONIC NUISANCE PROPERTY.

Sections:

7.42.010 Short Title.
7.42.015 Incorporation Of State Statute.
7.42.020 Definitions.
7.42.030 Chronic Nuisance Property.
7.42.040 Prefiling Notification Procedure.
7.42.045 Commencement Of Actions; Summons And Complaint.
7.42.050 Remedies.
7.42.060 Defenses; Mitigation Of Civil Penalty.
7.42.070 Closure During Pendency Of Action; Emergency Closures.
7.42.080 Enforcement Of Closure Order; Costs; Civil Penalty.
7.42.085 Tenant Relocation Costs.
7.42.090 Attorney Fees.
7.42.100 Severability.
7.42.110 Nonexclusive Remedy.

(7.42.010 through 7.42.030 – no change)

7.42.040 Prefiling Notification Procedure.

(a) Except as otherwise noted herein, notwithstanding Subsection 1.16.060.B~~(b)~~ of this Code, this section sets out procedures to be used in processing an infraction of this Chapter.

(b) After two occurrences of any of the acts or behaviors listed in Section 7.42.020(c) of this Code within a 60 day period, the Chief of Police shall provide notification via certified mail, stating the times and places of the alleged occurrences and the potential liability for violation of this Chapter, to all responsible parties for the property. Responsible parties for a given property shall be presumed from the following:

(1) The owner and the owner's agent, as shown on the tax rolls of Washington County;

(2) The resident of the property, as shown on the records of the Water Department.

(c) After three occurrences of any of the acts or behaviors listed in Section 7.42.020(c) of this Code within a 60 day period, notification shall be provided as described in Subsection (b) of this section. (Ord. 94-11).

7.42.045 Commencement Of Actions; Summons And Complaint.

(a) A uniform infraction summons and complaint, containing the following parts, may be served upon any responsible party for chronic nuisance property, citing that party into Municipal Court.

(1) The summons;

(2) The complaint; and

(3) A description of the alleged occurrences leading to violation of this Chapter, stating the times and places of those occurrences.

(b) The uniform infraction summons shall contain the following information:

(1) The file number;

(2) The name and address of each respondent;

(3) The infraction with which the respondent is charged;

(4) The date, time, and place at which the hearing on the infraction is to take place;

(5) An explanation of the respondent's

obligation to appear at this hearing, and that failure to appear may result in a default judgment being taken against the respondent;

(6) An explanation of the respondent's right to a hearing, right to representation by counsel at personal expense, right to cross examine adverse witnesses, and right to compulsory process for the production of witnesses;

(7) notice that the cost of the hearing, including witness fees, may be charged to the respondent if the final order of the Court finds that the property is a chronic nuisance property.

(c) The uniform infraction complaint shall contain the following information:

(1) The date, time, and place the alleged infractions occurred;

(2) The date on which the complaint was issued;

(3) A notice to the respondent that a civil complaint has been filed with the Municipal Court.

(d) Service of the summons and complaint shall be accomplished as described in Section 1.16.230 of this Code. In addition to the affidavit described in Subsection G ~~(c)~~ of that section, a return receipt of certified mailing which indicates delivery of the summons and complaint to the respondent's last known address, or a certified mailing which has been returned by the Post Office "unclaimed," shall also create a rebuttable presumption that the respondent had the required notice.

(e) The hearing for determination as to whether an infraction has been committed shall take place in the manner described in Sections 1.16.250 to 1.16.300 and 1.16.320 of this Code.

(f) Subject to the limitations of Subsection 1.16.230.G~~(c)~~ of this Code, a default judgment may be entered against a respondent who fails to appear at the scheduled hearing. Upon such judgment, the Court may prescribe the remedies described in this Chapter. (Ord. 94-11).

(7.42.050 through 7.42.070 - no change)

7.42.080 Enforcement Of Closure Order; Costs; Civil Penalty.

(a) The Court may authorize the City to physically secure the property against use or occupancy in the event that the owner(s) fail to do so within the time specified by the Court.

(b) The Court may assess on the property owner the following costs incurred by the City in effecting a closure of property:

(1) Costs incurred in actually physically securing the property against use;

(2) Administrative costs and attorneys fees in bringing the action for violation of this Chapter.

(c) The City Manager may, within 14 days of written decision by the Court, submit a signed and detailed statement of costs to the Court for its review. If no objection to the statement is made within the period prescribed by Oregon Rule of Civil Procedure 68, a copy of the statement, including a legal description of the property, shall be forwarded to the Office of the City Finance Director who thereafter shall enter the same in the City's lien docket in the same manner prescribed by Section ~~1.16.370~~ 1.16.710 of this Code.

(d) Persons assessed the costs of closure and/or civil penalty pursuant to this Chapter shall be jointly and severally liable for the payment thereof to the City. (Ord. 03-08, Ord. 94-11).

(7.42.085 through 7.42.110 – no change)

Chapter 7.74 EMERGENCY OPERATIONS.

Sections:

7.74.000	**Emergency Management Code.**
7.74.010	**Short Title.**
7.74.020	**Emergency Management Plan.**
7.74.030	**Agreements.**
7.74.040	**"Local Emergency" Defined.**
7.74.050	**Adoption of the National Incident Management System.**
7.74.060	**Executive Responsibilities and Line of Succession.**
7.74.070	**Declaration and Ratification of a Local Emergency.**
7.74.080	**Declaration of Emergency—Authorized Procedures.**
7.74.090	**Violations—Penalties.**

(7.74.000 through 7.74.080 – no change)

7.74.090 Violations—Penalties.

No person shall knowingly violate any regulation promulgated pursuant to this chapter, and imposed in a state of emergency declared pursuant to this chapter; nor shall any person knowingly violate any reasonable order issued by city emergency personnel during periods of declared emergency. Violation of an emergency regulation or order is a Class 1 civil infraction and shall be prosecuted as set forth in Chapter 1.16 of the Tigard Municipal Code, except that, notwithstanding TMC Section 1.16.640.A.1 ~~1.16.410(1),~~ the minimum fine upon conviction shall be not less than $250.00 and not more than $1,000.00 per offense. Each day of violation shall be deemed a separate offense for purposes of imposition of penalty. (Ord. 10-03 § 1). ■

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Chapter 12.02 SANITARY SEWER AND SURFACE WATER MANAGEMENT.

Sections:

12.02.010	**Title.**
12.02.020	**Definitions.**
12.02.030	**Purpose.**
12.02.040	**Clean Water Services Rules Adopted.**
12.02.050	**Use And Operation; Charges Imposed For Use; Appeal Procedures And Enforcement.**
12.02.060	**Charges, Rates And Fees; Associated Penalties.**
12.02.070	**Pretreatment By Industrial Users.**
12.02.080	**Temporary Adoption Of Unified Sewerage Agency Ordinances, Resolutions And Orders.**
12.02.090	**Immediate Remedial Action Required.**
12.02.100	**Penalty.**

(12.02.010 through 12.02.080 - no change)

12.02.090 Immediate Remedial Action Required.

If the Code Enforcement Officer determines that there has been a violation of this chapter, or that conditions exist that are likely to result in a violation, the officer may require immediate remedial action by the responsible party. If the Code Enforcement Officer is unable to serve a notice of infraction on the responsible party or, if after such service, the responsible party refuses or is unable to remedy the infraction, the City may proceed to remedy the infraction as provided in Section ~~1.16.340~~ 1.16.150 of this code. (Ord. 94-19)

(12.02.100 - no change)

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Chapter 14.04 BUILDING CODE.

Sections:

14.04.010	**Title.**
14.04.020	**Definitions.**
14.04.030	**State Codes Adopted.**
14.04.040	**Administration.**
14.04.050	**Repealed By Ord. 96-10.**
14.04.060	**Repealed By Ord. 01-25.**
14.04.065	**Electrical Program Administration.**
14.04.070	**Occupancy Restriction Recordation.**
14.04.090	**Violation—Penalty—Remedies.**
14.04.095	**Building Official—Authority to Impose Administrative Civil Penalty**
14.04.098	**Appeal Procedures.**

(14.04.010 through 14.04.090 - no change)

14.04.095 Building Official—Authority to Impose Administrative Civil Penalty.

1. In addition to, and not in lieu of, any other enforcement mechanism authorized by this code, upon a determination by the Building Official that a person has violated a provision of this Chapter or a rule adopted thereunder, the Building Official may impose upon the violator and/or any other responsible person an administrative civil penalty as provided by subsections (1) to (12) of this section. For purposes of this subsection, a responsible person includes the violator, and if the violator is not the owner of the building or property at which the violation occurs, may include the owner as well.

2. Prior to imposing an administrative civil penalty under this section, the Building Official shall pursue reasonable attempts to secure voluntary correction, failing which the Building Official may issue a notice of civil violation to one or more of the responsible persons to correct the violation. Except where the Building Official determines that the violation poses an immediate threat to health, safety, environment, or public welfare, the time for correction shall be not less than five calendar days.

3. Following the date or time by which the correction must be completed as required by an order to correct a violation, the Building Official shall determine whether such correction has been completed. If the required correction has not been completed by the date or time specified in the order, the Building Official may issue a notice of civil violation to each person to whom an order to correct was issued.

4. Notwithstanding subsection (2) above, the Building Official may impose a civil penalty without having issued an order to correct violation or made attempts to secure voluntary correction where the Building Official determines that the violation was knowing or intentional or a repeat of a similar violation.

5. In imposing a penalty authorized by this section, the Building Official shall consider:

a. The person's past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;

b. Any prior violations of statutes, rules, orders, and permits;

c. The gravity and magnitude of the violation;

d. Whether the violation was repeated or continuous;

e. Whether the cause of the violation was an unavoidable accident, negligence, or an

intentional act;

f. The violator's cooperativeness and efforts to correct the violation; and

g. Any relevant rule of the Building Official.

6. The notice of civil penalty shall either be served by personal service or shall be sent by registered or certified mail and by first class mail. Any such notice served by mail shall be deemed received for purposes of any time computations hereunder three days after the date mailed if to an address within this state, and seven days after the date mailed if to an address outside this state. A notice of civil penalty shall include:

a. A description of the alleged violation, including any relevant code provision numbers, ordinance numbers or other identifying references;

b. A statement that the City intends to assess a civil penalty for the violation and states the amount of the civil penalty;

c. A statement that the party may challenge the assessment of a civil penalty; and

d. A description of the means and the deadline for informing the City that the party is challenging the assessment of the civil penalty.

7. Any person who is issued a notice of civil penalty may appeal the penalty to the City Manager or City Manager's designee. The City Manager's designee shall not be the Building Official or Building Inspector. The provisions of Section 14.04.098 of this code shall govern any requested hearing, except that the burden of proof shall be on the Building Official.

8. A civil penalty imposed hereunder shall become final upon expiration of the time for filing an appeal, unless the responsible person appeals the penalty to the City Manager or City Manager's designee pursuant to, and within the time limits established by, Section 14.04.098. If the responsible person appeals the civil penalty to the City Manager or City Manager's designee, the penalty shall become final, if at all, upon issuance of the City Manager or City Manager's designee's decision affirming the imposition of the administrative civil penalty.

9. Each day the violator fails to remedy the code violation shall constitute a separate violation.

10. Failure to pay a penalty imposed hereunder within 10 days after the penalty becomes final as provided in subsection (8) shall constitute a violation of this code. Each day the penalty is not paid shall constitute a separate violation. The Building Official also is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by subsection (11) below, other provisions of this code, or state statutes.

The civil penalty authorized by this section shall be in addition to:

a. Assessments or fees for any costs incurred by the City in remediation, cleanup, or abatement, and

b. Any other actions authorized by law.

11. If an administrative civil penalty is imposed on a responsible person because of a violation of any provision of this code resulting from prohibited use or activity on real property, and the penalty remains unpaid 30 days after such penalty become final, the Building Official shall assess the property the full amount of the unpaid fine and shall enter such an assessment as a lien in the docket of City liens. At the time such an assessment is made, the Building Official shall

notify the responsible person that the penalty has been assessed against the real property upon which the violation occurred and has been entered in the docket of City liens. The lien shall be enforced in the same manner as liens established by judgment of a Hearings Officer pursuant to Section ~~1.16.370~~ 1.16.710 of this code, except that the Building Official shall be substituted for the Hearings Officer and a civil penalty shall be substituted for a judgment. The interest shall commence from the date of entry of the lien in the lien docket.

12. In addition to enforcement mechanisms authorized elsewhere in this code, failure to pay an administrative civil penalty imposed pursuant to subsection (1) of this section shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy. (Ord. 09-16 § 2)

(14.04.098 – no change)

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Chapter 1.16 CIVIL INFRACTIONS.

Sections:

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1.16.020 Establishment and Purpose
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1.16.040 Use of Language
1.16.050 Reference to State Law
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1.16.100 Assessment by Code Enforcement Officer
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ARTICLE I. GENERAL PROVISIONS

1.16.010 Title for Provisions

The ordinance codified in this chapter shall be known as the "civil infractions ordinance," and may also be referred to herein as "this chapter." (Ord. 86-20 §1(Exhibit A(1)), 1986).

1.16.020 Establishment and Purpose

A. The purpose of this chapter is to establish civil procedures for the enforcement of certain provisions of the Tigard Municipal Code (TMC).

B. The procedures for the judicial enforcement process and the administrative enforcement process established herein are for the purpose of:

1. Decriminalizing penalties for infractions of certain civil ordinances and

2. Providing a convenient and practical forum for the hearing and determination of cases arising out of such infractions.

The civil infractions procedures are intended to be used for all violations of the TMC other than certain violations of Title 7 and Title 10.

C. The civil infractions abatement procedures established herein are for the purpose of authorizing the city to proceed to abate such infractions:

1. If it is determined that the infraction presents an immediate danger to the public health, safety or welfare; or

D. If it is determined that the property owner or responsible person is incapable of or unwilling to abate the infraction within a timeline satisfactory to the city.

1.16.030 Definitions

For the purposes of this chapter, the following definitions shall apply:

A. "Abate" means to restore a property to its condition prior to the infraction, or similar condition that is free of the subject infractions. In the case of graffiti, "abate" means to remove graffiti from the public view.

B. "City manager" means the city manager or any other city employee designated by the city manager.

C. "Civil infraction" or "infraction" means:

1. The failure to comply with a provision of this code other than certain provisions of Title 7 and Title 10 and

2. The process of imposing a civil penalty under this chapter.

References to "uniform infraction" throughout the code other than in certain provisions of Title 7 and Title 10 shall be deemed to be references to "civil infraction." (Ord. 07-03, Ord. 05-08, Ord. 02-27, Ord. 86-20 §1(Exhibit A(4)), 1986).

D. "Civil infractions hearings officer" means the municipal judge or the individual appointed by the municipal judge with the delegated authority to preside over the code enforcement hearings and to perform the related functions as specified by this chapter.

E. "Costs" means any expenses incurred and charges associated with any action taken by the city under this chapter including but not limited to the cost to the public of the staff time invested and, regarding items confiscated for violation of Sections 6.03.010 and 6.03.020, all expenses incurred and charges associated with the removal, storage, detention, processing, disposition and maintenance thereof.

F. "Code enforcement officer" means the individual or individuals appointed or designated by the director of community development or the city manager to enforce the provisions of this chapter. For enforcement of Chapters 10.16 through 10.32, Section 6.02.060 and Chapter 7.60, "code enforcement officer" also includes community service officers of the police department

G. "Finance officer" means the senior financial officer of the city or the designee of the senior financial officer.

H. "Letter of Complaint" means a letter of notification to a responsible party that the city has received a complaint indicating that a violation <u>may</u> exist on the party's property.

I. "Notice of Assessment" means a formal letter or form notifying a respondent or recipient that an administrative fee, administrative costs or costs of abatement have been assessed against them or against property in which they hold an interest.

J. "Notice of Violation" means a formal letter or form notifying a responsible party that the city has probable cause to believe that a violation has been found to exist on the party's property.

K. "Order to Abate" means an order to a respondent or responsible party to abate an infraction from the municipal court as provided in Article II, or from the code enforcement officer as provided in Article III.

L. "Person" means an individual human being and may also refer to a firm, corporation, unincorporated association, partnership, limited liability company, trust, estate or any other legal entity.

M. "Premises" means a parcel of land and any improvements on it.

N. "Recipient" means a person who has received a Letter of Complaint under the administrative process.

O. "Respondent" means a person charged with a civil infraction. A respondent will have received a Notice of Violation or a summons

and complaint as provided in Article II or an Order to Abate as provided in Article III.

P. "Responsible party" means any one of the following:

1. An owner,

2. An entity or person acting as an agent for an owner by agreement that has authority over the property, is responsible for the property's maintenance or management, or is responsible for curing or abating an infraction,

3. Any person occupying the property, including bailee, lessee, tenant or other having possession or

4. The person who is alleged to have committed the acts or omissions, created or allowed the condition to exist, or placed the object or allowed the object to exist on the property.

There may be more than one responsible party for a particular property or infraction.

P. "Violation" means failure to comply with a requirement imposed directly or indirectly by this code. "Violation" may also mean civil infraction, except as used in those portions of Chapter 7 and of Chapter 10 that do not use the civil infraction procedure.

Q. "Voluntary Compliance Agreement" means an agreement, whether written or verbal, between the city and the recipient or respondent, which is intended to resolve the alleged civil infraction.

1.16.040 Use of Language

As used in this chapter, pronouns indicating the masculine gender shall include the feminine and neuter genders; the singular shall include the plural; and "person" shall, where appropriate, include any partnership, corporation, unincorporated association, the State of Oregon or other entity. (Ord. 86-20 §1(Exhibit A(14)), 1986).

1.16.050 Reference to State Law

Any reference to an Oregon state statute incorporates into this chapter by reference the statute in effect on the effective date of the ordinance codified in this chapter. (Ord. 86-20 §1(Exhibit A(11)), 1986).

1.16.060 Culpability, Not Exclusive, Remedies Cumulative

A. Acts or omissions to act which are designated as an infraction by any city ordinance do not require a culpable mental state as an element of the infraction.

B. The procedures prescribed by this chapter shall be the exclusive procedures for imposing civil penalties; however, this section shall not be read to prohibit in any way alternative remedies set out in the Tigard Municipal Code which are intended to abate or alleviate code infractions, nor shall the city be prevented from recovering, in any manner prescribed by law, any costs incurred by it in abating or removing ordinance infractions pursuant to any code provision. (Ord. 86-20 §1(Exhibit A(3)), 1986).

C. The remedies and procedures for abatement of civil infractions provided in this chapter are in addition to all other remedies and procedures provided by law. Nothing in this chapter shall limit or restrict in any way the city's right to obtain abatement by means of a civil infraction, judicial action, an administrative enforcement action, a criminal action, a civil lawsuit or any other form of procedure to obtain abatement.

1.16.065 Liability

A. The city shall not be liable to any person for any loss or injury to person or property growing out of any casualty or incident happening to such person or property on account of a property owner, lessee or occupant of property who fails or neglects to promptly comply with the duties imposed by this section.

B. The city shall be exempt from all liability, including but not limited to common-law liability that it might otherwise incur to an injured party as a result of the city's negligent failure to abate an infraction.

C. If any property owner, lessee or occupant, by his failure or neglect to perform any duty required of him by the terms of this section, contributes in causing injury or damages, they shall reimburse the city for all damages or injury it has sustained or has been compelled to pay in such case, including but not limited to reasonable attorney fees for the defense of the same, and such payments as may be enforced in any court having jurisdiction.

1.16.070 Effect of This Chapter

A. Citations or complaints issued and filed with the municipal court prior to the effective date of the ordinance codified in this chapter shall be processed in accordance with the provisions in effect at the time the complaint was issued.

B. Nothing in this chapter shall be construed as a waiver of any prior assessment, bail or fine ordered by the municipal court. (Ord. 86-20 §1(Exhibit A (12)), 1986).

1.16.080 Severability

The provisions of this chapter are severable. If any section, sentence, clause or phrase of this chapter is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of the chapter. (Ord. 86-20 §1(Exhibit A(13)), 1986).

1.16.090 Reports of Infractions

All reports or complaints of infractions covered by this chapter shall be made or referred to an authorized code enforcement officer. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(A), 1986).

1.16.100 Assessment by Code Enforcement Officer

A. Upon receiving a report or complaint or otherwise becoming aware of a violation of this code, the code enforcement officer shall review the facts and circumstances surrounding the alleged infraction and if he deems it appropriate will proceed with appropriate enforcement actions.

B. The code enforcement officer shall not proceed further with the matter if the officer determines that there is not sufficient evidence to support the allegation, or if the officer determines that it is not in the best interest of the city to proceed. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(B)), 1986).

1.16.105 Administrative Rules

The city manager is authorized to draft and adopt administrative rules to define procedures to work with respondents or recipients toward the abatement of civil infractions. Any such administrative rules and regulations shall be adopted pursuant to the provisions of Chapter 2.04, be consistent with this chapter and shall include the following:

A. Specific form documents or templates for all written communications referenced in this chapter to ensure that communications from the city are uniform, including a:

1. Letter of Complaint
2. Notice of Violation
3. Order to Abate
4. Notice of Assessment

B. Procedures for the preparation, execution, delivery, and posting of notices of a:

1. Letter of Complaint
2. Notice of Violation
3. Order to Abate
4. Notice of Assessment

C. Procedures for review by the civil infractions hearing officer to consider protest by a responsible party of an administrative Order to Abate consistent with Section 1.16.420.

D. Procedures for determination of the time allowed to abate an infraction or otherwise respond as provided in a:

1. Letter of Complaint

2. Notice of Violation

3. Order to Abate

E. Procedures for the calculation of administrative fees.

F. Standards for confidential or anonymous reporting and circumstances in which such reporting is allowed.

1.16.110 Warrants - Right of Entry

A. The city manager or designee may enter property, including the interior of structures, at all reasonable times whenever an inspection is necessary to enforce any regulations of this code, or whenever the city manager or designee has reasonable cause to believe that there exists in any structure or upon any property any condition which constitutes a violation of provisions of this code.

B. In the case of entry into areas of property that are plainly enclosed to create privacy and prevent access by unauthorized persons, the following steps shall be taken.

1. The code enforcement officer shall first make a reasonable attempt to locate the owner or other persons having charge or control of the property, present proper credentials and request entry.

2. If entry is refused or if the owner or other persons having charge or control of the property cannot be located, the code enforcement officer may attempt to obtain entry by obtaining a warrant.

1.16.111 Warrants - Grounds for Issuance

A. A warrant for inspection, investigation, removal or abatement purposes shall only be issued upon cause, supported by affidavit, particularly describing:

1. The applicant's status in applying for the warrant;

2. The statute, ordinance or regulation requiring or authorizing the inspection or investigation or the removal and abatement of the violation;

3. The building or property to be inspected, investigated or entered;

4. The purpose for which the inspection, investigation, removal or abatement is to be made;

5. The basis upon which cause exists to inspect, investigate, remove or abate the violation; and

6. In the case of removal or abatement, a statement of the general types and estimated quantity of the items to be removed or conditions abated.

B. Cause shall be deemed to exist if:

1. Reasonable legislative or administrative standards for conducting a routine, periodic, or area inspection or for removing and abating violations are satisfied with respect to any building or upon any property, or

2. An investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with regulations, or

3. There is cause to believe that a violation exists for which removal

or abatement is required or authorized by this chapter.

1.16.112 Warrants - Procedure for Issuance

A. Before issuing a warrant, a judge may examine the applicant and any other witness under oath and shall be satisfied of the existence of grounds for granting such application.

B. If the judge is satisfied that cause for the inspection, investigation, removal or abatement of any infraction exists and that other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing:

1. The person or persons authorized to execute the warrant,

2. The property to be entered, and

3. The purpose of the inspection or investigation or a statement of the general types and estimated quantity of the items to be removed or conditions abated.

C. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8:00 a.m. and 6:00 p.m., or where the judge has specifically determined, upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.

D. In issuing a warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to remove any person or obstacle and to assist the representative of the city in any way necessary to enter the property and complete the investigation or remove and abate the infraction.

1.16.113 Warrants - Execution

A. In executing a warrant on occupied property the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.

B. In executing a warrant on unoccupied property, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in subsection A above, but may promptly enter the designated property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted on the property.

C. A warrant must be executed within 10 working days of its issue and returned to the judge by whom it was issued within 10 working days from its date of execution. After the expiration of the time prescribed by this subsection, the warrant unless executed is void.

1.16.114 Warrants - Disposal of Seized Property

The city manager or designee may cause any items removed pursuant to an abatement warrant to be disposed of in an approved manner whenever the city manager or designee, in his sole discretion, finds that the fair and reasonable value of the items at resale would be less than the cost of storing and selling the items. In making the above determination, the city manager or designee may include in the costs of sale the reasonable cost of removing the items to a place of storage, of storing the items for resale, of holding the resale including reasonable staff allowances and all other reasonable and necessary costs of holding the sale.

1.16.115 Voluntary Compliance Agreement

A. The code enforcement officer may, at any time prior to a first appearance in

court, enter into a Voluntary Compliance Agreement with a respondent or recipient. The agreement shall include the time allowed to abate the infraction and shall be binding on the respondent or recipient.

B. The fact that a person alleged to have committed a civil infraction enters into a Voluntary Compliance Agreement shall not be considered an admission of having committed the infraction for any purpose.

C. The city shall suspend further processing of the alleged infraction during the time allowed in the Voluntary Compliance Agreement for completion of the necessary corrective action. The city shall take no further action concerning the alleged violation if all terms of the Voluntary Compliance Agreement are satisfied, other than steps necessary to terminate the enforcement action.

D. Failure to comply with any term of a signed Voluntary Compliance Agreement constitutes an additional and separate infraction which shall be handled in accordance with procedures established by this chapter. After the Voluntary Compliance Agreement has been signed no further notice need be given before a civil infraction summons and complaint based on this infraction is issued. The city may also proceed on the alleged infraction that gave rise to the Voluntary Compliance Agreement. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(10)), 1986).

1.16.120 Notice - Notice of Violation and Letter of Complaint

A. Upon receiving a report or complaint or otherwise becoming aware of a violation of this code, the code enforcement officer may cause a notice of the alleged civil infraction to be given to any responsible party for the property containing the alleged infraction.

B. Under the judicial enforcement process set forth in Article II, a Notice of Violation for the alleged civil infraction may be given to the responsible party before a civil infraction summons and complaint is issued for an infraction. Verification of the violation is a requirement for a Notice of Violation. A Notice of Violation is not required before a summons and complaint is issued. The use of a Notice of Violation is at the sole discretion of the code enforcement officer.

C. Under the administrative enforcement process set forth in Article III, a Letter of Complaint may be mailed to any responsible party for the property containing the alleged civil infraction. Verification of the violation is not a requirement for issuing a Letter of Complaint but the issuance of a Letter of Complaint is a required first step in the administrative process. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(2)), 1986).

1.16.140 Time to Abate Infraction After Notice

A. If a Notice of Violation or a Letter of Complaint is given to a recipient or respondent pursuant to this chapter, the code enforcement officer shall give the recipient or respondent a specific timeline within which to cure or to remedy abate the alleged infraction consistent with subsection 1.16.140.B.

B. The time allowed shall not be less than 24 hours for a Notice of Violation, or five days for a Letter of Complaint, nor more than 30 days except in cases where compliance is voluntary and the code enforcement officer deems it appropriate to enter into a Voluntary Compliance Agreement with the recipient or respondent.

C. The code enforcement officer may grant additional time to the respondent if, in the officer's judgment, compliance within the 30-day timeline would constitute a significant hardship to the recipient or respondent or other significant mitigating circumstances exist. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(4)), 1986).

1.16.150 Immediate Abatement Action Required When

A. Notwithstanding the abatement time periods contained in Section 1.16.140, if the code enforcement officer determines that the alleged infraction presents an immediate danger to the public health, safety or welfare, or that any continuance of the violation would allow the recipient or respondent to profit from the violation or would otherwise be offensive to the public at large the officer may require immediate remedial action.

B. If, in such cases, the code enforcement officer is unable to serve a Notice of Violation or Letter of Complaint on the recipient or respondent or, if after such service the recipient or respondent refuses or is unable to remedy the infraction, the city may proceed to remedy the infraction as provided in subsection C below. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(5)), 1986).

C. In the case of an immediate danger to the public health, safety or welfare determined under subsection A, the city may abate the infraction and charge the abatement cost back to the recipient or respondent, after obtaining a warrant to enter the property and abate the infraction. If the immediate danger constitutes an emergency threatening immediate death or physical injury to persons, the city may abate the infraction without obtaining a warrant if the delay associated with obtaining the warrant would result in increased risk of death or injury, and may charge the abatement costs back to the recipient or respondent.

ARTICLE II. JUDICIAL ENFORCEMENT

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ARTICLE II. JUDICIAL ENFORCEMENT

1.16.160 Notice - Methods of Service

If a Notice of Violation is given to a respondent pursuant to this chapter, service of such notice may be made as follows:

A. A Notice of Violation may be given to the respondent in person by the code enforcement officer.

B. A Notice of Violation may be

given by a telephone call to the respondent. If notice is given in this manner, the respondent may be given, at the code enforcement officer's discretion, a Notice of Violation by first class mail sent to his last known address as soon as possible after the initial notice by telephone.

C. A Notice of Violation may be given by mailing to the respondent at his last known address.

D. A Notice of Violation may be given by affixing to the main door of the property or premises. If notice is given in this manner, the code enforcement officer may, at his discretion, also provide the respondent with a Notice of Violation by mail sent to the respondent's last known address as soon as possible after the initial notice by posting. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(6)), 1986).

1.16.170 Notice - Computation of Time Period

A. Where the Notice of Violation is delivered in person or by telephone the time period to abate the infraction shall begin immediately upon such delivery.

B. Where the Notice of Violation is mailed to the respondent, notice to abate the infraction shall be considered complete three days after such mailing, if the address to which it is mailed is within the state, and seven days after mailing if the address to which it is mailed is outside the state.

C. Where the Notice of Violation is affixed to the main door of the property or premises, for purposes of computing the time period to abate the infraction, notice shall be considered complete three days after such affixation. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(7)), 1986).

1.16.180 Notice - Information

A. The following information shall be included in the Notice of Violation if one is given:

1. A description or identification of the activity or condition constituting the alleged infraction, and the identification of the recipient as the respondent;

2. A statement that the code enforcement officer has determined the activity or condition to be an infraction;

3. A statement of the action required to abate the alleged infraction and the time and date by which abatement must be completed unless a Voluntary Compliance Agreement is executed;

4. A statement advising the respondent that if the required abatement is not completed within the time specified and the respondent has not entered into a Voluntary Compliance Agreement, a civil infraction summons and complaint will be issued and civil penalties for the particular infraction may be imposed.

B. The code enforcement officer has the discretion to include in the Notice of Violation an invitation to contact the code enforcement officer to discuss any questions the respondent may have about the alleged violation, the requirements for compliance and any possibility of entering into a Voluntary Compliance Agreement. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(8)), 1986).

1.16.190 Failure to Respond to Notice

If notice is given, and the respondent either receives or rejects the Notice of Violation and fails to abate the alleged infraction within the time specified in the Notice of Violation, the code enforcement officer may serve the respondent with a civil infraction summons and complaint. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(C)(9)), 1986).

1.16.210 Civil Infraction Summons and Complaint - Timing

A civil infraction summons and complaint may be served on the respondent:

A. Immediately upon discovery of the infraction;

B. Where the response period given in a Notice of Violation has expired; or

C. Where the period for compliance given in a Voluntary Compliance Agreement expired and the infraction has not been abated. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(D)(1)), 1986) .

1.16.220 Civil Infraction Summons and Complaint - Process Requirements

A. The physical form taken by a civil infraction summons and complaint is not material. What is material is the substance, the information contained therein. The city may utilize various physical formats for the summons and complaint. The state uniform citation may be used. Any form prepared by the city should normally contain or solicit the following information, but no complaint or summons shall be considered invalid for failure to comply with these rules, so long as the basic information regarding the infraction and the court date is included.

B. The civil infractions summons and complaint shall contain the following information:

1. The name and address of the respondent;

2. A description of the infraction that can be understood by a person making a reasonable effort to do so;

3. The date, time and place at which the infraction is alleged to have been committed. If the infraction is alleged to be ongoing, the civil infractions summons and complaint shall so state and shall list a date on which the infraction was observed;

4. A file or reference number;

5. The date the civil infraction summons and complaint was issued;

6. The name of the code enforcement officer issuing the citation;

7. The time, date and location at which the respondent is to appear in court;

8. A notice that a complaint based on the violation will be filed with the court;

9. The amount of the maximum civil penalty for the infraction;

10. An explanation of the respondent’s obligation to appear at the hearing and that a monetary judgment may be entered for up to the maximum civil penalties if the respondent fails to make all required court appearances;

11. A space wherein the respondent may admit having committed the alleged infraction;

12. The time period for returning the form to the court;

13. A notice that, if the respondent admits having committed the infraction as charged, payment, in the amount shown on the summons and complaint or as agreed with the code enforcement officer pursuant to 1.16.660 of this chapter, as may be appropriate, must accompany the admission; and

14. A form of verification that the person signing the complaint swears that the person has reasonable grounds to believe, and does so

believe, that the respondent committed the alleged infraction. (Ord. 02-27, Ord. 86-41 §§1 - 4, 1986; Ord. 86-35 §§1 - 4, 1986; Ord. 86-20 §1(Exhibit A(5)(D)(2)), 1986).

1.16.230 Civil Infraction Summons and Complaint - Service - Failure To Receive - Default

A. Service of the civil infraction summons and complaint shall be made consistent with the requirements of the Oregon Rules of Civil Procedure and may be made by:

1. Personal service on the respondent or an agent for the respondent,

2. Substitute service at the respondent's dwelling or office,

3. Affixing to the main door of the property or premises, or by

4. Certified mail, return receipt requested, to the respondent at his last known address.

B. In the event of substitute service at the respondent's dwelling, the person served must be at least 14 years of age and residing in the respondent's place of abode.

C. Service at the respondent's office must be made during regular business hours. Substitute service at the respondent’s office must be made to the person who is apparently in charge.

D. If substitute service is used a true copy of the summons and complaint, together with a statement of the date, time and place at which service was made, must be mailed to the respondent at the respondent's last known address. Service will be considered complete upon such a mailing.

E. Service by any other method reasonably calculated, under all the circumstances, to apprise the respondent of the existence and pendency of the infraction and to afford a reasonable opportunity to respond shall be acceptable.

F. Service on particular respondents, such as minors, incapacitated persons, corporations, limited partnerships, the state, other public bodies and general partnerships shall be as prescribed for the service of a civil summons and complaint by the Oregon Rules of Civil Procedure.

G. No default shall be entered against any respondent without proof that the respondent had notice of the civil infraction summons and complaint. A sworn affidavit of the code enforcement officer outlining the method of service, including the date, time and place of service shall create a rebuttable presumption that the respondent had such notice. (Ord. 02-27, Ord. 89-21 §1, 1989: Ord. 86-20 §1(Exhibit A(5)(D)(3)), 1986).

1.16.240 Civil Infractions Summons and Complaint - Respondent's Response Required

A. A respondent served with a civil infraction summons and complaint shall respond to the complaint by personally appearing at the scheduled first appearance in court or by making a written response by mail or personal delivery to the court.

B. If the respondent admits the infraction, the respondent may so indicate on the summons and forward the form to the court. Payment in the amount of the civil penalty for the infraction, as shown on the summons or as agreed with the code enforcement officer pursuant to section 1.16.660 of this chapter shall be submitted with the response. An appropriate findings shall be entered in the records of the civil infraction hearings officer indicating the receipt of the civil penalty.

C. If the respondent does not admit the infraction, the respondent must appear at the scheduled first appearance in

court.

1. At the first appearance, the respondent may deny the infraction and request a hearing, admit the infraction, or not contest the infraction.

2. If the respondent either admits or does not contest the infraction the respondent shall be given the opportunity to provide a statement. Based on the statement provided by the respondent and any additional information provided by the code enforcement officer, the civil infractions hearings officer shall impose a civil penalty not to exceed the maximum civil penalty allowed for the infraction.

3. If the respondent requests a hearing, a hearing shall be scheduled. (Ord. 02-27, Ord. 86-41 §5, 1986; Ord. 86-35 §5, 1986; Ord. 86-20 §1(Exhibit A(5)(E)), 1986).

1.16.250 No Right to Jury

Any hearing to determine whether an infraction has been committed shall be held before the civil infraction hearings officer without a jury. (Ord. 86-20 §1(Exhibit A(5)(F)(1)), 1986).

1.16.260 Representation by Counsel

The respondent may be represented by legal counsel; however, legal counsel shall not be provided at public expense. Written notice shall be provided to the hearings officer and code enforcement officer no later than five days prior to any appearance by legal counsel at an appearance or hearing. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(F)(2)), 1986).

1.16.270 Opportunity to be Heard - Cross-Examination

At a hearing a respondent shall have the right to present evidence and witnesses in the respondent's favor, to cross-examine any witnesses who testify against the respondent, and to submit rebuttal evidence. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(F)(3)), 1986).

1.16.280 Witnesses

A. The respondent may request that witnesses be ordered by subpoena to appear at the hearing. The respondent shall make such request in writing to the court at least five days prior to the scheduled hearing.

B. Subject to the same five-day limitation, the code enforcement officer, the citizen who signed the complaint or the city attorney, as appropriate, may also request in writing that the court order certain witnesses to appear by subpoena.

C. If a civil penalty is declared in the final order, the order shall also provide that the respondent shall pay any witness fees payable in connection with the hearing. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(F)(4)), 1986).

1.16.290 Hearing - Admissible Evidence

A. The hearing shall be limited to production of evidence only on the infraction alleged in the complaint.

B. Oral evidence shall be taken only upon oath or affirmation administered by the civil infractions hearings officer.

C. Evidence shall be admitted if it is of the type which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might render such evidence inadmissible in civil actions in courts of competent jurisdiction in this state.

D. Irrelevant or unduly repetitious evidence shall be excluded.

1.16.295 Burden of Proof

The complainant or, if the city is the complainant, the code enforcement officer, shall have the burden of proving the alleged civil infraction by a preponderance of the evidence. (Ord. 86-20 §1(Exhibit A(5)(F)(5) and (6)), 1986).

1.16.300 Hearing - Decision by Hearings Officer

A. The hearings officer shall determine if the respondent committed the infraction as alleged in the complaint.

B. When the infraction has not been proven, a written order dismissing the complaint shall be entered in the court records.

C. When the hearings officer finds that the infraction was committed, written findings shall be prepared which set out sufficient information to substantiate the commission of the infraction.

D. Written orders, including findings, shall be prepared within ten working days of the oral decision. The court shall serve true copies of the hearings officer's findings, order and judgment on all parties, either personally or by mail. (Ord. 02-27, Ord. 89-21 §2, 1989: Ord. 86-20 §1(Exhibit A(5)(F)(7)), 1986).

1.16.310 Order to Abate - Judicial

Upon a finding that the infraction was committed by the respondent, the hearings officer may issue an Order to Abate requiring the respondent to abate the ordinance infraction within a specified time period identified in the final order. Orders to Abate issued under this section may only be appealed pursuant to 1.16.330. (Ord. 89-21 §3, 1989).

1.16.320 Hearing - Records

The court shall maintain a record of the hearing proceedings. A mechanical recording of the hearing, accompanied by any written documents, correspondence or physical evidence associated with the matter shall be sufficient to meet the requirements of this section. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(5)(F)(9)), 1986).

1.16.330 Finality of Decision - Appeals

The determination of the hearings officer shall be final. Review of the hearing officer's determination shall be to the circuit court by writ of review, pursuant to Chapter 34 of the Oregon Revised Statutes. (Ord. 86-20 §1(Exhibit A(5)(F)(10)), 1986).

1.16.340 Remedial Action by the City - Summary Abatement

Upon finding that an infraction was committed, as determined by a final decision of the hearings officer, the city may, after obtaining a warrant to enter the property and abate the infraction, proceed to abate the infraction and charge the abatement costs back to the respondent pursuant to 1.16.680.C. For the purposes of this subsection "a final decision of the hearings officer" means a final decision for which judicial review was not sought within the time allowed by law or a decision of the hearings officer that was upheld by a final decision in the judicial review and appeal process.

1.16.350 Default Judgment

Subject to the limitations set forth in Section 1.16.230, a default judgment shall be entered in an amount up to the maximum civil penalty applicable to the charged infraction if the respondent fails to appear at the scheduled hearing. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(7)), 1986).

ARTICLE III. ADMINISTRATIVE ENFORCEMENT

1.16.400 Order to Abate - Administrative
1.16.410 Abatement by the Responsible Party
1.16.420 Order to Abate - Administrative - Appeals Process
1.16.430 Abatement by the City
1.16.440 Judicial Review

ARTICLE III. ADMINISTRATIVE ENFORCEMENT

1.16.400 Order to Abate - Administrative

A. Upon finding any of the following the code enforcement officer may cause an Order to Abate to be posted on the subject property and mailed to the owner and each other known responsible party:

1. A violation exists, or

2. Any responsible party is not responsive or cooperative after receiving a Letter of Complaint, or

3. A recipient failed to comply with the terms of a Voluntary Compliance Agreement,

B. The order shall require the respondent to abate the ordinance infraction within a specified time period.

C. Prior to mailing or posting an Order to Abate, the code enforcement officer must have probable cause to believe that a civil infraction exists, based on personal observation of the violation by the code enforcement officer or other credible authority.

D. The code enforcement officer shall cause a copy of the Order to Abate to be posted on the premises at the site of the violation.

E. An Order to Abate shall be mailed by first class or certified mail to the last known address of the responsible party. An Order to Abate shall contain:

1. A description of the real property, by street address or otherwise, on which the infraction exists.

2. The date of the order.

3. A direction to abate the infraction within no less than 10 days and no more than 30 days from the date of the order.

4. A description of the infraction.

5. A statement that, unless the infraction is removed:

a. A warrant may be obtained,

b. The city may abate the infraction, and

c. The cost of abatement will be charged to the responsible party.

6. A statement that failure to abate an infraction may result in imposition of an administrative fee or lien on the property.

7. A statement that the responsible party may protest the Order to Abate by giving notice to the code enforcement officer within 10 days following the date of the order. Contact information for the code enforcement officer shall be included in the Order to Abate.

F. Upon completion of mailing and posting, the persons mailing and posting

shall execute and file certificates stating the date and place of the mailing and posting, respectively.

G. An error in the address or name of the responsible party shall not make the Order to Abate void, and in such case the posted notice shall be sufficient.

1.16.410 Abatement by the Responsible Party

A. Within the timeline specified in the Order to Abate, the responsible party shall abate the infraction or appeal the Order to Abate pursuant to 1.16.420.

B. Any responsible party intending to abate the infraction shall provide notice to the code enforcement officer before abating the infraction and shall allow the city to inspect during and on completion of the abatement. The notification shall state how the infraction will be abated, when it will be abated, and who will be abating it.

1.16.420 Order to Abate - Administrative - Appeal Process

A. A responsible party protesting that the alleged infraction does not exist shall file with the code enforcement officer a written statement specifying the basis for the protest before the abatement date specified in the order or at most within 10 days of the date of the notice. Standing to protest is limited to a responsible party.

B. Upon receipt of a written statement of protest from a responsible party, the code enforcement officer shall, within 10 days of receipt of the protest, schedule a hearing before the civil infractions hearings officer, to be held within 30 days of receipt.

C. At the hearing set for consideration of the infraction, the person protesting may appear and be heard by the civil infractions hearings officer and the civil infractions hearings officer shall determine whether or not an infraction in fact exists. The city manager is authorized to draft and adopt rules and policies to provide for a civil infractions hearings officer review process consistent with this subsection and principles of due process. The civil infractions hearings officer's determination shall be required only in those cases where a written protest has been filed as provided in this section.

D. If the civil infractions hearings officer determines that an infraction does in fact exist, the responsible party shall, within five days after the civil infractions hearings officer's determination, abate the infraction, unless the civil infractions hearings officer determines that the responsible party should not be given the opportunity to abate or unless the civil infractions hearings officer decision allows a period of time greater than five days.

E. The civil infractions hearings officer may determine that the responsible party for the infraction should not be given the opportunity to abate only if the civil infractions hearings officer finds that the responsible party for the infraction is unlikely to properly abate the infraction. The determination that a responsible party is unlikely to properly abate the infraction shall be based on the findings as to one of the following:

1. Whether the person acted intentionally or whether the infraction is egregious; or

2. Whether the person had knowledge that the action was a violation of state law or city code; or

3. Whether the person has the professional expertise to perform the abatement.

1.16.430 Abatement by the City

If, within the time allowed, the infraction has not been abated by the responsible party, the city manager may cause

the infraction to be abated by securing an abatement warrant pursuant to sections 1.16.110 through 1.16.114.

1.16.440 Judicial Review

Judicial review of a decision of the civil infractions hearings officer on the appeal of an Order to Abate shall be on the record by writ of review pursuant to ORS Chapter 34 and not otherwise.

ARTICLE IV. PENALTIES, FEES AND COSTS

1.16.600 Continuous Infractions
1.16.610 Failure to Comply With Judgment Order, Order to Abate or Notice of Assessment
1.16.620 Penalties, Fees and Costs - Payment
1.16.630 Penalties and Fees - Classifications
1.16.640 Penalties and Fees - Amounts to be Assessed
1.16.650 Penalties and Fees - Repeat Violations
1.16.660 Penalties and Fees - Prior to First Appearance in Court
1.16.670 Delinquent Civil Penalties, Fees and Costs
1.16.680 Penalties, Fees and Costs - Assessment
1.16.690 Administrative Fees and Costs - Notice of Assessment
1.16.700 Administrative Fees and Costs - Notice of Objection and Hearing
1.16.710 Penalties, Fees and Costs - Collection, Lien Filing and Docketing

ARTICLE IV. PENALTIES, FEES AND COSTS

1.16.600 Continuous Infractions

When an infraction is of a continuous nature, unless otherwise specifically provided, a separate infraction shall be deemed to occur on each calendar day the infraction continues to exist. (Ord. 86-20 §1(Exhibit A(8)(A)), 1986).

1.16.610 Failure to Comply With Judgment Order, Order to Abate or Notice of Assessment

A. Failure to comply with a judicial Order to Abate an infraction or pay a civil penalty or court costs imposed within the time allowed for abatement or payment shall constitute a Class 1 civil infraction.

B. Failure to comply with an administrative Order to Abate an infraction or to pay an administrative fee or statement of administrative or abatement costs within the time allowed for such abatement or payment in a Notice of Assessment shall constitute a Class I Civil Infraction.

C. Failure to comply with a judgment order, an Order to Abate or a Notice of Assessment is a continuous infraction and a separate infraction will be deemed to occur each calendar day the failure to comply infraction continues to exist past the time allowed in the judgment order. (Ord. 89-21 §4, 1989).

1.16.620 Penalties, Fees and Costs - Payment Due When

Any civil penalty administrative fees, or costs assessed shall be paid no later than 30 days after the final order or the date of notice. Such period may be extended by the code enforcement officer for the administration process or upon order of the hearings officer. (Ord. 86-20 §1(Exhibit A(8)(B)), 1986).

1.16.630 Penalties and Fees - Classifications

For the purpose of determining civil penalties and administrative fees, infractions

are classified in the following categories:

A. Class 1 infractions;

B. Class 2 infractions;

C. Class 3 infractions.
(Ord. 86-20 §1(Exhibit A(8)(C)), 1986).

1.16.640 Penalties and Fees - Amounts to be Assessed

The civil penalty or administrative fee to be assessed for a specific infraction shall be as follows:

A. For Class 1 infractions,

1. An amount not to exceed $250 per day under either the judicial or the administrative enforcement process, or

2. Under the administrative enforcement process, an amount:

a. Computed in a manner established by administrative rule pursuant to 1.16.105

b. For the entire period the violation exists and not for each day of the violation.

B. For Class 2 infractions, an amount not to exceed $150 per day;

C. For Class 3 infractions, an amount not to exceed $50 per day. (Ord. 86-20 §1(Exhibit A(8)(D)), 1986).

1.16.650 Penalties and Fees - Repeat Violations

The maximum amounts of the civil penalties and administrative fees set forth in 1.16.640.A.1, 1.16.640.B and 1.16.640.C shall be doubled in the event that the respondent is found in violation of a second and similar violation within 24 months of the initial violation and quadrupled in the event of a third or subsequent repetition within 24 months of the initial violation. (Ord. 02-27).

1.16.660 Penalties and Fees - Prior to First Appearance in Court

The code enforcement officer is authorized to reduce the amount of a civil penalty that could be imposed or the amount of an administrative fee if compliance has been achieved and the amount is to be paid in full on or before the time and date of the first appearance in court or before the timeline set out in a Letter of Complaint or an Order to Abate. (Ord. 02-27).

1.16.670 Delinquent Penalties, Fees and Costs

Delinquent civil penalties, administrative fees or costs and penalties imposed by default judgment may be collected or enforced pursuant to Oregon Revised Statutes 30.310 or any other method. (Ord. 02-27, Ord. 86-20 §1(Exhibit A(8)(E)), 1986).

1.16.680 Penalties, Fees and Costs - Assessment

A. Upon a finding by the civil infractions hearings officer that an infraction was committed by the respondent, the civil infractions hearings officer may assess a civil penalty pursuant to Sections 1.16.600 - 1.16.650, plus costs.

B. Upon a finding by the code enforcement officer that an infraction was committed by the respondent and if, within the time allowed in an Order to Abate, the infraction has not been abated by the responsible party, the code enforcement officer may assess an administrative fee pursuant to Sections 1.16.600 - 1.16.650, plus costs.

C. For abatement of a violation by the city by judicial process pursuant to Section 1.16.340 or administrative process pursuant to Section 1.16.430 the code enforcement officer shall keep an accurate

record of the costs incurred by the city in abating the violation. The total amount of these charges will be assessed against the responsible party as the cost of abatement.

1.16.690 Administrative Fees and Costs - Notice of Assessment

Upon the assessment of administrative fees or costs pursuant to Section 1.16.680 the code enforcement officer shall forward to all persons responsible for the violation a Notice of Assessment stating:

A. The total administrative fees and costs, if any, assessed for the violation;

B. That the total amount of the fees and costs as indicated will be assessed to and become a lien against the property of persons responsible for the violation unless paid within 30 days from the date of the notice;

C. That any responsible party for the fees and costs may file a written notice of objection to the amount of the fees and costs with the code enforcement officer not more than 10 days from the date of the notice.

1.16.700 Administrative Fees and Costs - Notice of Objection and Hearing

If an objection to an administrative fee or costs is filed as provided in Section 1.16.690, the code enforcement officer shall, within 10 days, cause a hearing to be scheduled to be held within 30 days before the civil infractions hearings officer. The civil infractions hearing officer shall hear the objection and determine the amount of the fee and costs to be assessed including the costs to the city of responding to the objection if the city's position is sustained.

1.16.710 Penalties, Fees and Costs - Collection, Lien Filing and Docketing

A. When a judgment is rendered by the hearings officer in favor of the city for the sum of $100 or more, exclusive of costs, the code enforcement officer shall, at any time thereafter while the judgment is enforceable, file with the city finance officer a certified transcript of all those entries made in the docket of the hearings officer with respect to the action in which the judgment was entered.

B. An assessment of the administrative fees and costs as stated in the Notice of Assessment shall be made if:

1. No objection to administrative fees and costs is filed as provided in Section 1.16.700 or;

2. Fees or costs remain applicable following a hearing on an objection and the fees and costs are not paid within 30 days from the date of the notice or the date of the hearing order.

C. The code enforcement officer shall file with the city finance officer a certified statement of the total fees and costs due.

D. Upon receiving the statement of total fees and costs due or the certified transcript, the city finance officer shall enter that total on the city's lien docket.

E. The city may bring legal action to collect any civil penalties, fees, costs or interest provided for in this chapter. The city may also use a professional collection agency, or cause the full amount of civil penalties, fees, costs or interest owed to be entered into the city's lien docket and, from the time of entry on the city's lien docket it shall constitute a lien upon property of all persons responsible for the violation.

F. A lien shall bear interest at the rate of nine percent per year. Such interest shall commence to run from date of the entry of the lien in the lien docket.

G. An error in the name of any person to whom notice is sent shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against property of the responsible party for the violation.

H. The finance officer shall file the statement of total fees and costs due or the transcript of the court judgment with the Washington County Clerk for entry in the judgment docket of the circuit court. All costs associated with the filing of the transcript shall be added to the amount of the statement.

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CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 12-

AN ORDINANCE ADDING TITLE 6, NUISANCE VIOLATIONS, TO THE TIGARD MUNICIPAL CODE, AMENDING TITLES 2, 7, 15 AND 18, AND DELETING CHAPTERS 7.40 AND 7.61.

WHEREAS, nuisance violations of the Tigard Municipal Code (TMC) currently appear in five titles of the TMC; and

WHEREAS, for convenient reference by the public and by city staff, the city desires to consolidate nuisance citations into one title in the TMC; and

WHEREAS, the City Council wishes to clarify and modernize the text of various citations and provisions; and

WHEREAS, the City Council desires existing sections of the TMC that refer to sections of Title 6 to be consistent with the new text.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: Title 6, Nuisance Violations, as shown in Exhibit A, is added to the Tigard Municipal Code.

SECTION 2: The Tigard Municipal Code is amended as follows: Title 7 Table of Contents as shown in Exhibit B-1, Chapter 7.40 as shown in Exhibit B-2 and Chapter 7.61 as shown in Exhibit B-3; text to be deleted is shown in ~~strikethrough~~ and text to be added is shown in <u>underline</u>.

SECTION 3: Cross-references in the Tigard Municipal Code are amended as follows: Chapter 2.52 as shown in Exhibit C-1, Chapter 7.58 as shown in Exhibit C-2, Chapter 7.80 as shown in Exhibit C-3, Chapter 15.16 as shown in Exhibit C-4 and Chapter 18.725 as shown in Exhibit C-5; text to be deleted is shown in ~~strikethrough~~ and text to be added is shown in <u>underline</u>.

SECTION 4: This ordinance shall be effective 30 days after its passage by the council, signature by the mayor, and posting by the city recorder.

PASSED: By _____ vote of all council members present after being read by number and title only, this ____ day of _____ 2012.

_____
City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2012.

_____
Mayor - City of Tigard

Approved as to form:

_____

City Attorney

_____

Date

Title 6:
NUISANCE VIOLATIONS

Sections:

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6.01.020 Definitions
6.01.030 Nuisances Designated - Class I Civil Infraction
6.01.040 Penalty for Violation of This Title
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Chapter 6.02
NUISANCES AFFECTING PUBLIC HEALTH, SAFETY AND PEACE

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PROPERTY IN THE RIGHT OF WAY

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6.03.020 Abandoned Personal Property in the Right of Way
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6.03.060 Reclamation of Confiscated Personal Property and Signs
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Chapter 6.01

GENERAL PROVISIONS AND PENALTIES

6.01.010 Short Title
6.01.020 Definitions
6.01.030 Nuisances Designated - Class I Civil Infraction
6.01.040 Penalty for Violation of This Title
6.01.050 Administrative Rules
6.01.060 Enforcement - Minimum Requirements

6.01.010 Short Title

The ordinance codified in this title shall be known as the "nuisance ordinance," and may also be referred to herein as "this title."

6.01.020 Definitions

As used in this title:

A. “Abate” means to restore a property to its condition prior to the infraction, or similar condition that is free of the subject infractions. In the case of graffiti, "abate" means to remove graffiti from the public view.

B. “Abandoned personal property” means any personal property, as the term is defined in this title, which has been discarded, deserted or relinquished.

Personal property shall be considered abandoned if any of the following conditions exist:

1. Personal property is left unattended in the right of way for more than five hours;

2. Personal property is placed in the right of way in a location or manner as to constitute a potential, imminent or immediate hazard or obstruction to pedestrian or vehicular traffic or to otherwise pose a threat to public health, safety or welfare.

C. “City manager” means the city manager or his designee.

D. “Civil infraction” or “infraction” means the failure to comply with a provision of this title.

E. “Costs” means all expenses incurred and charges associated with any action taken by the city under this title including, but not limited to, the cost to the public of the staff time invested and, regarding items confiscated in violation of Sections 6.03.010 and 6.03.020, all expenses incurred and charges associated with the removal, storage, detention, processing, disposition and maintenance thereof.

F. “Dangerous building” means:

1. A structure that, for want of proper repairs, by reason of age and dilapidated condition, by reason of poorly installed electrical wiring or equipment, defective chimney, defective gas connection, defective heating apparatus or for any other cause or reason, is especially liable to fire, and that is so situated or occupied as to endanger any other building or property or human life;

2. A structure containing combustible or explosive material, rubbish, rags, waste, oils, gasoline or flammable substance of any kind, especially liable to cause fire or danger to the safety of the building, premises, or to human life;

3. A structure that is kept or maintained or is in a filthy or unsanitary condition, especially liable to cause the spread of contagious or infectious disease or diseases;

4. A structure in such

weak, weakened, dilapidated or deteriorated condition as to endanger any person or property due to a probability of partial or entire collapse.

G. “Dispose of /Disposal” means to get rid of and includes sell, auction, donate, destroy, repurpose and recycle.

H. "Graffiti" means any inscription, word, figure or design that is marked, etched, scratched, drawn or painted on any surface with paint, ink, chalk, dye, other similar substance or placement of stickers or appliques, regardless of content, without authorization from the responsible party for the property.

I. "Graffiti nuisance property" means a property upon which graffiti has been placed and for which a Letter of Complaint or Notice of Violation has been sent to the responsible party for the property consistent with Chapter 1.16 and on which the graffiti has been allowed to remain for more than the length of time specified in the letter or notice.

J. “Junk” means items that have no apparent utility or are in an unsanitary condition.

K. “Noise-sensitive unit” shall include any building or portion of a building containing a residence, place of overnight accommodation, church, day care center, hospital, school or nursing care center. For the purpose of this definition, “residence” and “overnight accommodation” do not include living/sleeping quarters of a caretaker or watchperson on industrial or commercial property provided by the owner or operator of the industrial or commercial facility.

L. “Noxious vegetation” means:

1. Weeds more than 10 inches high;

2. Grass more than 10 inches high and not within the exception stated in paragraph 9 of this subsection;

3. Poison oak, poison ivy or similar vegetation;

4. Dead trees, dead bushes, stumps and any other thing likely to cause fire;

5. Blackberry bushes that extend into a right of way or across a property line;

6. Vegetation that is a health hazard;

7. Vegetation that is a health hazard because it impairs the view of the right of way or otherwise makes use of the right of way hazardous.

8. Any of the following invasive and noxious plants: Hedera helix L. (english ivy), Heracleum mantegazzianum (giant hogweed), Lythrum salicaria L. (purple loosestrife), Polygonum cuspidatum (Japanese knotweed), Rubus discolor (Himalayan blackberry.)

9. "Noxious vegetation" does not include vegetation that constitutes an agricultural crop, unless that vegetation is a health hazard, a fire hazard or a traffic hazard, and it is vegetation within the meaning of this subsection.

M. "Occupant" means any person, tenant, sub-lessee, successor or assignee that has control over property.

N. "Owner" means any person, agent, firm, corporation, unincorporated association, partnership, limited liability company or other entity having a legal or equitable interest in or a claim to a property and includes, but is not limited to, a mortgagor in possession, an occupant, or a person, agent, firm or corporation that owns or exercises control over items of property including abandoned personal property or a sign confiscated pursuant to this chapter.

O. "Permit" means to knowingly allow, suffer or acquiesce by any failure, refusal or neglect to abate.

P. “Person” means an individual human being and may also refer to a firm, corporation, unincorporated association, partnership, limited liability company, trust, estate or any other legal entity.

Q. “Personal property” means tangible items, other than signs, as defined in this title, and vehicles which are reasonably recognizable as belonging to individual persons and which have apparent utility.

R. “Plainly audible” means any sound for which the information content of that sound is unambiguously communicated to the listener, including but not limited to, understandable spoken speech, comprehensible musical rhythms or vocal sounds.

S. "Premises open to the public" means all public spaces including, but not limited to, streets, alleys, sidewalks, parks, rights of way and public open space, and private property onto which the public is regularly invited or permitted to enter for any purpose.

T. "Property" means any real or personal property including, but not limited to, items affixed or appurtenant to real property or premises, house, building, fence or structure and items of machinery, drop boxes, waste containers, utility poles and vaults and post office collection boxes.

U. "Responsible party" means any of the following:

1. An owner,

2. An entity or person acting as an agent for an owner by agreement that has authority over the property, is responsible for the property's maintenance or management, or is responsible for abating or remedying a nuisance,

3. Any person occupying the property, including bailee, lessee, tenant or other person having possession,

4. The person who is alleged to have committed the acts or omissions, created or allowed the condition to exist, or placed the object or allowed the object to exist on the property, or

5. A foreclosure or bankruptcy trustee.

There may be more than one party responsible for a particular property.

V. “Right of way” means a strip of land or structure occupied or intended to be occupied by a street, crosswalk, pedestrian or bike path, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, street trees or other special use and all other public ways and areas managed by the city.

W. "Sign" means any materials placed or constructed primarily to convey a message or other display and which can be viewed from the right of way, another property or from the air including any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster or other thing designed, intended or used to advertise or inform.

X. "Unauthorized" means without consent of the owner, occupant or responsible party.

Y. “Unnecessarily loud” means any sound that interferes with normal spoken communication or that disturbs sleep.

Z. “Violation” means failure to comply with a requirement imposed directly or indirectly by this title and may also mean civil infraction or infraction.

6.01.030 Nuisances Designated - Class 1 Infraction

A. Acts, omissions, conditions or objects specifically enumerated in this title are hereby declared to be a public nuisance.

B. Violations of other titles of this code are likewise declared to be public nuisances unless otherwise characterized in their

location in another title.

C. In addition to nuisances specifically enumerated within this title, every other thing, substance or act which is determined by the council to be offensive, injurious or detrimental to the public health, safety or welfare of the city is declared to be a nuisance.

6.01.040 Penalty for Violation of this Title

A. A violation of this title shall constitute a Class 1 Civil Infraction, which shall be processed according to procedures established in Chapter 1.16 of this code.

B. Each violation of a provision of this title shall constitute a separate infraction, and each day that a violation of this title is committed or permitted to continue shall constitute a separate infraction.

C. A finding of a violation of this title shall not relieve the responsible party of the duty to abate the violation. Penalties imposed by this title are in addition to and not in lieu of any remedies available to the city.

D. Each violation of a provision of this title is subject to the specific penalty or administrative fee established in Chapter 1.16 of this code.

6.01.050 Administrative Rules

A. The city manager is authorized to draft and adopt administrative rules that establish:

1. The types of signs exempted from the notice requirements of 6.03.040, based on the likelihood the sign will be reclaimed, which may take into consideration the value of the materials and condition of the sign;

2. Standards and methods for recording information about signs and personal property confiscated in the right of way, including a description of the sign or personal property, the location from which it was confiscated and the date and time of the confiscation;

3. Procedures by which owners of confiscated personal property or signs can reclaim the items:

4. A fee schedule for violations of Chapter 6.03 and the recovery of costs associated with confiscation and reclamation of personal property or signs confiscated in the right of way.

B. Such administrative rules shall be adopted pursuant to the provisions of Chapter 2.04.

6.01.060 Enforcement - Minimum Requirements

A. The provisions of this title are declared to be minimum requirements.

1. In their interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the protection of the public health, safety and general welfare.

2. When requirements of this title vary from other provisions of this title or with any other title of the Tigard Municipal Code or Oregon Revised Statutes, the most restrictive or that imposing the highest standard shall govern.

B. A finding of a violation of this title which results in confiscation of personal property or signs does not prevent the city from additionally issuing citations for violations of this title or any other title of the Tigard Municipal Code or Oregon Revised Statutes for the same property or incident.

C. This section shall not be read to prohibit any alternative remedies set out in this title or any other title of the Tigard Municipal Code or Oregon Revised Statutes which are intended to abate or alleviate code violations, nor shall the city be prevented from recovering,

in any manner prescribed by law, any expense incurred by it in abating or removing ordinance violations pursuant to any code provision.

Chapter 6.02
NUISANCES AFFECTING PUBLIC HEALTH, SAFETY AND PEACE

Article I. General Nuisances

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Article I. General Nuisances

6.02.010 Common Nuisances

No person shall cause or permit a nuisance affecting the public health. The following are nuisances affecting the public health:

A. An open vault or privy constructed and maintained within the city, except those constructed or maintained in connection with construction projects in accordance with the State Health Division regulations.

B. Accumulations of debris, rubbish, manure or other refuse that affect the health of surrounding persons.

C. Stagnant water that affords a breeding place for mosquitoes and other insect pests.

D. Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial wastes or other substances placed in or near the water in a manner that will cause harmful material to pollute the water.

E. Any animal, substance or condition on the premises that is in such a state or condition as to cause an offensive odor detectable at a property line, or that is in an insanitary condition.

F. Drainage of liquid wastes from private premises.

G. Cesspools or septic tanks that are in an unsanitary condition or which cause an offensive odor.

H. Animals, including livestock, or buildings for the purpose of maintaining livestock or animals, maintained in such places or in such a manner that they are offensive or annoying to the residents within the immediate vicinity, or maintaining the premises in such a manner as to be a breeding place or likely breeding place for rodents, flies and other pests.

I. An animal carcass permitted to remain on public property or to be exposed on public property for a period of time longer than is necessary to remove or dispose of the carcass.

J. Maintenance on private property of a dangerous building

6.02.020 Noxious Vegetation

A. No responsible party shall allow noxious vegetation as defined in 6.01.020.L.1 through 6.01.020.L.7 to be on the property or in the right of way abutting the property.

B. The responsible party for a violation of 6.02.020.A shall cut down or destroy grass, shrubbery, brush, bushes, weeds or other noxious vegetation as often as needed to prevent them from becoming unsightly or, in the case of weeds or other noxious vegetation, from maturing or from going to seed.

C. No responsible party shall plant or allow to be planted on their property noxious vegetation as defined in 6.01.020.L.8.

D. The responsible party for a violation of 6.02.020.C shall remove or otherwise destroy the subject invasive and noxious plants.

6.02.030 Trees and Bushes

A. No responsible party shall permit branches or roots of trees or bushes on the property to extend into a right of way in a manner which interferes with its use.

B. A responsible party shall keep the branches of all trees or bushes on the premises that adjoin the right of way, including an adjoining parking strip, trimmed to a height of not less than eight feet above a sidewalk and not less than 10 feet above a street.

C. No responsible party shall allow to stand any dead or decaying tree that is in danger of falling or otherwise constitutes a hazard to the public or to persons or property on or near the property.

6.02.040 Greenway Maintenance

A. A responsible party shall maintain the property, subject to an easement to the city or to the public for greenway purposes.

B. Except as otherwise provided by this section and Sections 6.02.020 - 6.02.050, 6.02.210 - 6.02.230, and 6.02.310, the standards for maintenance shall be as follows:

1. Land shall remain in its natural topographic condition. No private structures, culverts, excavations or fills shall be constructed within the easement area unless authorized by the city engineer based on a finding of need in order to protect the property or the public health, safety or welfare.

2. No tree over five feet in height shall be removed unless authorized by the community development director based on a finding that the tree constitutes a nuisance or a hazard.

3. Grass shall be kept cut to a height not exceeding 10 inches, except when some natural condition prevents cutting.

C. In situations where the approval authority establishes different standards or additional standards, the standards shall be in writing and shall be recorded.

D. No person shall be found in violation of this section of the code unless the person has been given actual or constructive notice of the standards prior to the time the violation occurred.

6.02.050 Attractive Nuisances

A. No responsible party shall permit on the property:

1. Unguarded machinery, equipment or other devices that are attractive, dangerous and accessible to children;

2. Lumber, logs, building material or piling placed or stored in a manner so as to be attractive, dangerous and accessible to children;

3. An open pit, quarry, cistern or other excavation without safeguards or barriers to prevent such places from being used by children; or

4. An exposed foundation or portion of foundation, any residue, debris or other building or structural remains, for more than thirty days after the destruction, demolition or removal of any building or portion of the building.

B. This section shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to children.

6.02.060 Graffiti

A. Placing graffiti that is visible from premises open to the public, such as public rights of way or other publicly owned property, upon any real or personal property, such as buildings, fences and structures, is a violation of this title and is subject to its remedies.

B. Any property location in the City of Tigard that becomes a graffiti nuisance property is in violation of this title and is subject to its remedies.

C. Every responsible party who permits a property to become a graffiti nuisance property is in violation of this title and subject to its remedies.

6.02.070 Livestock/Poultry

No poultry or livestock, other than normal household pets, may be kept unless housed or retained within a fenced run at least 100 feet from any nearby residence except a dwelling on the same lot.

Article II. Property Development and Maintenance Requirements

6.02.100 Violation of Title Prohibited

Erecting, constructing, altering, maintaining or using any building or structure or using, dividing or transferring land in violation of the Community Development Code (Title 18) are declared to be a public nuisance in violation of this title.

6.02.110 Conditions of Approval

Failure to maintain a property in compliance with a condition of approval issued pursuant to the Community Development Code (Title 18) is declared to be a public nuisance in violation of this title.

6.02.120 Visual Clearance Requirements

All property within the city shall be maintained in compliance with the Visual Clearance Requirements of Section 18.795.030.

6.02.130 Fences and Walls

Erection of a fence or wall, except as in compliance with Section 18.745.050.C, is declared to be a public nuisance in violation of this title.

6.02.140 Accessory Structures

Constructing, placing or maintaining an accessory structure in violation of the provisions of Section 18.510.060 is declared to be a public nuisance in violation of this title.

6.02.150 Insects and Rodents

Storage of any materials including wastes or maintaining any grounds in a manner that may attract or aid the propagation of insects or rodents or create a health hazard is declared to be a public nuisance in violation of this title.

6.02.160 Signs

Constructing, placing or maintaining a sign in violation of provisions of Section 18.780 is declared to be a public nuisance in violation of this title.

6.02.170 Storage in Front Yards

Storage of any boats, trailers, campers, camper bodies, house trailers, recreation vehicles or commercial vehicles in excess of ¾ ton capacity in a required front yard in a residential zone in violation of the provisions of Section 18.730.050.C is declared to be a public nuisance in violation of this title.

Article III. Junk, Garbage and Putrescible Waste

6.02.210 Vehicles Not to Drop Material on Streets

The owner or operator of any vehicle engaged in transportation of excavation or construction materials shall be responsible for keeping the public streets and sidewalks free from such materials, including, but not limited to, earth, rock and other debris that may obstruct or render the street or sidewalk unsafe for its intended use.

6.02.220 Open Storage of Junk

No person or responsible party shall deposit, store, maintain or keep on any real property, except in a fully enclosed storage facility, building or garbage receptacle, any of the following:

A. An icebox or refrigerator, or similar container, which seals essentially airtight, without first removing the door;

B. Inoperable or partially dismantled automobiles, trucks, buses, trailers or other vehicle equipment or parts thereof in a state of disrepair, for more than ten days as to any one automobile, truck, bus, trailer or piece of vehicular equipment;

C. Used or dismantled household appliances, furniture, other discards or junk, for more than five days.

6.02.230 Scattering Rubbish

No person shall deposit upon public or private property any kind of rubbish, trash, debris, refuse, or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property or would be likely to injure a person or animal or damage a vehicle traveling upon a right of way.

6.02.240 Garbage and Putrescible Waste

A. All solid waste receptacles, including, but not limited to, cans, containers and drop boxes, shall be maintained in a safe and sanitary condition by the customer.

B. All putrescible solid wastes shall be removed from any premises at least once every seven days, regardless of whether or not confined in any container, compactor, drop box or other receptacle.

6.02.250 Offensive Wastes Prohibited

No person shall have waste on property that is offensive or hazardous to the health or safety of others or which creates offensive odors or a condition of unsightliness.

6.02.260 Unauthorized Deposits Prohibited

No person shall, without authorization and compliance with the disposal site requirements of Chapter 11.04, deposit waste on public property or the private property of another. Streets and other public places are not authorized as places to deposit waste except as specific provisions for containers have been made.

Article IV. Streets and Sidewalks

6.02.310 Streets and Sidewalks

A responsible party shall keep a public street and/or sidewalk abutting their property free from earth, rock and other debris and other objects that may obstruct or render the street or sidewalk unsafe for its intended use.

6.02.320 Maintenance and Repair of Public Sidewalks

It is the duty of all persons owning lots or land which have public sidewalks abutting the same, to maintain and keep in repair the sidewalks and not permit them to become or remain in a dangerous or unsafe condition. "Maintenance" includes, but is not limited to, the removal of snow and ice. Any owner of a lot or land who neglects to promptly comply with the provisions of this section is fully liable to any person injured by such negligence. The city shall be exempt from all liability, including, but not limited to, common-law liability, that it might otherwise incur to an injured party as a result of the city's negligent failure to maintain and repair public sidewalks.

6.02.330 Sidewalks, Curbs and Planter Strips

Maintenance of sidewalks, curbs and planter strips is the continuing obligation of the adjacent property owner.

6.02.340 Encroachments into Public Rights of Way, Easements and Public Property

Except as provided in subsection 15.16.010.1.b, it shall be unlawful for any

person to erect or cause to be erected any structure or to place or maintain any vegetation and/or landscaping materials in, over or upon any dedicated public right of way, easement or public property without having first obtained a revocable permit from the city manager or designee authorizing such action. Encroachment into improved public right of way is only allowed if specifically authorized by the city pursuant to Chapter 15.04.

Article V. Noise Nuisances

6.02.410 Prohibition on Excessive Noise

A. No person shall make, assist in making, permit, continue or permit the continuance of any noise within the City of Tigard in violation of this article.

B. No person shall cause or permit any noise to emanate from property under that person's control in violation of this article.

6.02.420 Sound Measurement

A. While sound measurements are not required for enforcement of this article, should measurements be made, they shall be made with a sound level meter. A sound level meter shall:

1. Be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter;

2. Contain at least an A-weighted scale, and both fast and slow meter response capability.

B. If measurements are made, the person making those measurements shall have completed training in the use of a sound level meter, and shall use measurement procedures consistent with that training.

6.02.430 Noise Limits

It is unlawful for any person to produce, or permit to be produced, sounds which:

A. When measured at the boundary of or within a property on which a noise sensitive unit, not the source of the sound, is located, exceeds:

1. 40 dB at any time between10 p.m. and 7 a.m. the following day; or

2. 50 dB at any time between 7 a.m. and 10 p.m. the same day; or

B. Is plainly audible at any time between 10 p.m. and 7 a.m. the following day within a noise-sensitive unit which is not the source of sound; or

C. Is unnecessarily loud within a noise-sensitive unit which is not the source of the sound.

D. When measured at or within the boundary of or within a property on which no noise-sensitive unit is located, and the noise originates from outside the property, if the noise level exceeds:

1. 60 dB at any time between 10 p.m. and 7 a.m. of the following day; or

2. 75 dB at any other time.

E. If within a park, street or other public place, is unnecessarily loud at a distance of 100 feet.

6.02.440 Prohibited Noises

A. Use of exhaust brakes (jake brakes), except in an emergency or except when used by a person operating an emergency services vehicle equipped with a muffled compression braking system, is prohibited at all times within the city, regardless of noise level.

B. Except as provided in Section 6.02.450, the following acts are violations of this article if they exceed the noise limits specified in Section 6.02.430:

1. Sounding of any horn or

signal device or any other device on any automobile, motorcycle, truck, bus or other vehicle while in motion, except as a danger signal;

2. Operation of sound-producing devices such as, but not limited to, musical instruments, loudspeakers, amplifying devices, public address systems, radios, tape recorders and/or tape players, compact disc players, phonographs, television sets and stereo systems, including those installed in or on vehicles;

3. Operation of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle, except during sanctioned parades;

4. Use of any automobile, motorcycle or other vehicle so out of repair or in such a manner as to create loud or unnecessary sounds, grating, grinding, rattling or other noise;

5. Keeping of any animal or bird that creates noise in excess of the levels specified in Section 6.07.430;

6 Operation of air conditioning or heating units, heat pumps, refrigeration units (including those mounted on vehicles) and swimming pool or hot tub pumps;

7. Erection (including excavation), demolition, alteration or repair of any building, except as allowed under Sections 6.02.450.E and 6.02.450.F;

8. Use or creation of amplified sound in any outdoor facility;

9. Any other action that creates or allows sound in excess of the level allowed by Section 6.02.430.

6.02.450 Exceptions to Noise Limits

The following shall not be considered violations of this article, even if the sound limit specified in Section 6.02.430 is exceeded:

A. Non-amplified sounds created by organized athletic or other group activities, when such activities are conducted on property generally used for such purposes, such as stadiums, parks, schools and athletic fields, during normal hours for such events;

B. Sounds caused by emergency work, or by the ordinary and accepted use of emergency equipment, vehicles and apparatus, regardless of whether such work is performed by a public or private agency, or upon public or private property;

C. Sounds caused by bona fide use of emergency warning devices and alarm systems;

D. Sounds regulated by federal law, including, but not limited to, sounds caused by railroads or aircraft;

E. Sounds caused by demolition activities when performed under a permit issued by appropriate governmental authorities and only between the hours of 7 a.m. and 8 p.m. seven days a week;

F. Sounds caused by industrial, agricultural or construction activities during the hours of 7 a.m. to 8 p.m. seven days a week;

G. Sounds caused by regular vehicular traffic upon premises open to the public in compliance with state law. Regular vehicle traffic does not include a single vehicle that creates noise in excess of the standard set forth in Section 6.02.430;

H. Sounds caused by air-, electrical- or gas-driven domestic tools, including, but not limited to, lawn mowers, leaf blowers, lawn edgers, radial arm, circular and table saws, drills and/or other similar lawn or construction tools, but not including tools used for vehicle repair, during the hours of 7 a.m. to 8 p.m. seven days a week;

I. Sounds caused by chainsaws, when used for pruning, trimming or cutting of live trees between the hours of 7 a.m. and 8

p.m., and not exceeding two hours in any 24 hour period seven days a week;

J. Sounds created by community events, such as parades, public fireworks displays, street fairs and festivals that the city manager or designee has determined in writing to be community events for the purposes of this section. The city manager's decision shall be based on the anticipated number of participants or spectators, the location of the event and other factors the city manager determines to be appropriate under the circumstances.

K. Sounds made by legal fireworks on the third of July, Fourth of July, and the Friday and Saturday during the weekend closest to the Fourth of July of each year, between the hours of 7 a.m. and 11 p.m.;

L. Sounds made between midnight and 12:30 a.m. on January 1 of each year;

M. Sounds originating from construction projects for public facilities within rights of way pursuant to a noise mitigation plan approved by the city manager. The city manager may approve a noise mitigation plan only if the city manager determines that the noise mitigation plan will prevent unreasonable noise impacts. The noise mitigation plan must:

1. Map the project noise impacts and explain how the impacts will be mitigated;

2. Provide special consideration and mitigation efforts for noise sensitive units;

3. Outline public notification plans;

4. Provide a 24-hour telephone contact number for information and complaints about a project.

The city manager may approve a noise mitigation plan only if the city manager determines that the noise mitigation plan will prevent unreasonable noise impacts.

6.02.460 Maximum Noise Limit for Certain Activities

Notwithstanding Section 6.02.450, creation of noise by any activity subject to the exceptions listed in subsections 6.02.450.E, 6.02.450.F, 6.02.450.H, or 6.02.450.I, in excess of 85 dB measured on property on which a noise sensitive use is located, for more than five minutes in any calendar day shall be a violation.

6.02.470 Evidence of Noise Violation

A. In any civil infraction action based on a violation of limits set forth in subsections 6.02.430.B, 6.02.430.C or 6.02.430.E, the evidence of at least two persons from different households shall be required to establish a violation. Any police or code enforcement officer or other city employee who witnessed the violation shall be counted as a witness for purposes of the two witness requirement.

B. The city may ask an alleged violator to enter into a voluntary compliance agreement consistent with Section 1.16.115 based on a single complaint or single witness.

Article VI. Water Service and Meters

6.02.510 Service Connection and Maintenance

A. The city will maintain all standard service connections in good repair without expense to the customers.

B. Each customer is required to use reasonable care and diligence to protect the water meter and meter box from loss or damage by freezing, hot water, traffic hazards and other causes, in default of which, such customer shall pay to the city the full amount of any resulting damage.

C. Each customer is required to maintain a vegetation and other obstruction-free zone of a minimum of two feet around the box. Clear access to the meter shall be from the street side in a direct path to the water meter.

D. Failure to maintain the area will result in city personnel clearing the area to meet the city's meter reading and maintenance needs. Any costs incurred by the city in clearing the area will be charged to the customer.

E. The city shall have no liability for trimming or maintaining vegetation in order to read meters.

Chapter 6.03
PROPERTY IN THE RIGHT OF WAY

6.03.010 Signs in the Right of Way
6.03.020 Abandoned Personal Property in the Right of Way
6.03.030 City Authority to Remove
6.03.040 Notice Requirements
6.03.050 Exemption from Notice Requirements
6.03.060 Reclamation of Confiscated Personal Property and Signs
6.03.070 Disposal of Personal Property, Signs and Junk
6.03.080 Appeal of Confiscation
6.03.090 Exemption for Criminal Investigation

6.03.010 Signs in the Right of Way

A. Placement of a sign in the right of way, unless the placement is authorized by a separate provision of any title of the Tigard Municipal Code or Oregon Revised Statutes, is declared to be a public nuisance in violation of this title.

B. A responsible party for a sign in violation of this chapter shall be responsible for any and all costs associated with disposition of the sign.

6.03.020 Abandoned Personal Property in the Right of Way

A. Abandoned personal property in the right of way is declared to be a public nuisance in violation of this title.

B. The responsible party for the abandoned personal property shall be responsible for any and all costs associated with disposition of the abandoned personal property.

6.03.030 City Authority to Remove

The city manager may confiscate any sign in violation of Section 6.03.010 and any abandoned personal property in violation of Section 6.03.020 without prior notice.

6.03.040 Notice Requirements

A. Subject to exemption by Section 6.03.050, the responsible party for personal property or signs confiscated under Section 6.03.030 shall be notified of the violation and confiscation by the city manager or designee.

1. If the identity and mailing address of the responsible party for personal property or signs confiscated under Section 6.03.030 is known, the city manager shall notify the owner of the item by certified mail or personal service no later than 30 days following the date of the confiscation.

2. If the identity and mailing address of the responsible party for personal property or signs is not known, the city manager shall arrange for the public notice of the confiscation to be provided within 30 days following the confiscation, either by publication in a newspaper of general circulation in the city or by publication on the city website, with a clearly marked link from the city's homepage.

B. A notice under subsection A shall include:

1. A statement that the personal property or sign was in violation of Chapter 6.03 of the Tigard Municipal Code;

2. A description of the personal property or sign and the date, time and location from which the item was confiscated;

3. A copy of Section 6.03.030 notifying the responsible party of the process and fees required to retrieve the confiscated personal property or sign from the city;

4. The date after which disposal of the personal property or signs shall occur.

C. A notice by publication under subsection A may contain multiple listings of confiscated signs.

6.03.050 Exemption from Notice Requirements

A. The city manager may exempt certain signs from the notice requirements of 6.03.040.

B. Signs that are exempt from notice requirements:

1. Shall be stored for a minimum of 14 days after the date of confiscation;

2. Shall be available during the storage period for reclamation by the owner after payment in full of all costs associated with the disposition of the sign;

3. May be disposed of after the storage period without further notification.

6.03.060 Reclamation of Confiscated Personal Property and Signs

A. The city manager shall establish a location for the storage of confiscated personal property and signs. The location should be reasonably secure and accessible to city staff so that personal property and signs can be reclaimed.

B. Confiscated personal property and signs shall be stored for no less than 30 days following the provision of notice under Sections 6.03.040 and 6.03.050.

C. The city manager is authorized to impose and collect an appropriate administrative fee for a violation of this chapter consistent with subsection 1.16.640.A.2 and to additionally recover all costs associated with the confiscated item.

6.03.070 Disposal of Personal Property, Signs and Junk

A. The city manager may immediately dispose of any junk found in the right of way. Disposing of junk under this subsection is not subject to the notice and reclamation provisions of 6.03.040 - 6.03.060.

B. The city manager may order the destruction or other disposal of any personal property coming into the city's possession which is determined by the city to be dangerous or perishable. Weapons shall be destroyed in accordance with ORS 166.280. Such disposal under this subsection is not subject to the notice and reclamation provisions of 6.03.040 - 6.03.060.

C. At the sole discretion of the city manager and without provision of notice, the city may donate, dispose of, sell, recycle or repurpose any personal property or sign not reclaimed before expiration of the storage period.

D. In lieu of disposal of confiscated personal property under this section, at any time the city is authorized to sell or auction any confiscated personal property or sign, the city may convert the personal property or sign to

public use by entering it on the city's fixed asset inventory.

1. Notice of the transfer of the personal property or sign to the city shall be given once by publication in a newspaper of general circulation in the city or by publication on the city website at least 30 days before the personal property or sign is converted to city use. The notice shall describe the property and state that the described personal property or sign shall be converted to city use if the personal property or sign is not reclaimed within 30 days.

2. If the personal property or sign is not reclaimed within 30 days after publication of the notice described in subsection D.1 of this section, the personal property or sign shall be entered on the city's fixed asset inventory and shall not be subject to the right of redemption.

6.03.080 Appeal of Confiscation

A. The responsible party for confiscated personal property or a sign may request a hearing to contest the validity of confiscation by submitting a written request for hearing with the city not more than five days from the mailing date of the notice or publishing of public notice.

B. The request shall state the reason(s) why the responsible party believes that the confiscation was invalid and include payment in full for the cost of the hearing.

C. The city shall not consider requests for hearings which do not meet the requirements of subsections A and B.

D. The city manager or designee may establish a fee for the cost of conducting a hearing.

E. A hearing shall comply with all of the following:

1. Upon receipt of a proper request for a hearing, the city shall set a time for a hearing within 30 days of the receipt of the request and shall provide notice of the hearing to the responsible party for the confiscated personal property or sign.

2. Hearings held under this section may be informal in nature, but shall afford a reasonable opportunity for the person requesting the hearing to demonstrate by the statements of witnesses and other evidence, that the confiscation of the personal property or sign was invalid, or for any other reason not justified.

3. The hearings officer may be a city officer, official or employee, but may not have participated in any determination or investigation related to confiscation of the personal property or sign. The city manager may promulgate rules for conducting hearings.

4. A responsible party requesting a hearing may be represented by legal counsel; however, legal counsel shall not be provided at public expense. Written notice of representation by legal counsel shall be provided to the city with the written request for a hearing.

5. The city is only required to provide one hearing each time it confiscates personal property or a sign.

6. Appeal of simultaneous confiscation of multiple items of personal property or signs of the same responsible party may be consolidated into a single appeal hearing.

7. If the city finds after a hearing that the confiscation of the personal property or sign was invalid:

a. The city shall order the immediate release of the personal property or sign to the responsible party for the item(s), if still in possession of the city, and/or;

b. Refund to the responsible party any payment of costs associated with removal, storage, detention and maintenance of the personal property or sign that has been reclaimed.

c. The responsible party shall not receive a refund for the cost of the hearing, and shall be liable for storage charges incurred more than 24 hours after the time the personal property or sign is officially ordered released.

8. If the city finds after a hearing that confiscation of the personal property or sign was valid, the city shall order the personal property or sign be held until the costs of the hearing and all monies incurred or charges associated with the cost of removal, storage, detention, maintenance and disposition of the confiscated personal property or sign are paid.

9. A person failing to appear at a hearing is not entitled to another hearing or any refund of costs unless the person provides the city satisfactory proof for the person's failure to appear.

10. The city shall provide a written statement of the results of the hearing to the person requesting the hearing.

11. Determination of the hearings officer at a hearing is final and not subject to appeal.

6.03.090 Exemption for Criminal Investigation

A vehicle that is being held as part of any criminal investigation is not subject to any requirements of Chapter 6.03.

Title 7

PUBLIC PEACE, SAFETY AND MORALS

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~~Chapter 7.40 NUISANCES.~~

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~~ARTICLE IV. NUISANCES AFFECTING THE PUBLIC PEACE~~

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~~ARTICLE VI. VIOLATION--PENALTY~~

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~~ARTICLE I. GENERAL PROVISIONS~~

~~7.40.010 Short Title.~~

~~The ordinance codified in this chapter shall be known as the "nuisance ordinance," and may also be referred to herein as "this chapter." (Ord. 86-20 §4(Exhibit C(1)), 1986).~~

~~7.40.020 Definitions.~~

~~As used in this chapter:~~

~~A. "Responsible party" means the person responsible for curing or remedying a nuisance, which includes:~~

~~1. The owner of the property, or the owner's manager or agent or other person in control of the property on behalf of the owner;~~

~~2. The person occupying the property, including bailee, lessee, tenant or other person having possession;~~

~~3. The person who is alleged to have committed the acts or omissions, created or allowed the condition to exist, or placed the object or allowed the object to exist on the property. (Ord. 86-20 §4(Exhibit C(2)), 1986).~~

~~7.40.030 Nuisances Designated--Class 1 Infraction.~~

~~A. The acts, omissions, conditions or objects specifically enumerated in this chapter are hereby declared to be a public nuisance.~~

~~B. In addition to the nuisances specifically enumerated within this chapter,~~

~~every other thing, substance or act which is determined by the Council to be offensive, injurious or detrimental to the public health, safety or welfare of the City is declared to be a nuisance.~~

~~C. All nuisances shall constitute a Class 1 civil infraction and shall be processed according to the procedures established in Chapter 1.16 of this code, Civil Infractions. (Ord. 86-20 §4(Exhibit C(3)), 1986).~~

~~ARTICLE II. PUBLIC HEALTH NUISANCES.~~

~~7.40.040 Nuisances Affecting The Public Health.~~

~~No person shall cause or permit a nuisance affecting the public health. The following are nuisances affecting the public health:~~

~~A. Privies. An open vault or privy constructed and maintained within the City, except those constructed or maintained in connection with construction projects in accordance with the State Health Division regulations;~~

~~B. Debris. Accumulations of debris, rubbish, manure and other refuse that affect the health of surrounding persons;~~

~~C. Stagnant Water. Stagnant water which affords a breeding place for mosquitoes and other insect pests;~~

~~D. Water Pollution. Pollution of a body of water, well, spring, stream or drainage ditch by sewage, industrial wastes, or other substances placed in or near the water in a manner that will cause harmful material to pollute the water;~~

~~E. Odor. Any animal, substance or condition on the premises that is in such a state or condition as to cause an offensive odor detectable at a property line, or that is in an insanitary condition;~~

~~F. Surface Drainage. Drainage of liquid wastes from private premises;~~

~~G. Cesspools. Cesspools or septic tanks that are in an unsanitary condition or which cause an offensive odor;~~

~~H. Animals. Animals, including livestock or buildings for the purpose of maintaining livestock or animals, maintained in such places or in such a manner that they are offensive or annoying to the residents within the immediate vicinity, or maintaining the premises in such a manner as to be a breeding place or likely breeding place for rodents, flies and other pests;~~

~~I. Removal of Carcasses. An animal carcass permitted to remain on public property or to be exposed on public property for a period of time longer than is necessary to remove or dispose of the carcass.~~

~~J. Maintenance on Private Property of a Dangerous Building. A "dangerous building" is one or more of the following:~~

~~1. A structure that, for the want of proper repairs or by reason of age and dilapidated condition, by reason of poorly installed electrical wiring or equipment, defective chimney, defective gas connection, defective heating apparatus, or for any other cause or reason, is especially liable to fire, and that is so situated or occupied as to endanger any other building or property or human life;~~

~~2. A structure containing combustible or explosive material, rubbish, rags, waste, oils, gasoline or flammable substance of any kind, especially liable to cause fire or danger to the safety of the building, premises, or to human life;~~

~~3. A structure that is kept or maintained or is in a filthy or unsanitary condition, especially liable to cause the spread of contagious or infectious disease or diseases;~~

~~4. A structure in such weak or weakened condition, or dilapidated or deteriorated condition as to endanger any person or property by reason of probability of partial or entire collapse. (Ord. 86-39 §1(Exhibit A), 1986; Ord. 86-20 §4(Exhibit C(4)), 1986).~~

~~ARTICLE III. NUISANCES AFFECTING PUBLIC SAFETY.~~

~~7.40.050 Noxious Vegetation.~~

~~A. The term "noxious vegetation" does not include vegetation that constitutes an agricultural crop, unless that vegetation is a health hazard, a fire hazard or a traffic hazard, and it is vegetation within the meaning of Subsection B of this section.~~

~~B. The term "noxious vegetation" includes:~~

~~1. Weeds more than ten inches high;~~

~~2. Grass more than ten inches high and not within the exception stated in Subsection A of this section;~~

~~3. Poison oak, poison ivy, or similar vegetation;~~

~~4. Dead trees, dead bushes, stumps and any other thing likely to cause fire;~~

~~5. Blackberry bushes that extend into a public thoroughfare or across a property line;~~

~~6. Vegetation that is a health hazard;~~

~~7. Vegetation that is a health hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.~~

~~C. No owner or responsible party shall allow noxious vegetation to be on the property or in the right-of-way of a public thoroughfare abutting on the property. The owner or responsible party shall cut down or destroy grass, shrubbery, brush, bushes, weeds or other noxious vegetation as often as needed to prevent them from becoming unsightly or, in the case of weeds or other noxious vegetation, from maturing or from going to seed. (Ord. 86-20 §4(Exhibit C(5)(1)), 1986).~~

~~7.40.060 Trees.~~

~~A. No owner or responsible party shall permit tree branches or bushes on the property to extend into a public street or public sidewalk in a manner which interferes with street or sidewalk traffic. It shall be the duty of an owner or responsible party to keep all tree branches or bushes on the premises which adjoin the public street or public sidewalk, including the adjoining parking strip, trimmed to a height of not less than eight feet above the sidewalk and not less than ten feet above the street.~~

~~B. No owner or responsible party shall allow to stand any dead or decaying tree that is in danger of falling or otherwise constitutes a hazard to the public or to persons or property on or near the property. (Ord. 86-20 §4(Exhibit C(5)(2)(a) and (b)), 1986).~~

~~7.40.070 Streets And Sidewalks.~~

~~The owner or responsible party shall keep a public street and/or sidewalk abutting their property free from earth, rock and other debris and other objects that may obstruct or render the street or sidewalk unsafe for its intended use. (Ord. 86-20 §4(Exhibit C(5)(2)(c)), 1986).~~

~~7.40.080 Vehicles Not To Drop Material On Streets.~~

~~The owner or operator of any vehicle engaged in the transportation of excavation or construction materials shall be responsible for keeping the public streets and sidewalks free from such materials, including but not limited to, earth, rock and other debris that may obstruct or render the street or sidewalk unsafe for its intended use. (Ord. 86-20 §4(Exhibit C(5)(2)(d)), 1986).~~

~~7.40.090 Greenway Maintenance.~~

~~A. The owner or responsible party shall be responsible for the maintenance of the property, subject to an easement to the City or to the public for greenway purposes. Except as otherwise provided by this section and Sections 7.40.050 through 7.40.120, the standards for maintenance shall be as follows:~~

~~1. The land shall remain in its natural topographic condition. No private structures, culverts, excavations or fills shall be constructed within the easement area unless authorized by the City Engineer based on a finding of need in order to protect the property or the public health, safety or welfare.~~

~~2. No tree over five feet in height shall be removed unless authorized by the Planning Director based on a finding that the tree constitutes a nuisance or a hazard.~~

~~3. Grass shall be kept cut to a height not exceeding ten inches, except when some natural condition prevents cutting.~~

~~B. In situations where the approval authority establishes different standards or additional standards, the standards shall be in writing and shall be recorded. No person shall be found in violation of this section of the code unless the person has been given actual or constructive notice of the standards prior to the time the violation occurred. (Ord. 86-20 §4(Exhibit C(5)(3)), 1986).~~

~~7.40.100 Open Storage Of Junk.~~

~~No person or responsible party shall deposit, store, maintain or keep on any real property, except in a fully enclosed storage facility, building or garbage receptacle, any of the following:~~

~~A. An icebox or refrigerator, or similar container, which seals essentially airtight, without first removing the door;~~

~~B. Inoperable, partially dismantled automobiles, trucks, bus, trailer or other vehicle equipment or parts thereof in a state of disrepair, for more than ten days as to any one automobile, truck, bus, trailer or piece of vehicular equipment;~~

~~C. Used or dismantled household appliances, furniture, other discards or junk, for more than five days. (Ord. 86-20 §4(Exhibit C(5)(4)), 1986).~~

~~7.40.110 Attractive Nuisances.~~

~~A. No owner or responsible party shall permit on the property:~~

~~1. Unguarded machinery, equipment or other devices which are attractive, dangerous, and accessible to children;~~

~~2. Lumber, logs, building material or piling placed or stored in a manner so as to be attractive, dangerous, and accessible to children;~~

~~3. An open pit, quarry, cistern, or other excavation without safeguards or barriers to prevent such places from being used by children; or~~

~~4. An exposed foundation or portion of foundation, any residue, debris or other building or structural remains, for more than thirty days after the destruction, demolition or removal of any building or portion of the building.~~

~~B. This section shall not apply to authorized construction projects with reasonable safeguards to prevent injury or death to playing children. (Ord. 86-20 §4(Exhibit C(5)(5)), 1986).~~

~~7.40.120 Scattering Rubbish.~~

~~No person shall deposit upon public or private property any kind of rubbish, trash, debris, refuse, or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property, or would be likely to injure a person, animal, or vehicle traveling upon a public way. (Ord. 86-20 §4(Exhibit C(5)(6)), 1986).~~

~~7.40.125 Graffiti~~

~~A. Definitions.~~

~~As used in this section, unless the context requires otherwise:~~

~~1. "Abate" means to remove graffiti from the public view.~~

~~2. "Graffiti" means any inscription, word, figure, or design that is marked, etched, scratched, drawn or painted on any surface with paint, ink, chalk, dye, other similar substance or placement of stickers or appliques, regardless of content, which is visible from premises open to the public, such as public right-of-ways or other publicly owned property, and that has been placed upon any real or personal property, such as buildings, fences, and structures, without authorization from the owner or responsible party.~~

~~3. "Graffiti nuisance property" means a property upon which graffiti has been placed and such graffiti has been permitted to remain for more than 14 days after the property owner of record or occupant has been issued written notification.~~

~~4. "Manager" means the Tigard City Manager or the manager's designee who is responsible for the administration of the graffiti nuisance abatement program under this chapter.~~

~~5. "Occupant" means any person, tenant, sublessee, successor or assignee that has control over property.~~

~~6. "Owner" means any person, agent, firm or corporation having a legal or equitable interest in a property and includes but not limited to a mortgagor in possession, an occupant, or a person, agent, firm or corporation that owns or exercises control over items of property such as utility poles, drop boxes, postal collection boxes, and other types of containers.~~

~~7. "Permit" means to knowingly allow, suffer, or acquiesce by any failure, refusal, or neglect to abate.~~

~~8. "Premises open to the public" means all public spaces, including but not limited to streets, alleys, sidewalks, parks, rights of way and public open space, and private property onto which the public is regularly invited or permitted to enter for any purpose.~~

~~9. "Property" means any real or personal property, including but not limited to items affixed or appurtenant to real property or premises, house, building, fence or structure and items of machinery, drop boxes, waste containers, utility poles and vaults, and post office collection boxes.~~

~~10. "Responsible party" means an owner, an entity or person acting as an agent for an~~

~~owner by agreement that has authority over the property or is responsible for the property's maintenance or management. There may be more than one party responsible for a particular property.~~

~~11. "Unauthorized" means without consent of the owner, occupant or responsible party.~~

~~B. Graffiti Nuisance Property~~

~~1. Any property location in the City of Tigard that becomes a graffiti nuisance property is in violation of this section and is subject to its remedies.~~

~~2. Every responsible party who permits a property to become a graffiti nuisance property is in violation of this section and subject to its remedies.~~

~~C. Graffiti Removal; Notice and Procedures~~

~~1. This subsection sets out procedures to be used in processing an infraction of Section 7.40.125, notwithstanding Subsections 7.40.030.C and 1.16.060.2 of this Code. Except as provided herein, other applicable provisions of Chapter 1.16 shall remain in effect.~~

~~2. The owner or occupant of any property within the City of Tigard shall remove any graffiti from that property within 14 days of the graffiti's appearance.~~

~~3. Whenever the Manager determines that graffiti exists on any property in the City, the Manager may issue an abatement notice. The owner or occupant shall have 14 days after the date of service of the notice to remove the graffiti.~~

~~4. The notice shall be served by addressing the notice to the owner or occupant and delivering it by personal service or by mailing it as certified mail. Service may also be accomplished by posting the notice in a clearly visible location on the subject property.~~

~~5. If the person who was served the notice is unable to remove, or cause to remove, the graffiti within the 14-day period due to a hardship, he or she may apply to the Manager for an extension of time in which to remove the graffiti. For purposes of this subsection, "hardship" includes but is not limited to serious illness or disability, extremely inclement weather that temporarily prevents removal of the graffiti, or other extraordinary circumstance.~~

~~6. If the graffiti is not removed within 14 days after serving notice on the owner or occupant, the Manager may cause a citation to be issued to the owner or occupant or both requiring the person to appear in Tigard Municipal Court.~~

~~7. Failure to remove the graffiti as required by this section is a violation punishable by a fine of up to one hundred dollars. Each day the graffiti remains after the notice is sent constitutes a separate offense.~~

~~8. The City Manager may adopt rules and procedures to implement this section. (Ord. 07-03)~~

~~ARTICLE IV. NUISANCES AFFECTING THE PUBLIC PEACE~~

~~7.40.130 Prohibition On Excessive Noises.~~

~~No person shall make, assist in making, permit, continue, or permit the continuance of, any noise within the City of Tigard in violation of this article. No person shall cause or permit~~

~~any noise to emanate from property under that person's control in violation of this article. (Repealed and replaced by Ord. 01-13A, Ord. 96-06; Ord. 90-03 §1(part), 1990).~~

~~**7.40.140 Sound Measurement.**~~

~~A. While sound measurements are not required for the enforcement of this article, should measurements be made, they shall be made with a sound level meter. The sound level meter:~~

~~1. Shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter;~~

~~2. Shall contain at least an A-weighted scale, and both fast and slow meter response capability.~~

~~B. If measurements are made, the person making those measurements shall have completed training in the use of the sound level meter, and shall use measurement procedures consistent with that training. (Repealed and replaced by Ord. 01-13A, Ord 90-03 §1(part), 1990).~~

~~**7.40.150 Definitions.**~~

~~As used in this Article:~~

~~A. "Noise-sensitive unit" shall include any building or portion of a building containing a residence, place of overnight accommodation, church, day care center, hospital, school, or nursing care center. For the purpose of this definition, "residence" and "overnight accommodation" does not include living/sleeping quarters of a caretaker or watchperson on industrial or commercial property provided by the owner or operator of the industrial or commercial facility.~~

~~B. "Plainly audible" means any sound for which the information content of that sound is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehensible musical rhythms or vocal sounds.~~

~~C. "Unnecessarily loud" means any sound that interferes with normal spoken communication or that disturbs sleep.~~

~~D. "City Manager" means the City Manager or designee. (Repealed and replaced by Ord. 01-13A, Ord. 90-03 §51(part), 1990).~~

~~**7.40.160 Noise Limits.**~~

~~It is unlawful for any person to produce, or permit to be produced, sounds which:~~

~~A. When measured at the boundary of or within a property on which a noise sensitive unit, not the source of the sound, is located, exceeds:~~

~~1. Forty dB at any time between nine p.m. and seven a.m. the following day; or~~

~~2. Fifty dB at any time between seven a.m. and nine p.m. the same day; or~~

~~B. Is plainly audible at any time between nine p.m. and seven a.m. the following day within a noise-sensitive unit which is not the source of sound; or~~

~~C. Is unnecessarily loud within a noise-sensitive unit which is not the source of the sound.~~

~~D. When measured at or within the boundary of or within a property on which no noise sensitive unit is located, and the noise originates from outside the property, if the noise level exceeds:~~

~~1. Sixty dB at any time between nine p.m. and seven a.m. of the following day; or~~

~~2. Seventy-five dB at any other time.~~

~~E. If within a park, street or other public place, is unnecessarily loud at a distance of 100 feet. (Repealed and replaced by Ord. 01-13A, Ord. 90-03 §1(part), 1990).~~

~~7.40.170 Prohibited Noises.~~

~~A. The use of exhaust brakes (jake brakes), except in an emergency or except when used by a person operating an emergency services vehicle equipped with a muffled compression braking system, is prohibited at all times within the City, regardless of noise level.~~

~~B. Except as provided in Section 7.40.180, the following acts are violations of this chapter if they exceed the noise limits specified in Section 7.40.160:~~

~~1. The sounding of any horn or signal device or any other device on any automobile, motorcycle, truck, bus or other vehicle while in motion, except as a danger signal.~~

~~2. The operation of sound-producing devices such as, but not limited to, musical instruments, loudspeakers, amplifying devices, public address systems, radios, tape recorders and/or tape players, compact disc players, phonographs, television sets and stereo systems, including those installed in or on vehicles.~~

~~3. The operation of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle, except during sanctioned parades.~~

~~4. The use of any automobile, motorcycle or other vehicle so out of repair or in such a manner as to create loud or unnecessary sounds, grating, grinding, rattling or other noise.~~

~~5. The keeping of any animal or bird that creates noise in excess of the levels specified in Section 7.40.160.~~

~~6. The operation of air conditioning or heating units, heat pumps, refrigeration units, (including those mounted on vehicles) and swimming pool or hot tub pumps.~~

~~7. The erection (including excavation), demolition, alteration or repair of any building, except as allowed under Sections 7.40.180.E and 7.40.180.F.~~

~~8. The use or creation of amplified sound in any outdoor facility.~~

~~9. Any other action that creates or allows sound in excess of the level allowed by Section 7.40.160. (Ord. 06-03; Repealed and replaced by Ord. 01-13A, Ord. 96-06; Ord. 90-03 §1(part), 1990).~~

~~7.40.180 Exceptions.~~

~~The following shall not be considered violations of this article, even if the sound limit specified in Section 7.40.160 is exceeded:~~

~~A. Non-amplified sounds created by organized athletic or other group activities, when such activities are conducted on property generally used for such purposes, such as stadiums, parks, schools, and athletic fields, during normal hours for such events.~~

~~B. Sounds caused by emergency work, or by the ordinary and accepted use of emergency equipment, vehicles and apparatus, regardless of whether such work is performed by a public or private agency, or upon public or private property.~~

~~C. Sounds caused by bona fide use of emergency warning devices and alarm systems.~~

~~D. Sounds regulated by federal law, including, but not limited to, sounds caused by railroads or aircraft.~~

~~E. Sounds caused by demolition activities when performed under a permit issued by appropriate governmental authorities and only between the hours of seven a.m. and seven p.m. seven days a week.~~

~~F. Sounds caused by industrial, agricultural or construction activities during the hours of seven a.m. to seven p.m. seven days a week.~~

~~G. Sounds caused by regular vehicular traffic upon premises open to the public in compliance with state law. Regular vehicle traffic does not include a single vehicle that creates noise in excess of the standard set forth in Section 7.40.160.~~

~~H. Sounds caused by air-, electrical- or gas-driven domestic tools, including, but not limited to, lawn mowers, lawn edgers, radial arm, circular and table saws, drills, and/or other similar lawn or construction tools, but not including tools used for vehicle repair, during the hours of seven a.m. to seven p.m. seven days a week.~~

~~I. Sounds caused by chainsaws, when used for pruning, trimming or cutting of live trees between the hours of seven a.m. and seven p.m., and not exceeding two hours in any twenty-four hour period seven days a week.~~

~~J. Sounds created by community events, such as parades, public fireworks displays, street fairs, and festivals that the City Manager or designee has determined in writing to be community events for the purposes of this section. The City Manager's decision shall be based on the anticipated number of participants or spectators, the location of the event and other factors the City Manager determines to be appropriate under the circumstances.~~

~~K. Sounds made by legal fireworks on the third of July, Fourth of July, and the Friday and Saturday during the weekend closest to the Fourth of July of each year, between the hours of seven a.m. and eleven p.m.~~

~~L. Sounds made between midnight and 12:30 a.m. on January 1 of each year.~~

~~M. Sounds originating from construction projects for public facilities within rights of way pursuant to a noise mitigation plan approved by the City Manager. The noise mitigation plan must:~~

~~1. Map the project noise impacts and explain how the impacts will be mitigated;~~

~~2. Provide special consideration and mitigation efforts for noise sensitive units;~~

~~3. Outline public notification plans;~~

~~4. Provide a 24-hour telephone contact number for information and complaints about a project.~~

~~The City Manager may approve a noise mitigation plan only if the City Manager determines that the noise mitigation plan will prevent unreasonable noise impacts. (Ord. 05-14; repealed and replaced by Ord. 01-13A, Ord 90-03 §1(part), 1990).~~

~~7.40.190 Maximum Limit For Certain Activities.~~

~~Notwithstanding Section 7.40.180, the creation of noise by any activity subject to the exceptions listed in Sections 7.40.180.E, 7.40.180.F, 7.40.180.H, or 7.40.180.I, in excess of 85 dB measured on property on which a noise sensitive use is located, for more than 5 minutes in any calendar day shall be a violation.~~

~~(Repealed and replaced by Ord. 01-13A, Ord. 99-29; Ord. 96-06; Ord. 90-03 §1(part), 1990).~~

~~**7.40.200 Evidence.**~~

~~In any civil infraction action based on a violation of the limits set forth in Sections 7.40.160.B, 7.40.160.C or 7.40.160.E, the evidence of at least two persons from different households, shall be required to establish a violation. Any Police or Code Enforcement Officer or other City employee who witnessed the violation shall be counted as a witness for purposes of the two witness requirement. The City may ask an alleged violator to enter into a voluntary compliance agreement based on a single complaint or single witness. (Repealed and replaced by Ord. 01-13A, Ord. 99-29; Ord. 96-06; Ord. 90-03 §1(part), 1990).~~

~~**ARTICLE VI. VIOLATION–PENALTY**~~

~~**7.40.210 Penalty For Chapter Violations.**~~

~~A. A violation of this chapter shall constitute a Class 1 civil infraction, which shall be processed according to the procedures established in the civil infractions ordinance, set out at Chapter 1.16 of this code.~~

~~B. Each violation of a separate provision of this chapter shall constitute a separate infraction, and each day that a violation of this chapter is committed or permitted to continue shall constitute a separate infraction.~~

~~C. A finding of a violation of this chapter shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the City.~~

~~D. If a provision of this chapter is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this chapter. (Ord. 99-01; Ord. 90-03 §1(part), 1990).~~ ■

~~Chapter 7.61 PROPERTY IN THE RIGHT-OF-WAY.~~

~~Sections:~~

~~7.61.010 Definitions.~~
~~7.61.015 Signs in the Right-of-Way.~~
~~7.61.020 Abandoned Personal Property in the Right-of-Way.~~
~~7.61.025 City Authority to Remove – Notice Requirements.~~
~~7.61.030 Exemption from Notice Requirements.~~
~~7.61.035 Reclamation of Confiscated Personal Property and Signs.~~
~~7.61.040 Disposal of Personal Property, Signs and Junk.~~
~~7.61.045 Appeal of Confiscation.~~
~~7.61.050 Exemption for Criminal Investigation.~~
~~7.61.055 Enforcement – Minimum Requirements.~~

~~7.61.010 Definitions.~~

~~A. As used in this chapter, unless the context requires otherwise:~~

~~1. "Abandoned personal property" means any personal property, as the term is defined in this chapter, which has been discarded, deserted or relinquished. Personal property shall be considered abandoned if any of the following conditions exist:~~

~~a. The personal property is left unattended in the right-of-way for more than five hours;~~

~~b. The personal property is placed in the right-of-way in a location or manner as to constitute a potential, imminent or immediate hazard or obstruction to pedestrian or vehicular traffic or to otherwise pose a threat to public health, safety or welfare.~~

~~2. "City" means the City of Tigard and any other location under jurisdiction by the City of Tigard.~~

~~3. "City Manager" means the City Manager or any designee of the City Manager.~~

~~4. "Costs" means all monies incurred and charges associated with the removal, storage, detention, processing, disposition, and maintenance of confiscated items in violation of Sections 7.61.015 and 7.61.020.~~

~~5. "Dispose of / Disposal" also includes sell, auction, donate, destroy, repurpose, and recycle.~~

~~6. "Junk" means items which have no apparent utility or are in an unsanitary condition.~~

~~7. "Owner" means any individual, firm, corporation or unincorporated association, partnership, limited liability company or other entity with a claim, or agent thereof, either individually or jointly, of ownership or any interest of record, legal or equitable, in abandoned personal property or a sign confiscated pursuant to this section.~~

~~8. "Personal property" means tangible items, other than signs and vehicles as defined in this chapter, which are reasonably recognizable as belonging to individual persons and which have apparent utility.~~

~~9. "Right-of-way" means a strip of land or structure occupied or intended to be occupied by a street, crosswalk, pedestrian or bike path, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, street trees or other special use and all other public ways and areas managed by the City.~~

~~10. "Sign" means any materials placed or constructed primarily to convey a message or other display and which can be~~

~~viewed from the right-of-way, another property, or from the air including any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, or other thing designed, intended, or used to advertise or inform. (Ord. 10-06 § 1, 2010).~~

~~7.61.015 Signs in the Right-of-Way.~~

~~A. It shall be unlawful for any person to place a sign in the right-of-way unless the placement is authorized by a separate provision of any title of the Tigard Municipal Code or Oregon Revised Statutes.~~

~~B. The owner(s) of a sign in violation of this chapter shall be responsible for any and all costs associated with disposition of the sign. (Ord. 10-06 § 1, 2010).~~

~~7.61.020 Abandoned Personal Property in the Right-of-Way.~~

~~A. It shall be unlawful for any person to abandon any personal property in the right-of-way.~~

~~B. The owner(s) of the abandoned personal property in violation of this chapter shall be responsible for any and all costs associated with the disposition of the abandoned personal property. (Ord. 10-06 § 1, 2010).~~

~~7.61.025 City Authority to Remove—Notice Requirements.~~

~~A. The City Manager may confiscate any sign in violation of Section 7.61.015 and any abandoned personal property in violation of Section 7.61.020 without prior notice. The City Manager shall create a policy ensuring that the time and location of a confiscation and a description of the physical characteristics of the confiscated personal property or sign are recorded.~~

~~B. Subject to exemption by Section 7.61.030:~~

~~1. If the identity and mailing address of the owner of personal property or signs confiscated under subsection A is known, the City Manager shall notify the owner of the item by certified mail or personal service no later than 30 days following the date of the confiscation.~~

~~2. If the identity and mailing address of the owner of personal property or signs is not known, the City Manager shall arrange for the public notice of the confiscation to be provided within 30 days following the confiscation, either by publication in a newspaper of general circulation in the City or by publication on the City website, with a clearly marked link from the City's homepage.~~

~~C. A notice under subsection B shall include:~~

~~1. A statement that the personal property or sign was in violation of Chapter 7.61 of the Tigard Municipal Code.~~

~~2. A description of the personal property or sign and the date, time and location from which the item was confiscated.~~

~~3. A copy of Section 7.61.025 notifying the owner of the process and fees required to retrieve the confiscated personal property or sign from the City.~~

~~4. The date after which disposal of the personal property or signs shall occur.~~

~~D. A notice by publication under subsection B may contain multiple listings of confiscated signs. (Ord. 10-06 § 1, 2010).~~

~~7.61.030 Exemption from Notice Requirements.~~

~~A. The City Manager shall establish a~~

~~written policy which does the following:~~

~~1. Determines types of signs that are unlikely to be reclaimed if confiscated; and~~

~~2. Exempts from the notice requirements of Section 7.61.025 those types of signs unlikely to be reclaimed if confiscated.~~

~~B. In determining the types of signs that are unlikely to be reclaimed, the City Manager may consider the value of the materials the sign is constructed of and the condition of the sign.~~

~~C. Signs that are exempt under the written policy established pursuant to subsection A:~~

~~1. Shall be stored for a minimum of 14 days after the date of confiscation.~~

~~2. Shall be available during the storage period for reclamation by the owner after payment in full of all costs associated with the disposition of the sign.~~

~~3. May be disposed of after the storage period without further notification. (Ord. 10-06 § 1, 2010).~~

~~7.61.035 Reclamation of Confiscated Personal Property and Signs.~~

~~A. The City Manager shall establish a location for the storage of confiscated personal property and signs. The location should be reasonably secure and accessible to City staff so that personal property and signs can be reclaimed.~~

~~B. Confiscated personal property and signs shall be stored for no less than 30 days following the provision of notice under Section 7.61.025 or 7.61.030.~~

~~C. The City Manager shall establish a procedure by which owners of confiscated personal property and signs can reclaim confiscated items. The procedure shall include the following:~~

~~1. The place for an owner to reclaim confiscated property.~~

~~2. A fee schedule for reclamation of personal property and signs that may include either or both of the following:~~

~~a. Provisions allowing the City to recover all costs associated with the confiscated item, and~~

~~b. Assignment of an appropriate monetary penalty for violations of this section. (Ord. 10-06 § 1, 2010).~~

~~7.61.040 Disposal of Personal Property, Signs and Junk.~~

~~A. The City Manager may immediately dispose of any junk found in the right-of-way. Disposing of junk under this subsection is not subject to the notice and reclamation provisions of Sections 7.61.025 through 7.61.035.~~

~~B. The City Manager may order the destruction or other disposal of any personal property coming into the City's possession which is determined by the City to be dangerous or perishable. Weapons shall be destroyed in accordance with ORS 166.280. Such disposal under this subsection is not subject to the notice and reclamation provisions of Sections 7.61.025 through 7.61.035.~~

~~C. At the sole discretion of the City Manager and without provision of notice, the City may donate, dispose of, sell, recycle, or repurpose any personal property or sign not reclaimed before expiration of the storage period.~~

~~D. In lieu of the disposal of confiscated personal property under this section, at any time~~

~~the City is authorized to sell or auction the confiscated personal property or sign, the City may convert the personal property or sign to public use by entering it on the City's fixed asset inventory.~~

~~1. Notice of the transfer of the personal property or sign to the City shall be given once by publication in a newspaper of general circulation in the City or by publication on the City website at least 30 days before the personal property or sign is converted to City use. The notice shall describe the property and state that the described personal property or sign shall be converted to City use if the personal property or sign is not reclaimed within 30 days.~~

~~2. If the personal property or sign is not reclaimed within 30 days after publication of the notice described in subsection (D)(1) of this section, the personal property or sign shall be entered on the City's fixed asset inventory and shall not be subject to the right of redemption. (Ord. 10-06 § 1, 2010).~~

~~7.61.045 Appeal of Confiscation.~~

~~A. The owner of the confiscated personal property or sign may request a hearing to contest the validity of the confiscation by submitting a written request for hearing with the City not more than five days from the mailing date of the notice or publishing of public notice.~~

~~B. The request shall state the reason(s) why the owner believes that the confiscation was invalid and include payment in full for the cost of the hearing.~~

~~C. The City shall not consider requests for hearings which do not meet the requirements of Subsections A and B of this section.~~

~~D. The City Manager or designee may establish a fee for the cost of conducting a hearing.~~

~~E. A hearing shall comply with all of the following:~~

~~1. Upon receipt of a proper request for a hearing, the City shall set a time for a hearing within 30 days of the receipt of the request and shall provide notice of the hearing to the owners of the confiscated personal property or sign.~~

~~2. Hearings held under this section may be informal in nature, but shall afford a reasonable opportunity for the person requesting the hearing to demonstrate by the statements of witnesses and other evidence, that the confiscation of the personal property or sign was invalid, or for any other reason not justified.~~

~~3. The Hearings Officer may be an officer, official or employee of the City, but may not have participated in any determination or investigation related to the confiscation of the personal property or sign. The City Manager may promulgate rules for conducting hearings.~~

~~4. The owner requesting a hearing may be represented by legal counsel; however, legal counsel shall not be provided at public expense. Written notice of representation by legal counsel shall be provided to the City with the written request for a hearing.~~

~~5. The City is only required to provide one hearing each time it confiscates personal property or a sign.~~

~~6. Appeal of simultaneous confiscation of multiple items of personal property or signs of the same owner may be consolidated into a single appeal hearing.~~

~~7. If the City finds after a hearing that the confiscation of the personal property or sign was invalid:~~

~~a. The City shall order the~~

~~immediate release of the personal property or sign to the owner of the item(s), if still in possession of the City, and/or~~

~~b. Refund to the owner any payment of costs associated with the removal, storage, detention and maintenance of the personal property or sign that has been reclaimed.~~

~~c. The owner shall not receive a refund for the cost of the hearing, and shall be liable for storage charges incurred more than 24 hours after the time the personal property or sign is officially ordered released to the person.~~

~~8. If the City finds after a hearing that the confiscation of the personal property or sign was valid, the City shall order the personal property or sign be held until the costs of the hearing and all monies incurred or charges associated with the cost of the removal, storage, detention, maintenance and disposition of the confiscated personal property or sign are paid.~~

~~9. A person failing to appear at a hearing is not entitled to another hearing or any refund of costs unless the person provides the City satisfactory proof for the person's failure to appear.~~

~~10. The City shall provide a written statement of the results of the hearing to the person requesting the hearing.~~

~~11. The determination of the Hearings Officer at a hearing is final and not subject to appeal. (Ord. 10-06 § 1, 2010).~~

~~7.61.050 Exemption For Criminal Investigation.~~

~~A vehicle that is being held as part of any criminal investigation is not subject to any requirements of this chapter. (Ord. 10-06 § 1, 2010).~~

~~7.61.055 Enforcement Minimum Requirements.~~

~~A. A finding of a violation of this title which results in confiscation of personal property or signs does not prevent the City from additionally issuing citations for violations of this title or any other title of the Tigard Municipal Code or Oregon Revised Statutes for the same property or incident.~~

~~B. This section shall not be read to prohibit in any way alternative remedies set out in this title or any other title of the Tigard Municipal Code or Oregon Revised Statutes which are intended to abate or alleviate code violations, nor shall the City be prevented from recovering, in any manner prescribed by law, any expense incurred by it in abating or removing ordinance violations pursuant to any code provision.~~

~~C. Class 1 Penalty. A violation of this title shall constitute a Class 1 civil violation which shall be processed according to the procedures established in Chapter 1.16 of this code.~~

~~D. Each violation of a separate provision of any Tigard Municipal and Development Code and/or Oregon Revised Statute shall constitute a separate infraction, and each day that a violation is committed or permitted to continue shall constitute a separate infraction.~~

~~E. The provisions of this title are declared to be minimum requirements.~~

~~1. Minimum Requirements Intended. In their interpretation and application, the provisions of this title shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.~~

~~2. Most Restrictive Requirements Apply. When the requirements of this title vary~~

~~from other provisions of this title or with any other title of the Tigard Municipal Code or Oregon Revised Statutes, the most restrictive or that imposing the highest standard shall govern. (Ord. 10-06 § 1, 2010).~~ ■

Chapter 2.52 ABANDONED, FOUND, SEIZED AND STOLEN PROPERTY.

Sections:

2.52.010 Custody Of Property.
2.52.020 Surrender To True Owner.
2.52.030 Sale Of Property.
2.52.040 Use Of Property By City.
2.52.050 Dangerous Or Perishable Property.
2.52.060 Scope.

2.52.010 Custody Of Property.

Whenever any personal property other than a motor vehicle, personal property, or signs removed from the right-of-way pursuant to Chapter 6.03 ~~7.61~~, is taken into the custody of any department of the City by reason of its having been abandoned, found, seized, or for any other reason, the personal property shall be turned over to and held by the police department at the expense and risk of the owner or person lawfully entitled to possession of it. (Ord. 10-06 § 2, 2010; Ord. 81-37 §1, 1981).

(2.52.020 through 2.52.050 no change)

2.52.060 Scope.

This chapter shall apply to all personal property, except motor vehicles, personal property, or signs removed from the right-of-way pursuant to Chapter 6.03 ~~7.61~~, now or hereafter in the custody of the City of Tigard. (Ord. 10-06 § 2, 2010; Ord. 81-37 §6, 1981).■

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Chapter 7.58 RULES OF CONDUCT ON CITY PROPERTY

Sections:

7.58.010	**General Purposes of Chapter**
7.58.020	**Definitions**
7.58.030	**Penalty for Violation**
7.58.040	**Prohibited Acts Generally**
7.58.050	**Consistency with State Criminal Law**
7.58.060	**Authority of the City Manager**
7.58.070	**Public Works Director to make Rules and Regulations**
7.58.080	**Rules of Conduct on City Property**
7.58.090	**Enforcement and Exclusion from City Property**
7.58.100	**Right to Appeal**
7.58.110	**Variances**

(7**.58.010 through 7.58.080 - no change)**

7.58.090 Enforcement and Exclusion from City Property

Persons who violate any of the Rules of Conduct on any City property may be immediately ejected from the premises and excluded from City property for a period of thirty (30) to one hundred eighty (180) days.

(1) In addition to other measures provided for violation of this Chapter, or any of the laws of the State of Oregon, police officers and authorized employees may exclude from City property, any person who, while on that City property violates any law regarding controlled substances, or engages in conduct that:

a. Is classified as a felony, misdemeanor, or violation under the following Chapters of the Oregon Revised Statutes, or is an attempt, solicitation or conspiracy to commit any such felony or misdemeanor defined in ORS:

i. Chapter 162 – Offenses Against the State and Public Justice;

ii. Chapter 163 – Offenses Against Person(s);

iii. Chapter 164 – Offenses Against Property to include Offensive Littering;

iv. Chapter 165 – Offenses Involving Fraud or Deception;

v. Chapter 166 – Offenses Against Public Order; Firearms and Other Weapons; Racketeering;

vi. Chapter 167 – Offenses Against Public Health, Decency and Animals;

vii. Chapter 475 – Controlled Substances; Illegal Drug Cleanup; Paraphernalia; Precursors; or

b. Otherwise involves a controlled substance; or

c. Has resulted in injury to any person or damage to any property; or

d. Constitutes a violation of any of the following provisions of the Tigard Municipal Code:

i. TMC Chapter 7.20 – Offenses Against Persons;

ii. TMC Chapter 7.24 – Offenses Against Property;

iii. TMC Chapter 7.28 – Obstructing Law Enforcement;

iv. TMC Chapter 7.32 – Offenses Against Public Order;

v. TMC Chapter 7.36 - Minors;

vi. TMC Chapter 7.38 - Truancy;

vii. TMC Chapter Title 6 ~~7.40~~ – Nuisance Violations;

viii. TMC Chapter 7.52 – Public Property Use;

ix. TMC Chapter 7.56 – Indecent Conduct;

x. TMC Chapter 7.70 – Second Hand Dealers and Transient Merchants;

xi. TMC Chapter 7.80 – Camping Prohibited in Certain Places;

e. Nothing in the City of Tigard Municipal Code shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or any other rights protected by the state or federal constitutions. However, a person engaged in such protected activity who commits acts that are not protected, but which violate applicable provisions or law, may be subject to exclusion.

(2) An exclusion issued under this Chapter shall be for thirty (30) days. If the person to be excluded has been excluded from City property at any time within one year before the date of the present exclusion, the exclusion shall be for ninety (90) days. If the person to be excluded has previously been excluded from City property on two or more occasions within one year before the date on the present exclusion, the exclusion shall be for one hundred eighty (180) days.

(3) If the person's behavior does not rise to the level of behavior described in section 1 (a)-(d) above, but is causing either a significant and immediate threat to public health and safety, or a serious disturbance that is preventing other people from enjoying the City property, the person may be excluded from that City property for a period of twenty four (24) hours only. If a person receives two twenty four (24) hour exclusions under this section and then commits additional violations, any further exclusion the person receives under this section may be for a period of at least thirty (30) days.

(4) No person shall enter or remain in any City property at any time during which there is in effect a notice of exclusion issued under this Chapter excluding that person from all City properties. A person who knowingly violates an order of exclusion from City

property commits the crime of Criminal Trespass in the second degree (ORS 164.245).

(5) Before issuing an exclusion under this Chapter, a police officer or authorized employee shall first give the person a warning and reasonable opportunity to desist from the violation. An exclusion shall not be issued if the person promptly complies with the warning and desists from the violation. Notwithstanding the provisions of this subsection, no warning shall be required if the person is to be excluded for committing any act:

a. punishable as a misdemeanor or felony,

b. involving controlled substances,

c. which resulted in an injury to any person,

d. which resulted in damage to any property, or

e. City of Tigard Chapter violation

(6) Written notice shall be given to any person excluded from any City property under this Chapter. The notice shall specify the date, length and place of the exclusion; shall identify the provision of law the person has violated and contain a brief description of the offending conduct. It shall be signed by the issuing police officer or authorized employee. Warnings of consequences for failure to comply shall be prominently displayed on the notice. All relevant information on the hearings and appeal process shall be included with the notice.

(7.58.100 through 7.58.110 - no change)

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Chapter 7.80 CAMPING PROHIBITED IN CERTAIN PLACES.

Sections:

7.80.010 Definitions.
7.80.020 Camping Prohibited In Certain Places.
7.80.030 Scheduling And Notice Of Campsite Cleanup.
7.80.040 Removal, Storage And Retrieval Of Personal Property.
7.80.050 Camping In Railroad Right Of Way.
7.80.060 Violation.
7.80.070 Nonexclusive Remedy.

(7.80.010 through 7.80.050 – no change)

7.80.060 Violation.

Violation of this chapter is a nuisance affecting public health as described in section 6.01.050.C ~~7.40.030(b)~~ of this code. Such violation is a Class 1 civil infraction and may be processed under chapter 1.16, Civil Infractions. (Ord. 94-20)

(7.80.070 - no change)

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Chapter 15.16 ENCROACHMENT PERMITS.

Sections:

15.16.010 Encroachments Within Unimproved Public Rights Of Way, Easements And Public Property.
15.16.020 Exemptions.
15.16.030 Permit Issuance.
15.16.040 Appeals.
15.16.060 Recording Of Permits.
15.16.070 Revocation Of Permits.
15.16.080 Removal Of Encroachment.
15.16.090 Liability.
15.16.100 Enforcement.

(15.16.010 through 15.16.090 - no change)

15.16.100 Enforcement.

1. Installation or maintenance of an encroachment in violation of TMC 15.16.010, or failure to obtain an encroachment permit as required by TMC 15.16.010, or to comply with the terms and conditions of an encroachment permit issued thereunder is hereby declared a civil infraction subject to enforcement pursuant to TMC Chapter 1.16.

2. Installation or maintenance of an encroachment in violation of TMC 15.16.010, or an encroachment permit issued pursuant to TMC 15.16.010 is hereby declared to be a public nuisance as defined by TMC Section 6.01.050 ~~Chapter 7.40~~, which may be abated pursuant to TMC Chapter 1.16. (Ord. 99-31) ■

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Chapter 18.725
ENVIRONMENTAL PERFORMANCE STANDARDS

Sections:

18.725.010 Purpose
18.725.020 General Provisions
18.725.030 Performance Standards

18.725.030 Performance Standards

A. Noise. For the purposes of noise regulation, the provisions of Sections ~~7.40.130 through 7.40.210~~ 6.02.410 through 6.02.470 of the Tigard Municipal Code shall apply.

B. Visible emissions. Within the commercial zoning districts and the industrial park (IP) zoning district, there shall be no use, operation or activity which results in a stack or other point- source emission, other than an emission from space heating, or the emission of pure uncombined water (steam) which is visible from a property line. Department of Environmental Quality (DEQ) rules for visible emissions (340-21-015 and 340-28-070) apply.

C. Vibration. No vibration other than that caused by highway vehicles, trains and aircraft is permitted in any given zoning district which is discernible without instruments at the property line of the use concerned.

D. Odors. The emission of odorous gases or other matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited. DEQ rules for odors (340-028-090) apply.

E. Glare and heat. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding, which is visible at the lot line shall be permitted, and;

1. There shall be no emission or transmission of heat or heated air which is discernible at the lot line of the source; and

2. These regulations shall not apply to signs or floodlights in parking areas or construction equipment at the time of construction or excavation work otherwise permitted by this title.

F. Insects and rodents. All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.■

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AIS-738 **9.**

Business Meeting

Meeting Date:	02/28/2012		
Length (in minutes):	25 Minutes		
Agenda Title:	Supplemental Amendment to the FY 2012 Budget		
Prepared For:	Toby LaFrance		
Submitted By:	Carissa Collins, Financial and Information Services		
Item Type:	Motion Requested Resolution Public Hearing - Legislative	**Meeting Type:**	Council Business Meeting - Main

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Information

ISSUE

A second quarter supplemental amendment to the FY 2012 Adopted Budget is required to account for those items that require an adjustment to the existing budgets that were unknown at the time that the first quarter supplemental was approved. The following issues are addressed in the amendment:

1. Fields/Library Road Agreement
2. Build America Bonds (BAB) Payment Distribution
3. Vehicle Replacement in Police
4. Long Term Strategic Financial Plan
5. Tigard Police Officers Association Contract Settlement
6. Department of Land Conservation & Development Grant
7. Carryforward of expenses for the Capital Improvement Program
8. Main St./Green St. Retrofit
9. Federal Lobbying Services Budget
10. City Manager Relocation Expenses
11. Personnel Budget Corrections of Salaries in all Operating Funds

STAFF RECOMMENDATION / ACTION REQUEST

Approve the FY 2012 Second Quarter Supplemental Budget Amendment.

KEY FACTS AND INFORMATION SUMMARY

The following is a list of items that require council action for the FY 2012 Adopted Budget:

1. Fields/Library Road Agreement - A total of $10,000 is needed to pay for legal expenses associated with the Wall Street road agreement that were unknown at the time that the budget was adopted. Budget will be transferred from General Fund Contingency.
2. Build America Bonds (BAB) Payment Distribution - The split of the debt service payment associated with the $7.25 million transportation bonds for the Burnham Street and Greenburg Road/Pacific Highway/Main Street projects requires an adjustment. This adjustment is based on the actual use of the bond proceeds for these projects. This action will result in the Gas Tax Fund paying an additional $27,685 annually with an equal decrease in payments from the City Gas Tax Fund. Additional budget in Gas Tax will be transferred from Contingency.
3. Vehicle Replacement in Police - Additional appropriation is required for the replacement of a police vehicle that was totaled on September 3, 2011. The city has received $22,700 from insurance. An additional $11,529 is needed to replace the vehicle and will be transferred from General Fund Contingency.
4. Long Term Strategic Financial Plan - On September 20, 2011, the city's Budget Committee endorsed Finance & Information Service Department's steps to develop a citywide long-term strategic financial plan in the amount of $35,000. Budget will be transferred from Central Service Fund Contingency.

5. Tigard Police Officers Association Contract Settlement - An additional appropriation of $220,000 is required for Police that resulted from contract negotiations with TPOA. Budget will be transferred from General Fund Contingency.
6. Department of Land Conservation & Development Grant - The city has received a grant in the amount of $45,000 for work related to Goal #10: Housing in the Comprehensive Plan. The grant will support project related Professional Services.
7. Carry-forward of expenses for the Capital Improvement Program - Additional appropriation is required for work that was was not carried forward from FY 2011. The projects requiring additional funding are the Burnham Street Reconstruction and Pacific Highway/Hall Boulevard in the amount of $452,000. Budget will be supported from an increase in Beginning Fund Balance in the Gas Tax Fund.
8. Main St./Green St. Retrofit - The city is required to fund the right-of-way purchase for the Main Street/Green Street capital improvement project in the amount of $173,000. These costs will be reimbursed by the Oregon Department of Transportation.
9. Federal Lobbying Services Budget - Additional funding in the amount of $42,000 is needed for lobbying services that were finalized and began in October 2011. Budget will be transferred from Central Services Fund Contingency.
10. Personnel Budget Corrections - Salaries and benefits are under-budgeted this fiscal year. The under-budgeting was primarily a result of not budgeting the wage related impacts of incentive pay, as well as, the impact of bringing current any performance reviews that were past due. Over the past several years, the city did not budget for these impacts, but had the ability to pay for these occurrences with savings from vacancies. However, these savings are no longer available due to a low turnover rate citywide. As a result, a total of $406,751 is required across all operating funds to make up for the budget shortfall. Budget will be transferred from each fund's Contingency to the operating programs.
11. City Manager Relocation Expenses - Funding is required to pay for relocation costs of the new City Manager in the amount of $3,500. Budget will be transferred from Central Services Fund Contingency.

OTHER ALTERNATIVES

Do not approve the supplemental budget amendment.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

6. Financial Stability

DATES OF PREVIOUS CONSIDERATION

N/A

Fiscal Impact

Cost:	$1,449,165
Budgeted (yes or no):	No
Where Budgeted (department/program):	Citywide

Additional Fiscal Notes:

The total impact of this action consists of increased operating and capital requirements that are offset by transfers from Contingency and additional resources including grant revenues. The Exhibit-A has the details, however below is a summary of the supplemental changes.

Items that have no impact on future revenues:

1. Fields/Library Road Agreement - $10,000 General Fund
2. Build America Bonds (BAB) - $27,685 Gas Tax Fund
3. Vehicle Replacement in Police - $34,229 General Fund
4. Long Term Strategic Financial Plan - $35,000 Central Services Fund
5. Tigard Police Officers Association Contract Settlement - $220,000 General Fund

9. Federal Lobbying Services Budget - $42,000 Central Services Fund
10. City Manager Relocation Expenses - $3,500 Central Services Fund
11. Citywide Corrections of Salaries in all Operating Funds - $286,612 General Fund, $7,078 Gas Tax Fund, $13,137 Building Fund, $10,714 Sanitary Sewer Fund, $7,223 Stormwater Fund, $16,627 Water Fund, $56,821 Central Services Fund, $8,539 Fleet/Property Management Fund

Items that have additional resources for additional requirements:

6. Dept. of Land Conservation & Development Grant - $45,000 General Fund
7. Capital Improvement Progra (CIP) Carryforward - $452,000 Gas Tax
8. Main Street/Green Street Retrofit - $173,000 Gas Tax (ODOT reimbursement)

Attachments

Resolution

Exhibit A

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 12-

A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET TO ACHIEVE THE FOLLOWING: 1) BUDGET OF UNANTICIPATED EXPENDITURES IN CAPITAL AND PROGRAMS INCLUDING PUBLIC WORKS, CITY MANAGEMENT, FINANCE & INFORMATION SERVICES, LIBRARY, AND POLICE; AND 2) RECOGNITION OF GRANT REVENUES IN COMMUNITY DEVELOPMENT; AND 3) BUDGET ADJUSTMENT OF SALARIES AND BENEFITS IN ALL OPERATING FUNDS.

WHEREAS, the city is acknowledging those items that were unknown at the time the FY 2012 Budget was adopted; and

WHEREAS, the city recognizes a total of $1,449,165 in requirements in Capital and programs including Public Works, Finance and Information Services, Library and Police; and

WHEREAS, the city recognizes at that the above mentioned unanticipated and carryover requirements are supported by $756,455 of transfers from fund contingencies, $452,000 in additional beginning fund balance, as well as, $218,000 from grant revenues; and

WHEREAS, the city recognizes grant revenues from the Department of Land Conservation and Development in the amount of $45,000 to support Community Development's work associated with Goal:10 Housing of the Comprehensive Plan; and

WHEREAS, the city recognizes the reimbursement of right-of-way acquisitions for the Main Street Green Street Retrofit capital improvement project in the amount of $173,000.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The FY 2011-12 Budget is hereby amended as detailed in Supplemental Budget #12-02 including Exhibit-A, and Attachment-1.

SECTION : This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2012.

_____
Mayor - City of Tigard

ATTEST:

_____
City Recorder - City of Tigard

City of Tigard
FY 2012 Supplemental Budget Amendment

Exhibit A

Fiscal Year 2011-12 Budget
Amendment #12-02

1. Fields/Library Road Agreement
Legal expenses supporting the work associated with the Wall St. LID road agreement are being incurred.
These expenses will be been paid from the Library operating budget.

		Current Budget	Amendment	Revised Budget
General Fund				
Resources				
	Beginning Fund Balance	**$ 7,784,731**		**$ 7,784,731**
	Total Resources	**$ 36,204,407**	**$ -**	**$ 36,204,407**
Requirements				
	Community Services	$ 20,809,395	$ 10,000	$ 20,819,395
	Program Expenditures Total	**$ 29,744,110**	**$ 10,000**	**$ 29,754,110**
	Contingency	$ 903,755	$ (10,000)	$ 893,755
	Total Budget	**$ 32,092,395**	**$ -**	**$ 32,092,395**
	Reserve For Future Expenditure	**$ 4,112,012**	**$ -**	**$ 4,112,012**
	Total Requirements	**$ 36,204,407**	**$ -**	**$ 36,204,407**

City of Tigard
FY 2012 Supplemental Budget Amendment

Exhibit A

Fiscal Year 2011-12 Budget
Amendment #12-02

2. Build America Bonds (BAB)

The split of debt payment on $7.25 million in Transportation Bonds for Burnham Street and Greenburg Road / Pacific Highway / Main Street needs to be adjusted. Based on actual use of bond proceeds, the Gas Tax Fund will pay an additional $27,685 annually with an equal decrease in payments from the City Gas Tax Fund. This action will result in a decrease in contingency for the Gas Tax Fund with an equal increase in debt service payments for that fund. No action is necessary to decrease the requirements in the City Gas Tax Fund.

		Current Budget	Amendment	Revised Budget
Gas Tax Fund				
Resources				
	Beginning Fund Balance	**$ 1,981,045**		**$ 1,981,045**
	Total Resources	**$ 7,625,374**	**$ -**	**$ 7,625,374**
Requirements				
	Program Expenditures Total	**$ 2,024,960**	**$ -**	**$ 2,024,960**
	Debt Service	$ 621,632	$ 27,685	$ 649,317
	Contingency	$ 300,000	$ (27,685)	$ 272,315
	Total Budget	**$ 3,603,920**	**$ -**	**$ 3,603,920**
	Reserve For Future Expenditure	**$ 4,021,454**	**$ -**	**$ 4,021,454**
	Total Requirements	**$ 7,625,374**	**$ -**	**$ 7,625,374**

Fiscal Year 2011-12 Budget
Amendment #12-02

3. Vehicles-Capital Outlay

An additional appropriation is required for police vehicle #10-207 that was totaled on 9/3/11. The total replacement cost for the vehicle is $34,229. The city has received $22,700 from insurance for the replacement of the vehicle. The resulting action will be a decrease in General Fund contingency by $11,529 along with an increase in Recovered Expenditures by $22,700 within the General Fund. In addition, program expenditures in Community Services will increase by a total of $34,229.

		Current Budget	Amendment	Revised Budget
General Fund				
Resources				
	Beginning Fund Balance	**$ 7,784,731**		**$ 7,784,731**
	Miscellaneous	$ 52,231	$ 22,700	$ 74,931
	Total Resources	**$ 36,204,407**	**$ 22,700**	**$ 36,227,107**
Requirements				
	Community Services	$ 20,809,395	$ 34,229	$ 20,843,624
	Program Expenditures Total	**$ 29,744,110**	**$ 34,229**	**$ 29,778,339**
	Contingency	$ 903,755	$ (11,529)	$ 892,226
	Total Budget	**$ 32,092,395**	**$ 22,700**	**$ 32,115,095**
	Reserve For Future Expenditure	**$ 4,112,012**	**$ -**	**$ 4,112,012**
	Total Requirements	**$ 36,204,407**	**$ 22,700**	**$ 36,227,107**

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4. Long Term Strategic Financial Plan

Appropriations required for the development of a long-term strategic financial plan for the city as endorsed by the Budget Committee on September 20, 2011. This action results in a decrease in Central Services contingency with an equal increase in program expenditures in Finance Administration.

		Current Budget	Amendment	Revised Budget
Central Services Fund				
Resources				
	Beginning Fund Balance	**$ 214,516**		**$ 214,516**
	Total Resources	**$ 6,995,423**	**$ -**	**$ 6,995,423**
Requirements				
	Policy and Administration	$ 6,368,428	$ 35,000	$ 6,403,428
	Program Expenditures Total	**$ 6,368,428**	**$ 35,000**	**$ 6,403,428**
	Contingency	$ 297,500	$ (35,000)	$ 262,500
	Total Budget	**$ 6,665,928**	**$ -**	**$ 6,665,928**
	Reserve For Future Expenditure	**$ 329,495**	**$ -**	**$ 329,495**
	Total Requirements	**$ 6,995,423**	**$ -**	**$ 6,995,423**

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5. Tigard Police Officers Association

Due to contract settlement negotiations with TPOA, there is a need for additional budget capacity for the operating budget in Police. This action will transfer $220,000 of Contingency to the Police Department Budget, resulting in a decrease in General Fund contingency by $220,000 with an equal increase in program expenditures in the Community Services budgets.

		Current Budget	Amendment	Revised Budget
General Fund				
Resources				
	Beginning Fund Balance	**$ 7,784,731**		**$ 7,784,731**
	Total Resources	**$ 36,204,407**	**$ -**	**$ 36,204,407**
Requirements				
	Community Services	$ 20,809,395	$ 220,000	$ 21,029,395
	Program Expenditures Total	**$ 29,744,110**	**$ 220,000**	**$ 29,964,110**
	Contingency	$ 903,755	$ (220,000)	$ 683,755
	Total Budget	**$ 32,092,395**	**$ -**	**$ 32,092,395**
	Reserve For Future Expenditure	**$ 4,112,012**	**$ -**	**$ 4,112,012**
	Total Requirements	**$ 36,204,407**	**$ -**	**$ 36,204,407**

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6. Grant Recognition

The city has received a grant from the Department of Land Conservation and Development for work associated with Goal #10: Housing in Community Development. This action will result in an increase in grant revenues for General Fund with an equal increase in Community Development's program expenditures.

		Current Budget	Amendment	Revised Budget
General Fund				
Resources				
	Beginning Fund Balance	**$ 7,784,731**		**$ 7,784,731**
	Intergovernmental	$ 5,511,272	$ 45,000	$ 5,556,272
	Total Resources	**$ 36,204,407**	**$ 45,000**	**$ 36,249,407**
Requirements				
	Community Development	$ 3,226,930	$ 45,000	$ 3,271,930
	Program Expenditures Total	**$ 29,744,110**	**$ 45,000**	**$ 29,789,110**
	Total Budget	**$ 32,092,395**	**$ 45,000**	**$ 32,137,395**
	Reserve For Future Expenditure	**$ 4,112,012**	**$ -**	**$ 4,112,012**
	Total Requirements	**$ 36,204,407**	**$ 45,000**	**$ 36,249,407**

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7. Capital Improvement Program (CIP)

An appropriation from the Gas Tax Fund is required for work that was not carried forward from FY 2011 for both the Pacific Highway/Greenburg Road/Main Street and Burnham Street Reconstruction projects. This action will amend the budget for these projects this fiscal year.
The actual Beginning Fund Balance in the Gas Tax Fund in FY 2012 is $1,981,045 which is $1,066,204 higher than the budgeted Beginning Fund Balance of $914,841. This action will appropriate $452,000 of the additional Beginning Fund Balance to support the additional requirements. The additional requirements include increasing the transfer from Gas Tax to the Transportation CIP Fund and recognizing the transfer in to the Transportation CIP Fund and increasing the Capital Requirements in Work in Progress. This is consistent with carry-forward budget amendments.

		Current Budget	Amendment	Revised Budget
Gas Tax Fund				
Resources				
	Beginning Fund Balance	**$ 1,981,045**	**$ 452,000**	**$ 2,433,045**
	Total Resources	**$ 7,625,374**	**$ 452,000**	**$ 8,077,374**
Requirements				
	Program Expenditures Total	**$ 2,024,960**	**$ -**	**$ 2,024,960**
	Transfers to Other Funds	$ 657,328	$ 452,000	$ 1,109,328
	Total Budget	**$ 3,603,920**	**$ 452,000**	**$ 4,055,920**
	Reserve For Future Expenditure	**$ 4,021,454**	**$ -**	**$ 4,021,454**
	Total Requirements	**$ 7,625,374**	**$ 452,000**	**$ 8,077,374**

		Adopted Budget	Amendment	Revised Budget
Transportation CIP Fund				
Resources				
	Beginning Fund Balance	**$ -**		**$ -**
	Transfers In from Other Funds	$ 961,915	$ 452,000	$ 1,413,915
	Total Resources	**$ 961,915**	**$ 452,000**	**$ 1,413,915**
Requirements				
	Program Expenditures Total	**$ -**	**$ -**	**$ -**
	Work-In-Progress	$ 721,696	$ 452,000	$ 1,173,696
	Total Budget	**$ 961,914**	**$ 452,000**	**$ 1,413,914**
	Reserve For Future Expenditure	**$ 1**	**$ -**	**$ 1**
	Total Requirements	**$ 961,915**	**$ 452,000**	**$ 1,413,915**

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8. Main St. Green St. Retrofit

Budget authority is required to conduct the right-of-way purchase for the Main Street project. These costs are reimbursed by the Oregon Dept. of Transportation as part of the $3 million grant obtained for the project. This action will result in a increase in Intergovernmental grant revenues in the Gas Tax Fund. The grant funds will support the increased transfer to the Transportation CIP Fund from the Gas Tax Fund and the resulting increase in the Transportation CIP Fund transfer in revenues and increased Work in Progress requirement

	Current Budget	Amendment	Revised Budget
Gas Tax Fund			
Resources			
Beginning Fund Balance	**$ 1,981,045**		**$ 1,981,045**
Intergovernmental	$ 5,511,272	$ 173,000	$ 5,684,272
Total Resources	**$ 7,625,374**	**$ 173,000**	**$ 7,798,374**
Requirements			
Program Expenditures Total	**$ 2,024,960**	**$ -**	**$ 2,024,960**
Transfers to Other Funds	$ 657,328	$ 173,000	$ 830,328
Total Budget	**$ 3,603,920**	**$ 173,000**	**$ 3,776,920**
Reserve For Future Expenditure	**$ 4,021,454**	**$ -**	**$ 4,021,454**
Total Requirements	**$ 7,625,374**	**$ 173,000**	**$ 7,798,374**

	Adopted Budget	Amendment	Revised Budget
Transportation CIP Fund			
Resources			
Beginning Fund Balance	**$ -**		**$ -**
Transfers In from Other Funds	$ 961,915	$ 173,000	$ 1,134,915
Total Resources	**$ 961,915**	**$ 173,000**	**$ 1,134,915**
Requirements			
Program Expenditures Total	**$ -**	**$ -**	**$ -**
Work-In-Progress	$ 721,696	$ 173,000	$ 894,696
Total Budget	**$ 961,914**	**$ 173,000**	**$ 1,134,914**
Reserve For Future Expenditure	**$ 1**	**$ -**	**$ 1**
Total Requirements	**$ 961,915**	**$ 173,000**	**$ 1,134,915**

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9. Federal Government Affairs Consulting & Lobbying Services

A budget appropriation is required for lobbying services that were finalized after the adoption of the FY 2012 budget. This action will result in a decrease in contingency in the Central Services Fund with an increase in program expenditures for Policy and Administration. This is the pro-rated amount of the annual $63,000 contract.

		Current Budget	Amendment	Revised Budget
Central Services Fund				
Resources				
	Beginning Fund Balance	**$ 214,516**		**$ 214,516**
	Total Resources	**$ 6,995,423**	**$ -**	**$ 6,995,423**
Requirements				
	Policy and Administration	$ 6,368,428	$ 42,000	$ 6,410,428
	Program Expenditures Total	**$ 6,368,428**	**$ 42,000**	**$ 6,410,428**
	Contingency	$ 297,500	$ (42,000)	$ 255,500
	Total Budget	**$ 6,665,928**	**$ -**	**$ 6,665,928**
	Reserve For Future Expenditure	**$ 329,495**	**$ -**	**$ 329,495**
	Total Requirements	**$ 6,995,423**	**$ -**	**$ 6,995,423**

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10. Salary Corrections

Salaries and benefits are under-budgeted this fiscal year. The under-budgeting was primarily a result of not budgeting the wage related impacts of incentive pay, as well as, the impact of bringing current any performance reviews that were past due. Over the past several years, the city did not budget for these impacts, but had the ability to pay for these occurrences with savings from vacancies. However, these savings are no longer available due to a low turnover rate citywide. As a result, additional appropriation is needed to increase the budgets for all operating funds. This action will decrease contingencies in the General Fund, Gas Tax, Building, Sanitary Sewer, Stormwater, Water, Central Services, and Fleet and Property Management Funds. In turn, program expenditures will increase for each of these affected funds.

	Current Budget	Amendment	Revised Budget
General Fund			
Resources			
Beginning Fund Balance	**$ 7,784,731**		**$ 7,784,731**
Total Resources	**$ 36,204,407**	**$ -**	**$ 36,204,407**
Requirements			
Policy and Administration	$ 864,157	$ 10,349	$ 874,506
Community Development	$ 3,226,930	$ 66,044	$ 3,292,974
Community Services	$ 20,809,395	$ 107,529	$ 20,916,924
Public Works	$ 4,843,628	$ 102,690	$ 4,946,318
Program Expenditures Total	**$ 29,744,110**	**$ 286,612**	**$ 30,030,722**
Contingency	$ 903,755	$ (286,612)	$ 617,143
Total Budget	**$ 32,092,395**	**$ -**	**$ 32,092,395**
Reserve For Future Expenditure	**$ 4,112,012**	**$ -**	**$ 4,112,012**
Total Requirements	**$ 36,204,407**	**$ -**	**$ 36,204,407**

	Adopted Budget	Amendment	Revised Budget
Gas Tax Fund			
Resources			
Beginning Fund Balance	**$ 914,841**		**$ 914,841**
Total Resources	**$ 4,009,659**	**$ -**	**$ 4,009,659**
Requirements			
Public Works	$ 2,024,960	$ 7,078	$ 2,032,038
Program Expenditures Total	**$ 2,024,960**	**$ 7,078**	**$ 2,032,038**
Contingency	$ 300,000	$ (7,078)	$ 292,922
Total Budget	**$ 3,603,920**	**$ -**	**$ 3,603,920**
Reserve For Future Expenditure	**$ 405,739**	**$ -**	**$ 405,739**
Total Requirements	**$ 4,009,659**	**$ -**	**$ 4,009,659**

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10. Salary Corrections

	Adopted Budget	Amendment	Revised Budget
Building Fund			
Resources			
Beginning Fund Balance	**$ 309,853**		**$ 309,853**
Total Resources	**$ 1,695,225**	**$ -**	**$ 1,695,225**
Requirements			
Community Development	$ 1,179,625	$ 13,137	$ 1,192,762
Program Expenditures Total	**$ 1,179,625**	**$ 13,137**	**$ 1,192,762**
Contingency	$ 200,000	$ (13,137)	$ 186,863
Total Budget	**$ 1,579,469**	**$ -**	**$ 1,579,469**
Reserve For Future Expenditure	**$ 115,756**	**$ -**	**$ 115,756**
Total Requirements	**$ 1,695,225**	**$ -**	**$ 1,695,225**

	Adopted Budget	Amendment	Revised Budget
Sanitary Sewer Fund			
Resources			
Beginning Fund Balance	**$ 9,570,004**		**$ 9,570,004**
Total Resources	**$ 11,556,338**	**$ -**	**$ 11,556,338**
Requirements			
Public Works	$ 859,149	$ 10,714	$ 869,863
Program Expenditures Total	**$ 859,149**	**$ 10,714**	**$ 869,863**
Contingency	$ 400,000	$ (10,714)	$ 389,286
Total Budget	**$ 4,522,090**	**$ -**	**$ 4,522,090**
Reserve For Future Expenditure	**$ 7,034,248**	**$ -**	**$ 7,034,248**
Total Requirements	**$ 11,556,338**	**$ -**	**$ 11,556,338**

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10. Salary Corrections

	Adopted Budget	Amendment	Revised Budget
Stormwater Fund			
Resources			
Beginning Fund Balance	**$ 641,887**		**$ 641,887**
Total Resources	**$ 2,500,473**	**$ -**	**$ 2,500,473**
Requirements			
Public Works	$ 1,323,061	$ 7,223	$ 1,330,284
Program Expenditures Total	**$ 1,323,061**	**$ 7,223**	**$ 1,330,284**
Contingency	$ 100,000	$ (7,223)	$ 92,777
Total Budget	**$ 2,493,109**	**$ -**	**$ 2,493,109**
Reserve For Future Expenditure	**$ 7,364**	**$ -**	**$ 7,364**
Total Requirements	**$ 2,500,473**	**$ -**	**$ 2,500,473**

	Adopted Budget	Amendment	Revised Budget
Water Fund			
Resources			
Beginning Fund Balance	**$ 1,459,045**		**$ 1,459,045**
Total Resources	**$ 13,241,584**	**$ -**	**$ 13,241,584**
Requirements			
Public Works	$ 6,236,017	$ 16,627	$ 6,252,644
Program Expenditures Total	**$ 6,236,017**	**$ 16,627**	**$ 6,252,644**
Contingency	$ 500,000	$ (16,627)	$ 483,373
Total Budget	**$ 10,475,313**	**$ -**	**$ 10,475,313**
Reserve For Future Expenditure	**$ 2,766,271**	**$ -**	**$ 2,766,271**
Total Requirements	**$ 13,241,584**	**$ -**	**$ 13,241,584**

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10. Salary Corrections

	Adopted Budget	Amendment	Revised Budget
Central Services Fund			
Resources			
Beginning Fund Balance	**$ 214,516**		**$ 214,516**
Total Resources	**$ 6,985,823**	**$ -**	**$ 6,985,823**
Requirements			
Policy and Administration	$ 6,396,617	$ 56,821	$ 6,453,438
Program Expenditures Total	**$ 6,396,617**	**$ 56,821**	**$ 6,453,438**
Contingency	$ 297,500	$ (56,821)	$ 240,679
Total Budget	**$ 6,694,117**	**$ -**	**$ 6,694,117**
Reserve For Future Expenditure	**$ 291,706**	**$ -**	**$ 291,706**
Total Requirements	**$ 6,985,823**	**$ -**	**$ 6,985,823**

	Adopted Budget	Amendment	Revised Budget
Fleet/Property Management Fund			
Resources			
Beginning Fund Balance	**$ 78,830**		**$ 78,830**
Total Resources	**$ 1,889,731**	**$ -**	**$ 1,889,731**
Requirements			
Public Works	$ 1,766,629	$ 8,539	$ 1,775,168
Program Expenditures Total	**$ 1,766,629**	**$ 8,539**	**$ 1,775,168**
Contingency	$ 100,000	$ (8,539)	$ 91,461
Total Budget	**$ 1,866,629**	**$ -**	**$ 1,866,629**
Reserve For Future Expenditure	**$ 23,102**	**$ -**	**$ 23,102**
Total Requirements	**$ 1,889,731**	**$ -**	**$ 1,889,731**

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11. City Manager Relocation Costs
Additional funds are needed in order to pay for costs associated with the relocation of the new City Manager.
Budget will be transferred from Central Services Fund Contingency with an increase in Policy and Administration by the same amount.

		Current Budget	Amendment	Revised Budget
Central Services Fund				
Resources				
	Beginning Fund Balance	**$ 214,516**		**$ 214,516**
	Total Resources	**$ 6,995,423**	**$ -**	**$ 6,995,423**
Requirements				
	Policy and Administration	$ 6,368,428	$ 3,500	$ 6,371,928
	Program Expenditures Total	**$ 6,368,428**	**$ 3,500**	**$ 6,371,928**
	Contingency	$ 297,500	$ (3,500)	$ 294,000
	Total Budget	**$ 6,665,928**	**$ -**	**$ 6,665,928**
	Reserve For Future Expenditure	**$ 329,495**	**$ -**	**$ 329,495**
	Total Requirements	**$ 6,995,423**	**$ -**	**$ 6,995,423**