

CITY COUNCIL AGENDA



MEDFORD
OREGON

April 2, 2020

6:00 P.M.

Medford City Hall, Council Chambers

411 W. 8th Street, Medford, Oregon

This meeting may be viewed via livestream at www.cityofmedford.org. Click on COUNCIL MEETINGS at the bottom of the first page. From there click on LIVE STREAM GOVERNMENT CHANNEL.

10. Roll Call

20. Recognitions, Community Group Reports

30. Oral Requests and Communications from the Audience

Due to restrictions with public gatherings, no in-person public comments are being allowed at this time. We encourage comments be submitted via email at council@cityofmedford.org.

40. Approval or Correction of the Minutes of the March 19, 2020 Regular Meeting

50. Consent Calendar

50.1 COUNCIL BILL 2020-38

An ordinance approving payment of Street SDC credits to Springbrook Park, LLC, in the total amount of \$284,097.02, to be paid in accordance with Section 3.815(5)(c) of the Medford Municipal Code.

50.2 COUNCIL BILL 2020-39

An ordinance authorizing execution of Phase 2 of an Energy Savings Performance Contract with Ameresco, Inc., for lighting upgrades throughout the City of Medford.

50.3 COUNCIL BILL 2020-40

An ordinance approving a contract in an amount of \$741,759.00 to Shaw Contract Flooring Services, Inc. for removal and replacement of worn synthetic turf at U.S. Cellular Community Park (USCCP).

60. Items Removed from Consent Calendar

70. Ordinances and Resolutions

70.1 COUNCIL BILL 2020-26 – SECOND READING

An ordinance authorizing exemption from competitive bidding and awarding a five-year contract to Redflex Traffic Systems, Inc., to provide photo traffic enforcement services.

Meeting locations are generally accessible to persons with disabilities. To request interpreters for hearing impaired or other accommodations for persons with disabilities, please contact the ADA Coordinator at (541) 774-2074 or ada@cityofmedford.org at least three business days prior to the meeting to ensure availability. For TTY, dial 711 or (800) 735-1232.

70.2 COUNCIL BILL 2020-41

An ordinance approving execution of a Lease Agreement between the City of Medford and Howard Memorial Sports Park, Inc.

70.3 COUNCIL BILL 2020-42

An ordinance approving the Agreement for Option to Purchase for the Howard Memorial Sports Park.

80. Public Hearings

Comments are limited to a total of 30 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All others will be limited to 4 minutes. PLEASE SIGN IN.

YOU ARE ENCOURAGED TO SUBMIT WRITTEN COMMENTS INSTEAD OF TESTIFYING IN PERSON. IF YOU PROVIDE TIMELY WRITTEN TESTIMONY BY 4PM OF THE DATE OF THE MEETING, YOU NEED NOT TESTIFY IN PERSON.

80.1 COUNCIL BILL 2020-43

An ordinance amending Sections 5.550, 7.010, 7.017, 7.022, 7.023, 7.210, 7.220, 7.224, 7.430, 7.900, and 7.910, and repealing Sections 7.018, 7.019, 7.020, 10.767 and 10.768 of the Medford Municipal Code pertaining to the adoption of the 2019 Fire Code.

80.2 COUNCIL BILL 2020-44

An ordinance amending Section 9.530 of the Medford Municipal Code and re-inserting (and in some instances amending) Sections 9.531, 9.532, 9.550, 9.570, 9.571, 9.572, and 9.800. (DCA-20-040) Land Use, Legislative

90. Council Business

90.1 Proclamations issued

Arbor Month – April 2020

Fair Housing Month – April 2020

Water Conservation Month – April 2020

90.2 Committee Reports and Communications

a. Council Officers Update

100. City Manager and Staff Reports

110. Adjournment



AGENDA ITEM COMMENTARY

DEPARTMENT: Public Works
PHONE: (541) 774-2100
STAFF CONTACT: Cory Crebbin, Public Works Director

AGENDA SECTION: Consent Calendar
MEETING DATE: April 2, 2020

COUNCIL BILL 2020-38

An ordinance approving payment of Street SDC credits to Springbrook Park, LLC, in the total amount of \$284,097.02, to be paid in accordance with Section 3.815(5)(c) of the Medford Municipal Code.

SUMMARY AND BACKGROUND

Council is requested to consider approving an ordinance authorizing payment to Springbrook Park, LLC, for Street System Development Charge (SSDC) credits and Storm Drain System Development Charge (SDSDC) credits resulting from dedication of right-of-way and street construction on Springbrook Road and storm drain improvements done as a condition of approval for Springbrook Park Subdivision Phases 1 & 2.

PREVIOUS COUNCIL ACTIONS

On June 6, 2019, Council approved Council Bill 2019-45 adopting the budget for the City of Medford for the biennium commencing July 1, 2019, and making appropriations thereunder.

ANALYSIS

As a condition of development approval, the Developer was required to construct the portion of Springbrook Road through their development to Collector Street Standards. This required the dedication of land and street construction to provide a 44-foot wide roadway within a 74-foot wide public right-of-way from approximately Hondeleau Lane south to Sharman Way. In addition, the Developer was required to pipe a portion of Hopkins Canal through the development.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The right-of-way dedication and street construction generated a total of \$216,833.72 in Street SDC credits. The piping of Hopkins Canal generated a total of \$67,263.30 in Storm Drain SDC credits. SDC credit payments that exceed \$100,000 must be approved by Council prior to disbursement per Medford Municipal Code (MMC) Section 3.815(5)(c)(i)(a) and 3.891(a). The combined SDC credits total \$284,097.02.

Payments totaling \$172,049.19 shall be made from project code 6112 R/W Dedication Payments.

Payments totaling \$44,784.53 shall be made from project code 6111 Street Construction Payments.

Payments totaling \$67,263.30 shall be made from project code 6114 Storm Drain Construction Payments.

The budget appropriations are on page 9-44 of the 2019-2021 adopted Biennial Budget. SDC Fund 522 will be utilized for this SDSDC credit payment.



AGENDA ITEM COMMENTARY

TIMING ISSUES

All SDC credits shall be paid to the Developer in cash in accordance with Section 3.815 (5)(c) and 3.891(a) of the MMC. The Developer has agreed that the City will withhold \$167,407.28 as a deposit which shall be paid after the expiration of the one-year warranty period for the public improvements. \$45,503.10 in credit shall be paid in increments of \$3,033.54 for each of the 15 lots as individual building permits are issued. An initial payment of \$71,186.64 shall be made to the Developer upon approval of this ordinance.

COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance.
- Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Approve the ordinance for cash payments to Springbrook Park, LLC, for Street SDC credits generated as a result of right-of-way dedication and street construction on Springbrook Road, a Collector street, and storm drain improvements which were done as conditions of development approval for Springbrook Park Subdivision Phases 1 & 2.

SUGGESTED MOTION

I move to approve the ordinance authorizing payment of Street SDC credits to Springbrook Park, LLC, in the total amount of \$284,097.02, to be paid in accordance with Section 3.815 (5)(c) of the Medford Municipal Code.

EXHIBITS

- Ordinance
- Exhibit A – Map for SSDC & SDSDC Credits
- Exhibit B - SSDC Credit Calculation Form
- Exhibit C – SDSDC Credit Computation Sheet

ORDINANCE NO. 2020-38

AN ORDINANCE approving payment of Street SDC credits to Springbrook Park, LLC, in the total amount of \$284,097.02, to be paid in accordance with Section 3.815 (5)(c) of the Medford Municipal Code.

WHEREAS, the Street System Development program credits developers that dedicate land and construct right-of-way improvements for the City’s arterial and collector street system; and

WHEREAS, the Storm Drain System Development program credits developers that construct oversized storm drain improvements for the City’s storm drain system; and

WHEREAS, the Code of Medford requires City Council approval prior to issuing payments for System Development Charge credits over \$100,000; now, therefore;

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That payments to Springbrook Park, LLC, for Street System Development Charge (SSDC) credits and Storm Drain System Development Charge (SDSDC) credits, in the total amount of \$284,097.02, is hereby approved, payable as follows:

- 1) Payments totaling \$172,049.19 shall be made from project code 6112 R/W Dedication Payments, upon approval of this ordinance;
- 2) Payments totaling \$44,784.53 shall be made from project code 6111 Street Construction Payments, upon approval of this ordinance; and
- 3) Payments totaling \$67,263.30 shall be made from project code 6114 Storm Drain Construction Payments, upon approval of this ordinance.

PASSED by the Council and signed by me in authentication of its passage this ___ day of April, 2020.

ATTEST: _____
City Recorder

Mayor

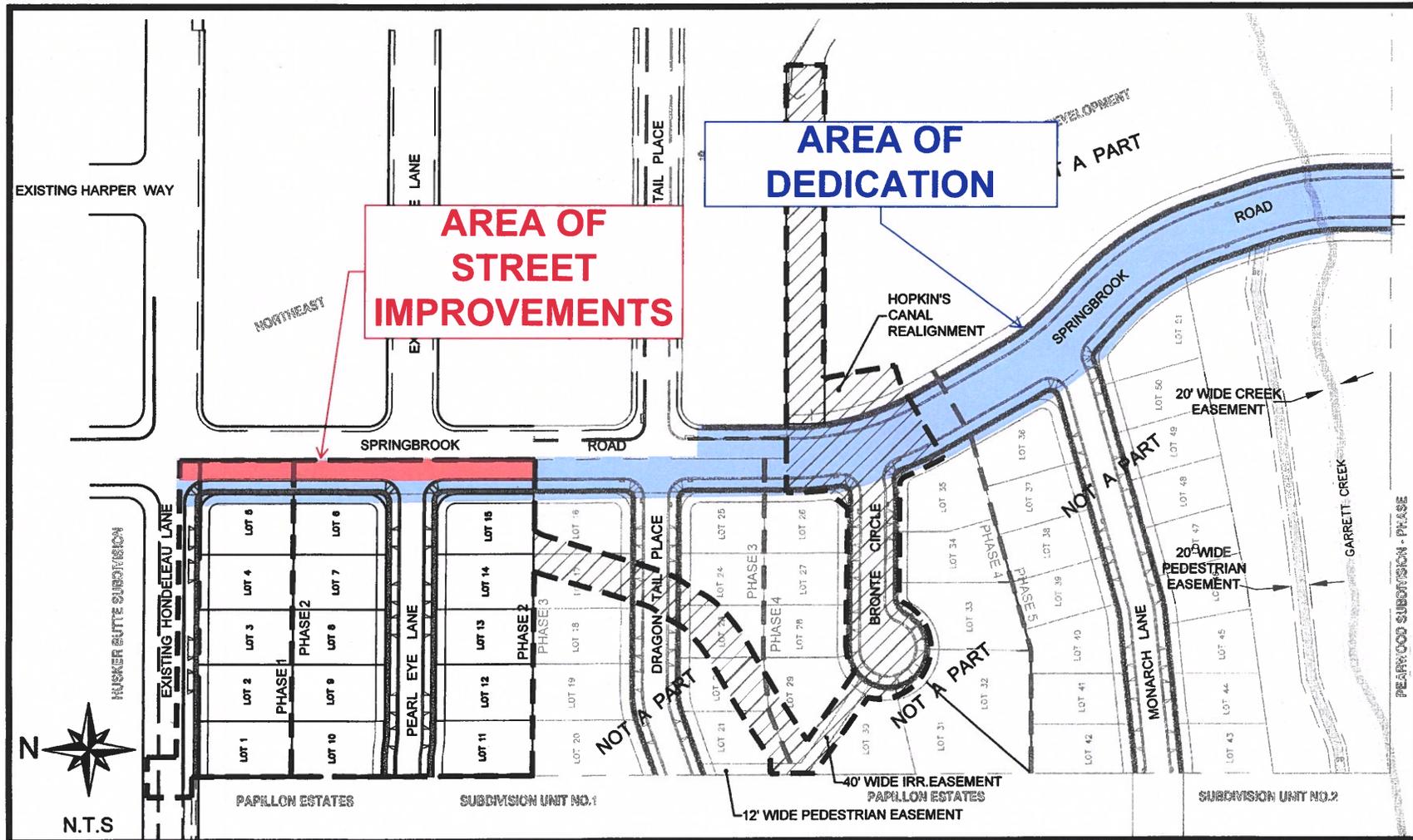
APPROVED _____, 2020.

Mayor

SPRINGBROOK PARK SUBDIVISION CIVIL IMPROVEMENT PLANS, PHASE 1 & 2

LOCATED IN
N.W. 1/4 OF SECTION 8, T. 37 S., R. 1 W., W.M.
CITY OF MEDFORD
JACKSON COUNTY, OREGON
TAX LOT (371W08BD500)

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STREET SDC CREDIT CALCULATION FORM

A. PROJECT INFORMATION

	Estimate Only	PLANNING NUMBER
Parent Proj. No.		LDS <u>LDS-18-044</u>
Paving Proj. No.	<u>P1903D</u>	LDP
Project Name:	<u>Springbrook Park Subdivision</u>	PUD <u>PUD-18-031</u>
Location:		SPAC
		Bldg Permit
Date of Final Order	<u>7/28/2018</u>	Other <u>FP19-00010</u>
Date of R/W Dedication	<u>TBD</u>	
Date of 1st Plan Submittal:	<u>8/1/2018</u>	
Date of Final Acceptance:	<u>NA</u>	
Record Drawings Approved:	<u>Pending</u> (Y or N)	
Developer Name:	<u>Springbrook Park LLC</u>	
Mailing Address:	<u>1175 E. Main St. Suite 2B</u>	Phone: <u></u>
City/State/Zip:	<u>Medford, OR 97801</u>	

B. STREET SDC CREDIT CALCULATIONS

1. Right-of-Way Dedication Credits

a. Street Name: Springbrook Road

1) Parent parcel: 371W08BD 500
Map Tax Lot

Parent parcel size: 19.66 Ac x 43,560 = 856,390 sf

Parent parcel valuation: \$2,044,020 (Per County or Appraisal?) C

Unit valuation (\$/sf): \$2.39 per sf

Area dedicated:

<u>varies</u> <small>Length</small>	X	<u>varies</u> <small>Width</small>	=	<u>77,642</u> sf
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Reduction for direct driveway access (if any):

<u>397</u> <small>Length</small>	X	<u>14</u> <small>Width</small>	=	<u>5,558</u> sf
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Net right-of-way area to credit: = 72,084 sf

2) Total Credit for Right-of-way = \$172,049.19

2. Street Construction Credits Applicable Const. Cost Factor = \$430,118

a. Street Name: Springbrook Road

1) Roadway Construction Credits (Multiplier = 0.0000118)

Area of street pavement (curb face to curb face): Transition at North End

<u>Varies</u> <small>Length</small>	X	<u>Varies</u> <small>Width</small>	=	<u>412</u> sf
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Area of street pavement (curb face to curb face): STA 20+39 to 24+00

<u>360.86</u> <small>Length</small>	X	<u>22</u> <small>Width</small>	=	<u>7,939</u> sf
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Reduction for direct driveway access (if any):

<u>0</u> <small>Length</small>	X	<u>0</u> <small>Width</small>	=	<u>0.00</u> sf
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Net Roadway Area to Credit = 8,350.92 sf

SDC Credit Rate per SF of Roadway Area:

0.0000118	X	<u>\$430,118</u> <small>ConstCostFactor</small>	=	<u>\$5.075</u> per sf
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Sub-Total Roadway Credits =

<u>8,350.92</u>	X	<u>\$5.075</u>	=	<u>\$42,384.20</u>
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STREET SDC CREDIT CALCULATION FORM

2) Curb and Gutter Credits (Multiplier = 0.0000198)			
Length of C & G for this street	=	281.85	lf
Reduction in length for direct access (if any)	=	0	lf
Net length of C& G to credit	=	281.85	lf
SDC Credit Rate per LF of C&G:			
0.0000198	X	\$430,118	= \$8.516 per lf
ConstCostFactor			
Sub-Total Curb & Gutter Credits			
281.85	X	\$8.516	= \$2,400.33
3) Sidewalk Credits (Multiplier = 0.0000087)			
Area of eligible sidewalk:			
0.00	X	0	= 0.00 sf
Length		Width	
SDC Credit Rate per SF of Sidewalk Area:			
0.0000087	X	\$430,118	= \$3.742
ConstCostFactor			
Sub-Total Sidewalk Credits			
0.00	X	\$3.742	= \$0.00
4) Illumination (Multiplier = 0.009619)			
Number of street lights to credit	=	0	
SDC Credit Rate per Street Light:			
0.009619	X	\$430,118	= \$4,137.31
Sub-Total Street Light Credits:			
0	X	\$4,137.31	= \$0.00
5) Total Credit for Construction			
	=		\$44,784.53

3. TOTAL STREET SDC CREDITS (R/W + CONST) = \$216,833.72

C. FORM ROUTING INFORMATION

Credit Calc's Prepared by: Doug Burroughs Date: 3/9/2020
 Credit Calc's Checked by: Jodi Cope Date: 3/18/2020
 Date to Bus Mgr: _____
 AIC Needed? Yes (Y or N)
 Date of Council Action: TBD

D. SDC CREDIT DISTRIBUTION

SDC fee per lot **\$3,033.54** (Current ate for local street access)
 No. lots 15
Total SDC fees \$45,503.10 Deduct from Total Credit \$45,503.10
Excess credit (if any) to be paid 'up front' **\$171,330.62**
Total amount to be distributed btw the lots 45503.1
CREDIT AMT TO BE DISTRIBUTED PER LOT 3033.54

E. PROJECT ACCOUNTING

R/W Credits 6112(CE) 0.793461432 79.346143%
 Const Cred 6111(CC) 0.206538568 20.653857%

NOTED: SPECIAL PROVISION CONCERNING SDC CREDIT DISTRIBUTION:
 WITHHOLDING OF SDC CREDIT IN LIEU OF CASH DEPOSIT FOR PERFORMANCE
 AND WARRANTY OF PUBLIC IMPROVEMENTS WAS AGREED UPON BETWEEN ALL
 PARTIES. ERL 10-10-19

**Storm Drain SDC Credit
Computation Sheet**

Diameter	Length (ft)		Calc Cost			
<u>24"</u>	<u>0</u>	x	<u>\$81.53</u>	x	0.25 =	\$0.00
<u>30"</u>	<u>0</u>	x	<u>\$105.64</u>	x	0.25 =	\$0.00
<u>36"</u>	<u>0</u>	x	<u>\$129.75</u>	x	0.25 =	\$0.00
<u>48"</u>	<u>1560</u>	x	<u>\$172.47</u>	x	0.25 =	\$67,263.30
Sub Total Storm Drain Credits.....						\$67,263.30

PAYMENT DUE DEVELOPER **\$67,263.30**

Project: Springbrook Park - Hopkins Canal Improvements - P1903D
 Developer: Steve Swartsley Phone: 541/944-1881
 Mailing Address: PO Box 8600, Medford OR 97501
 Computation By: RET Date: 3/15/2019
 Checked By: ACB Date: 11/5/2019
 City Engineer: _____ Date: _____



AGENDA ITEM COMMENTARY

DEPARTMENT: Public Works
PHONE: (541) 774-2100
STAFF CONTACT: Cory Crebbin

AGENDA SECTION: Consent Calendar
MEETING DATE: April 2, 2020

COUNCIL BILL 2020-39

An ordinance authorizing execution of Phase 2 of an Energy Savings Performance Contract (ESPC) with Ameresco, Inc., for lighting upgrades throughout the City of Medford.

SUMMARY AND BACKGROUND

Council is requested to consider the approval of Phase 2 of an Energy Savings Performance Contract (ESPC) with Ameresco, Inc. This is an amendment anticipated in the Phase 1 contract that Council approved on August 1, 2019.

Ameresco, Inc. completed Phase 1 of the project, which includes a technical energy audit (TEA) of the City of Medford’s street lights inventory and used that audit to complete a project development plan (PDP). The TEA and PDP are the basis for the contract amendment for Phase 2.

Phase 2 of the ESPC includes upgrading a total of 7,894 lights within the City of Medford, with 7,231 of those lights being streetlights. The other 663 lights are area lights in parks and parking lots that the City maintains. The lights will be upgraded from the existing fixtures to Light Emitting Diode (LED) fixtures. The existing fixtures are mostly High Pressure Sodium (HPS), but also include metal halides, compact fluorescents, and other types of lights.

PREVIOUS COUNCIL ACTIONS

On January 10, 2019, the Council held a study session and indicated staff should issue a Request for Proposal (RFP) to convert existing street lights to LED technology.

On June 6, 2019, Council approved Council Bill 2019-45 adopting the budget for the City of Medford for the biennium commencing July 1, 2019, and making appropriations thereunder.

On August 1, 2019, Council Bill 2019-82 was approved and a contract was awarded to Ameresco, Inc. in the amount of \$131,340 to complete Phase 1 of the ESPC contract.

ANALYSIS

The project will convert 7,894 outdoor lights to LED technology, which is estimated to save the City 3,421,566 kWh annually. As part of the ESPC, Ameresco is guaranteeing the City will achieve at least 90% of the estimated energy savings, or 3,079,409 kWh annually, which equates to a \$274,191 annual reduction of electric bills based on the September 2019 utility rates. The City-wide conversion will also reduce maintenance costs because LEDs last approximately four times longer than HPS. Implementation will also reduce the City’s carbon footprint.



AGENDA ITEM COMMENTARY

The ESPC contract format allows the City to maintain a positive cash flow over the life of the project. During Phase 1 of the contract, Ameresco performed an audit to confirm the exact number, location, wattage, and 36 other useful attributes of the existing lights. This information was used to produce a PDP that includes a recommendation to replace equipment, a guaranteed maximum project price, guaranteed energy cost savings, a project schedule, and financing recommendations. Ameresco is also coordinating with the City and PacifiCorp to update street light inventories based on the audit findings. With Phase 1 now complete, the City can choose to pay Ameresco for this work or roll the costs of Phase 1 into the project financing. If the City chooses the latter, the energy savings from the City's monthly utility bill will be used to pay Phase 1 costs and the Phase 2 project construction costs.

Phase 2 includes upgrading 7,894 lights to LED technology. These include:

- 6,584 City-owned street lights, including:
 - 5,405 cobra head street lights
 - 283 decorative street lights
 - 896 pedestrian scale street lights
- 647 PacifiCorp-owned street lights, for which the City pays the electric bill
- 663 City-owned parking lot and area lights in parks and other City facilities
 - 640 are maintained by the Parks, Recreation, and Facilities Department
 - 23 are maintained by the Public Works Department

Ameresco was selected through an RFP process that included qualifications, experience, and pricing in the scoring criteria. The Oregon Department of Energy pre-qualifies Energy Savings Companies (ESCOs) that may submit proposals for ESPC contracts. The City received two proposals from the pool of five pre-qualified ESCOs. The selection committee agreed that both firms were very qualified and either could do the work, but Ameresco was identified as the most qualified. The selection committee included six City of Medford employees from Public Works Operations, Public Works Engineering, and the City Manager's office. Employees from Legal and Finance provided support and guidance to the committee regarding the RFP process.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Approval of the Phase 2 amendment will increase the total contract price from \$131,340 to \$4,031,972. Ameresco estimates that the City will receive \$381,429 in incentives from the Energy Trust of Oregon (ETO). This leaves the City with an anticipated financial obligation of \$3,639,799. Due to uncertainty of the exact amount of the incentives, the City will finance the entire amount of the contract and will pay down the loan when the actual incentive is received.

The \$4,031,972 contract price will be financed and paid over 15 years. Payments will be split proportionally between the Public Works Department and the Parks, Recreation, and Facilities Department. The Public Works portion will be paid using the Electric Utility line item, which is budgeted in Gas Tax Fund 530. The Parks, Recreation, and Facilities portion will be paid using the General Fund accounts allocated to those facilities.



AGENDA ITEM COMMENTARY

If Council decides not to approve Phase 2, the City is obligated to pay Ameresco \$131,340 for the work completed under Phase 1. That cost is budgeted in Gas Tax Fund 530, project TIM0000 Traffic System Management on page 9-74 of the City of Medford Adopted Biennial Budget 2019-2021.

TIMING ISSUES

The ETO gives incentives for energy reduction projects, and the incentives for LED upgrades may be reduced in the future because the cost of LED lights has dropped significantly in recent years. The ETO confirmed that for now, street light incentives for 2020 are holding constant. Incentives are locked in when the project is approved by the ETO, which Ameresco is coordinating.

COUNCIL OPTIONS

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance authorizing Phase 2 of the Energy Savings Performance Contract with Ameresco, Inc.

EXHIBITS

- Ordinance
- Contract on file in the City Recorder's Office

ORDINANCE NO. 2020-39

AN ORDINANCE authorizing execution of Phase 2 of an Energy Savings Performance Contract (ESPC) with Ameresco, Inc., for lighting upgrades throughout the City of Medford.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of Phase 2 of an Energy Savings Performance Contract (ESPC) with Ameresco, Inc., which is on file in the City Recorder's office, for lighting upgrades throughout the City of Medford, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this ____ day of April, 2020.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2020.

Mayor



DEPARTMENT: Parks, Recreation, Facilities
PHONE: (541) 774-2483
STAFF CONTACT: Rich Rosenthal, Director

AGENDA SECTION: Consent Calendar
MEETING DATE: April 2, 2020

COUNCIL BILL 2020-40

An ordinance approving a contract in an amount of \$741,759.00 to Shaw Contract Flooring Services, Inc. for removal and replacement of worn synthetic turf at U.S. Cellular Community Park (USCCP).

SUMMARY AND BACKGROUND

The Parks, Recreation and Facilities Department requests Council approval to award a contract to Shaw Contract Flooring Services, Inc. in the amount of \$741,759 for removal and replacement of worn synthetic turf on Fields 11 and 13 at U.S. Cellular Community Park (USCCP).

PREVIOUS COUNCIL ACTIONS

On June 6, 2019, Council approved Council Bill 2019-45, adopting the 2019-21 biennial budget and making appropriations thereunder, including funds for USCCP turf replacement.

ANALYSIS

Since May 2008, over 50,000 games have been played on the 1.368 million square feet of artificial turf at U.S. Cellular Community Park. As a result of extensive usage and normal wear-and-tear, and in keeping with the Department’s long-term turf-replacement plan, park maintenance staff identified Fields 11 and 13 in the multi-sport complex as high-priority areas for turf replacement for the current biennium.

These fields have incurred repetitive wear patterns in specific areas that gradually result in the degradation of turf fibers to the extent infill material can no longer be added to meet the manufacturer’s recommendation for ideal playability and optimum surface safety.

The proposed \$741,759 contract with Shaw would result in the removal and replacement of approximately 188,202 square feet with its Legion HP 2.25 product in late July when soccer use of the fields is minimal compared to peak usage seasons. Recreation staff do not anticipate disruptions to soccer club, league or tournament operations during repairs.

Shaw is one of the world’s leading manufacturers of synthetic turf, and its American-made product features an eight-year manufacturer’s warranty and ongoing maintenance instruction and training.

The estimated lifecycle of a synthetic turf field is 10 to 15 years, depending on usage. The existing turf on Fields 11 and 13 was installed in 2009.

The Department utilized the Council-approved Sourcewell pricing cooperative to award this purchase and installation. FieldTurf, AstroTurf and Hellas turf products were also solicited for quotes. Funding for the contract is identified and available in the approved 2019-21 biennial budget.



Company	Product	Base Price*
Shaw	Legion HP 2.25	\$730,797
Shaw	Legion Pro 2.25	\$776,029
Shaw	Legion NXT 2.25	\$809,454
Astroturf	Rhino Blend 42	\$713,400
Astroturf	RootZone 3D3 52	\$754,400
FieldTurf	XT-57	\$949,496
Hellas	Velocity 40	\$1,016,490
Hellas	Fusion 40	\$1,019,680
Hellas	Helix 40	\$1,058,650

* Except for FieldTurf, prices do not include required performance and payment bond costs

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Funding for the proposed \$741,759 contract would come from the following approved capital improvement project funds:

- \$675,000 from USCCP Turf Replacement Fund (QUS1002, biennial budget page 5-54).
- \$66,759 from Community Park Reserve Fund (QUS1003, budget book page 5-53).

TIMING ISSUES

Timely approval is necessary in order for turf replacement to take place during a minimally disruptive time of year.

COUNCIL OPTIONS

Approve the ordinance (or resolution) as presented.
 Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the contract with Shaw in the amount of \$741,759 for turf replacement at U.S. Cellular Community Park.

EXHIBITS

Ordinance
 Contract on file in the City Recorder's Office

ORDINANCE NO. 2020-40

AN ORDINANCE approving a contract in an amount of \$741,759.00 to Shaw Contract Flooring Services, Inc. for removal and replacement of worn synthetic turf at U.S. Cellular Community Park (USCCP).

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in an amount of \$741,759.00 to Shaw Contract Flooring Services, Inc. for removal and replacement of worn synthetic turf at U.S. Cellular Community Park (USCCP), which is on file in the City Recorder's office, is hereby approved.

PASSED by the Council and signed by me in authentication of its passage this ____ day of April, 2020.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2020.

Mayor



AGENDA ITEM COMMENTARY

DEPARTMENT: Police
PHONE: (541) 772-2272
STAFF CONTACT: Trevor Arnold, Lieutenant

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: April 2, 2020

COUNCIL BILL 2020-26 – SECOND READING

An ordinance authorizing exemption from competitive bidding and awarding a five-year contract to Redflex Traffic Systems, Inc., to provide photo traffic enforcement services.

SUMMARY AND BACKGROUND

Council is requested to consider approving the contract for photo traffic enforcement services with Redflex Traffic Systems, Inc.

The City of Medford utilizes Redflex Traffic Systems, Inc. as its provider for photo traffic enforcement services. The City has been using Redflex Traffic Systems, Inc. for this service since 2004. The photo traffic enforcement program includes fixed site intersection monitoring for speed and red light violations, as well as mobile photo radar vans for monitoring speed violations at locations throughout the City.

There are currently four fixed site intersections within the City monitored under this program: Biddle /McAndrews, Barnett/Stewart, Central/4th, and Riverside/8th. The City owns two Medford Police Department photo radar vans which are deployed daily around the City to monitor speeding vehicle complaints.

PREVIOUS COUNCIL ACTIONS

On February 7, 2008 Council Bill 2008-23 was approved, authorizing an exemption from competitive bidding and awarded a three-year contract with two (2) additional two-year extensions to Redflex Traffic Systems, Inc. to provide photo traffic enforcement services.

On February 5, 2015 Council Bill 2015-07 was approved, authorizing an exemption from competitive bidding and awarded a five-year contract to Redflex Traffic Systems, Inc. for providing photo traffic enforcement services.

On March 19, 2020, Council discussed Council Bill 2020-26 and voted six in favor and two in opposition. The ordinance is being brought back on April 2, 2020, per the City Charter which requires a second reading when there is more than one dissenting vote. Council also directed staff to perform a request for proposals at the conclusion of this five-year contract.

ANALYSIS

This contract agreement outlines the fees and services provided by Redflex Traffic Systems, Inc. over the duration of the agreement, which is five (5) years.



An exemption from competitive bidding for this contract agreement is requested under Medford Municipal Code 2.613 Sections 2 (a) and (d). Section 2 (a) of 2.613 states, "It is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts". This contract agreement applies to the listed exemption as there are only two vendors in the state of Oregon currently operating in photo enforcement program management.

Additionally, an exemption is requested under 2.613 (2) (d) "Efficient utilization of existing equipment or supplies requires acquisition of compatible equipment or supplies." Redflex Traffic Systems, Inc. installed and owns the equipment at the four fixed site intersections currently being monitored for speed and red light violations. If another vendor was selected, all existing equipment would have to be removed and new equipment would need to be installed at a significant expense. These four fixed site intersections would be unmonitored for speed and red light violations for an extended period of time, up to six months.

The City of Medford owns the two photo enforcement radar vans currently being used for this program. Redflex Traffic Systems, Inc. owns the equipment installed in the vans used to monitor traffic and detect speed violations. Switching to a new vendor would require the City to remove the existing equipment and install new equipment. This would effectively halt the photo enforcement radar van program for up to six months.

Selection of a new vendor for the photo enforcement program system would result in significant downtime due to the removal of exiting equipment, installation of new equipment, program implementation and staff training. As a result, selecting a new vendor would not be an efficient utilization of existing equipment and would add additional costs.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The photo enforcement program is self-sufficient and this agreement has no direct cost to the City. Redflex Traffic Systems, Inc. is paid a portion of the fully paid fines collected by the Municipal Court for violations captured by the photo enforcement program equipment. The previous contract agreement used a variable payment schedule which resulted in an average of \$69 paid to Redflex Traffic Systems, Inc. for each citation fully paid by the violator. Under this agreement, the vendor fee paid to Redflex Traffic Systems, Inc. is \$57.50 for each citation fully paid by the violator, a 21% discounted rate.

In 2019, 12,001 traffic citations were issued through the photo enforcement program for speed and red light violations. Of those, the fines on 8,465 citations were paid in full to the Municipal Court. This resulted in \$569,327 paid to Redflex Traffic Systems, Inc. in vendor fees and another \$655,483 paid to the City by the violators.

TIMING ISSUES

The current contract agreement with Redflex Traffic Systems, Inc. will expire on April 4, 2020.



COUNCIL OPTIONS

Approve the ordinance as presented.

Deny the ordinance as presented and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance authorizing the agreement with Redflex Traffic Systems, Inc. for photo enforcement.

EXHIBITS

Ordinance

Agreement on file with the City Recorder.

ORDINANCE NO. 2020-26

AN ORDINANCE authorizing exemption from competitive bidding and awarding a five-year contract to RedFlex Traffic Systems, Inc., to provide photo traffic enforcement services.

WHEREAS, this exemption is not likely to encourage favoritism in awarding public contracts or substantially diminish competition for public contracts; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. An exemption from competitive bidding is granted and a five-year contract is hereby awarded to RedFlex Traffic Systems, Inc., to provide photo traffic enforcement services, which is on file in the City Recorder's office.

Section 2. This exemption is granted under the provisions of Medford Code Section 2.613(a) and (d) as discussed in the agenda item commentary for the City Council meeting of March 19, 2020.

PASSED by the Council and signed by me in authentication of its passage this _____ day of March, 2020.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2020.

Mayor



AGENDA ITEM COMMENTARY

DEPARTMENT: Parks, Recreation, Facilities **AGENDA SECTION:** Ordinances & Resolutions
PHONE: (541) 774-2483 **MEETING DATE:** April 2, 2020
STAFF CONTACT: Rich Rosenthal, Director; Eric Mitton, Acting City Attorney

COUNCIL BILL 2020-41

An ordinance approving execution of a Lease Agreement between the City of Medford and Howard Memorial Sports Park, Inc.

SUMMARY AND BACKGROUND

Council is requested to consider a five-year ground lease agreement for the purpose of recreational and park facility development at Howard Memorial Sports Park.

PREVIOUS COUNCIL ACTIONS

On December 20, 2018, Council appointed Dan O'Connor, Kevin Stine, Michael Zarosinski and Rich Rosenthal to fill four of the five seats on the Wes Howard Memorial Sports Park, Inc. Board of Directors in the first step of coupling the private foundation's landholdings to City recreational facility and parkland development.

ANALYSIS

The Acting City Attorney worked with the Howard Memorial Sports Park (HMSP) board of directors to craft a five-year ground lease agreement through June 1, 2025, with three five-year extension options, that would allow the City of Medford to develop parkland and recreational facilities and to maintain existing amenities on the 53.38 acres of property at the intersection of Ross Lane and Rossanley Drive in west Medford.

The proposed five-year agreement provides the City of Medford space to build, manage and maintain the proposed Medford Sports and Events Complex at HMSP, and to develop additional ballfields and a neighborhood park in keeping with adopted goals and levels-of-service outlined in the City's Leisure Services Plan (LSP).

The lease is necessary instead of an outright sale of the land because not enough development has occurred at HMSP to demonstrate sufficient fulfillment of the HMSP articles of incorporation, which were based on Wes Howard's January 2003 Will that outlined his desire to see his property operated as a "sports field training and competition complex for athletes in the Rogue Valley." Further, the HMSP articles of incorporation state the board of directors shall "Develop and operate sports facilities ... for the purpose of providing said facilities to members of the community." Consequently, the HMSP board views the partnership with the City of Medford as the best opportunity to see the property developed in accordance with Wes Howard's wishes.



The ground lease is beneficial to the City because it:

- Gives permission to the City to make improvements on the property.
- Serves as an optimal location for the proposed 163,000-square-foot Sports and Events Complex, with ample room for expansion.
- Helps the Parks, Recreation and Facilities Department address eight of the 18 policies in the LSP, including the acquisition goal of obtaining 57 acres of community parkland by 2026 in order to keep up with projected population growth.
- Allows the City to obtain two existing natural-grass soccer fields, and space for an additional five fields.
- Provides over 53 acres of prime parkland for the low cost of \$1,000 per year, including space for a neighborhood park in a currently underserved area of the City.

During the term of the lease, the City is responsible for maintenance, repair and utility costs associated with HMSP, and for making development a priority within the Department's capital improvement project plan. The annual HMSP maintenance costs are approximately \$20,000, which will be incorporated into the City's park maintenance division budget.

The lease provides the City with a 90-day termination clause; the City agrees to indemnify, defend and hold HMSP, Inc. harmless from use, maintenance, repair or operation of the property. The HMSP board of directors approved the ground lease on Feb. 18, 2020.

The ground lease and purchase agreement do not represent the termination of the HMSP private foundation. The 501(c)(3) may not dissolve until the state's Attorney General determines the articles of incorporation have been sufficiently fulfilled. The HMSP board of directors continue to manage 10 acres of property along West Main Street in Medford, and it unanimously voted to pledge proceeds from the potential sale of the West Main property toward the City's development efforts at HMSP.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

City to pay annual rent of \$1,000; City responsible for maintenance and utility costs of approximately \$20,000 annually.

TIMING ISSUES

City development efforts on the property are contingent upon approval of the ground lease.

COUNCIL OPTIONS

Approve the ordinance as presented.

Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.



SUGGESTED MOTION

I move to approve the ground lease for the Howard Memorial Sports Park.

EXHIBITS

Ordinance

Ground Lease and Exhibits

ORDINANCE NO. 2020-41

AN ORDINANCE approving execution of a Lease Agreement between the City of Medford and Howard Memorial Sports Park, Inc.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That execution of a Lease Agreement between the City of Medford and Howard Memorial Sports Park, Inc., which is on file in the City Recorder's office, is hereby approved.

Section 2. Section 2. The term of this lease shall be for five years with three five-year extension options. In addition, the parties may otherwise extend this lease by mutual agreement in a signed writing. This lease shall be paid at the rate of \$1,000 per year.

PASSED by the Council and signed by me in authentication of its passage this ___ day of April, 2020.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2020.

Mayor

Ground Lease Agreement

This Lease Agreement (“Lease”) is by and between Howard Memorial Sports Park, Inc., an Oregon non-profit corporation, (“Lessor”), and the City of Medford, a political subdivision of the State of Oregon, (“Lessee” or “City”).

RECITALS

1. Lessor desires to lease to City, and City desires to lease from Lessor, the real property described on the attached Exhibit A, together with any and all rights, privileges, easements, and appurtenances (collectively, the “Premises”).
2. City intends to construct, maintain, and operate an Community Sports and Events Center and related site improvements on the Premises (collectively, “the Project”). The Project and any future alterations, additions, replacements, or modifications to the Project during the Term of this Lease are collectively referred to in this Lease as the “Improvements.”
3. Should the Community Sports and Events Center not come to pass, City intends on utilizing the Premises for other Parks & Recreation purposes, potentially including ballfields and/or soccer fields.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing and of the mutual promises and covenants set forth herein, the parties to this Lease agree as follows:

1. **TERM:** The original term of this Lease (“Lease Term”) shall commence upon execution by the parties (“Commencement Date”) and shall continue through June 1, 2025, subject to early termination as provided herein. The lease includes an option for extension by either party for an additional term of five years; this option may be exercised three times. In addition, the parties may otherwise extend this Lease by mutual agreement in a signed writing. Under no circumstances, though, shall this lease last longer than fifty years.

2. **PURPOSE:** Lessee shall have the right to use and occupy the Premises for the purpose of improvements and developments specified in Section 5(d) or other uses as mutually agreed between the parties.

3. **RENT:** Lessee shall pay annual rent of \$1,000. Rent shall be due on [insert date] of each year during the Lease Term.

4. **POSSESSION:** The right to possession under this Lease shall begin upon commencement of the term of this Lease.

5. **IMPROVEMENTS:** The parties agree that Lessee may make various improvements to the Premises, including new construction and landscaping, subject to the following:

(a) Lessee has the right to make such Improvements and such right shall include demolition and replacement of any improvements currently at the Premises.

(b) Title to all Improvements that Lessee constructs shall remain vested in Lessee during the Lease Term. After expiration or termination of the Lease Term and any extensions thereto, if Lessee does not purchase the Premises, title to the Improvements shall automatically pass to, vest in, and belong to Lessor.

(c) Lessee is permitted to install signage on the Premises and the Improvements as long as Lessee complies with all applicable legal requirements.

(d) Lessee shall use reasonable efforts to develop the Premises into a park facility. The Premises shall be a high priority capital improvement project, with the goal of being developed with an indoor recreation facility, ballfields, soccer fields, and/or a neighborhood park.

6. **COMPLIANCE WITH LAWS:** Lessee agrees to comply with all applicable federal, state, and local legal requirements that now or hereafter apply to the Premises.

7. **LESSOR'S OBLIGATIONS:** Lessor agrees to cooperate with Lessee in all respects in connection with Lessee's construction of any Improvements, including but not limited to, executing the applications and other instruments reasonably necessary for construction of the Improvements, provided that Lessor will not be required to pay any application fees or incur any other costs or liabilities in connection with the Improvements beyond Lessor's fees for any professional advice Lessor desires.

8. **LESSEE'S OBLIGATIONS AND USE OF PREMISES:** The following shall be the responsibility of Lessee:

(a) **Construction of Improvements.** Lessee shall construct the improvements depicted and described in Exhibit B. Lessee shall be responsible for payment of all costs and expenses associated with its construction on the Premises.

(b) Operation of Community Sports and Event Center. If Lessee constructs a Community Sports and Event Center on the Premises, Lessee shall be responsible for payment of all costs and expenses associated with its operation.

(c) Maintenance and Repair. Lessee must, at its own expense, maintain, repair, and replace the Premises and Improvements as and when needed to do so to keep them in good condition and repair, throughout the entire term of this Lease. Lessee's obligations extend to both structural and nonstructural items and to all maintenance, repair, and replacement work. Lessee takes the property "as-is" with the knowledge and understanding that Lessor will not be responsible for any maintenance, upgrading, cleaning, or repair of any portion of the Premises during this Lease.

(d) Services and Utilities. Lessee will pay, directly to the appropriate supplier, for all water, sanitary sewer, storm sewer, irrigation, gas, electric, telephone, cable, garbage pickup, and all other utilities and services used by Lessee on the Premises as they become due, together with any taxes thereon, from and after the Commencement Date.

9. ASSIGNMENT AND SUBLEASE: Lessee and Lessor each recognize that in order to provide for the development of the Premises, it may be necessary, desirable, or required that street, water, sewer, drainage, gas, power line, and other easements and dedications and similar rights be granted or dedicated over or within portions of the Premises. Lessor agrees that it will, upon request of Lessee, join with Lessee in executing and delivering such documents, from time to time, and throughout the Term of this Lease as may be appropriate, necessary, or required by any governmental agency or public utility company for the purpose of granting such easements and dedications.

10. LESSOR INSPECTIONS, ACCESS, AND INTERFERENCE:

(a) Lessee will permit Lessor or its authorized representative to enter the Premises and the Improvements at all reasonable times during normal business hours for purposes of inspecting them for compliance with the terms of this Lease. Lessor performance of any work will not entitle Lessor to compensation from Lessee, nor constitute a waiver of Lessee's default in failing to perform the same.

(b) Any work that Lessor or Lessor's officers, agents, or employees on or around the Premises shall interfere as little as reasonably possible with Lessee's use of the Premises under this Lease.

11. **INSURANCE**: During the Term, Lessee shall maintain insurance in accordance with the following:

- (a) **Property Insurance.** Lessee, at its cost and expense, will keep all Improvements insured against loss or damage by property insurance.
- (b) **Liability Insurance.** Lessee, at its cost and expense, will maintain commercial general liability insurance covering the Premises, the Improvements, and the conduct or operation of its business with limits of loss of at least \$2 million combined single-limit coverage for personal injury and property damage. Lessor and Lessor's Board shall be named as additional insureds.
- (c) **Additional Requirements.** The requirements of (a) and (b) may be satisfied through self-insurance (with approval from Lessor's Board), insurance through a reputable insurance company licensed to do business in the state of Oregon, or any combination thereof.

12. **INDEMNIFICATION**: Except to the extent arising from errors or omissions for which the Board of Lessor carries liability insurance, or any sort of intentional misconduct by Lessor, Lessee agrees to indemnify, defend, and hold harmless Lessor for:

- (a) Any and all liability, penalties, losses, damages, costs and expenses, demands, causes of action, claims, judgments, or appeals:
 - i. Arising from the use, maintenance, repair, occupation, operation, or control of the Premises and Improvements by Lessee;
 - ii. Resulting from any breach or default in the performance of any obligation to be performed by Lessee under this Lease or for which Lessee is responsible under the terms of this Lease or in accordance with any governmental or insurance requirement.
- (b) The provisions of this Section will survive the expiration or earlier termination of this Lease Agreement with respect to any matter occurring before such expiration or termination.

13. **NO LIENS**: Lessee covenants and agrees to keep the Premises and Improvements free from all construction liens and all other liens of any type whatsoever. If a lien is filed, Lessee will, within thirty (30) days after knowledge of the filing, secure the discharge of the lien or deposit a sufficient corporate surety bond in an amount required by Oregon law to remove the lien. If Lessee fails to discharge or remove the lien, Lessor

will have the right to pay the amount of the lien and Lessee will promptly reimburse Lessor for any such payment by Lessor, together with all costs and fees (including attorney fees) that Lessor incurred in connection with the lien. Any amount payable by Lessee under this provision will bear interest at the rate of 15% simple from the date incurred or paid by Lessor, until reimbursed in full by Lessee. Lessor expressly reserves the right to post notices of nonresponsibility under the lien laws under the state of Oregon.

14. TAXES:

- (a)** Lessor represents and warrants that as of the effective date there are no real property taxes assessed on or applicable to the Premises.
- (b)** Lessee shall apply for any exemptions from property tax for its use of the Premises. Nonetheless, Lessee shall be required to pay any and all real and personal property taxes which may be owed for its use of the Premises, for personal property, equipment, or trade fixtures on the Premises, for failure to apply for an exemption, or for any denial of any exemption. Lessee shall reimburse Lessor for all real or personal property taxes and special assessments levied against the Premises in the event they are paid by Lessor rather than becoming liens against the Premises, within thirty (30) days of receiving a billing statement from Lessor for such charges.
- (c)** Limitations. Nothing contained in this Lease requires Lessee to pay any franchise, estate, inheritance, succession, capital levy, or transfer tax of Lessor, or any income, excess profits, or revenue tax, or any other tax, assessment, charge, or levy on the Rent payable by Lessee under this Lease; provided, however, that if at any time during the Term the methods of taxation prevailing at the commencement of the Term are altered so that in lieu of any Tax under this Section there is levied, assessed, or imposed (1) a tax, assessment, levy, imposition, or charge, wholly or partially as a capital license fee measured by the Rent payable by Lessee under this Lease, then all such taxes, assessments, levies, impositions, or charges or the part so measured or based, shall be deemed to be included within the term Tax for the purposes of this Lease, to the extent that such Tax would be payable if the Premises were the only property of Lessor subject to such Tax, and Lessee shall pay and discharge the same as provided in respect to the payment of Taxes.
- (d)** Installments. If by law any Tax is payable, or may at the option of the taxpayer be paid, in installments, Lessee may, whether or not interest shall accrue on the unpaid balance, pay the same, and any accrued interest on any unpaid balance, in installments as each installment becomes due and payable, but in any event before any fine, penalty, interest, or cost may be added for nonpayment of any installment or interest.

- (e) Evidence of Payment. Lessee covenants to furnish to Lessor, within thirty (30) days after the last date when any Tax must be paid by Lessee as provided in this Section, official receipts, if such receipts are then available to Lessee, of the appropriate taxing authority, or other proof satisfactory to Lessor, evidencing payment or proof of exemption from assessment of taxes from the Jackson County Department of Assessment and Taxation.
- (f) Contest of Tax. Lessee shall have the right at its own expense to contest or review the amount or validity of any Tax or to seek a reduction in the assessed valuation on which any Tax is based, by appropriate legal proceedings.

15. HAZARDOUS MATERIALS: Lessee will not use or store Hazardous Substances on any part of the Premises, except in compliance with all present and future laws, ordinances, orders, rules, regulations, and requirements of all federal, state, and municipal governments, departments, and commissions, and then only if required to complete any Improvements. Lessee shall not cause or permit Hazardous Substances to be spilled, leaked, disposed of or otherwise released on the Premises. The term "Hazardous Substance" as used herein means any hazardous, toxic, or dangerous substance, waste, or material listed in the United States Department of Transportation Hazardous Materials Table (49 CFR §172.101) or designated as hazardous substances by the United States Environmental Protection Agency (40 CFR pt 302).

16. EVENT OF DEFAULT: The following shall be events of default:

- (a) **Default in Rent.** The failure of Lessee to make its timely rental payment within thirty (30) days after it is due and payable.
- (b) **Default in Other Covenants.** Failure of either party to comply with any term or condition or fulfill any obligation of this Lease within sixty (60) days after written notice by the other specifying the nature of the default with reasonable particularity. If the default is of such a nature that it cannot be completely remedied within the 60-day period, this provision will be complied with if the defaulting party begins correction of the default within the 60-day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy.
- (c) **Damage and Destruction.** If the Premises are destroyed or damaged such that the cost of repair exceeds fifty (50) percent of the value of the Premises before the damage, Lessee may either (i) promptly restore the damaged Improvements to substantially the same condition before the casualty, or (ii) remove all damaged Improvements and treat such damage or destruction as an event of default subject to termination pursuant to Section 23.

(d) Condemnation. If the Premises or Improvements thereon are taken as a result of eminent domain proceedings, Lessor shall be entitled to all proceeds of condemnation as applied to the value of any real property condemned. Lessee shall be entitled to the value of all Improvements. Lessee specifically waives any claims against Lessor as a result of condemnation, except such condemnation as may be instituted by lessor upon Lessor's own actions and not as a result of any order by other governmental unit.

17. REMEDIES UPON DEFAULT: Upon the occurrence of an event of default, the non-defaulting party may terminate this Lease by following the procedures in Section 25 of this Lease.

18. LESSOR'S WARRANTY: Lessor warrants that it is the owner of the Premises, has the right to lease the Premises, and will defend Lessee's right to quiet enjoyment of the leased Premises from claims of all persons during the Lease Term. Lessor also warrants that it will not encumber its interest in the Premises or the Improvements without prior written consent of Lessee.

19. WAIVER: Waiver by either party of strict performance of any provision of this lease shall not be a waiver of or prejudice to any party's right to require strict performance of the same provision in the future or of any other provisions.

20. BINDING ARBITRATION: If any disputes, disagreements, or controversies arise between the parties pertaining to the rescission, interpretation, validity, or enforcement of this Lease Agreement, the parties shall, upon the request of either party, submit such dispute to binding arbitration. Arbitration shall be requested by delivering to the other party a written request for arbitration. Within five (5) days of receipt of such request, the parties shall select a mutually agreeable arbitrator and designate mutually agreeable rules of arbitration. If the parties cannot agree upon an arbitrator within five (5) days, an arbitrator may be appointed by the Jackson County Circuit Court, upon the request of either party submitted in accordance with Oregon law. If the parties have not designated mutually agreeable rules of arbitration at such time as the arbitrator is appointed, the arbitrator shall adopt rules for the arbitration. The arbitrator's decision shall be binding upon the parties. The City shall pay all costs associated with the arbitration. Nothing in this Section 22 shall prevent the parties from agreeing to resolve disputes using negotiation or mediation rather than arbitration.

21. REPRESENTATION: The Lessee acknowledges that this Lease is accepted and executed on the basis of the Lessee's own examination and personal knowledge of the value and condition of the Premises; that no representation as to value, condition, or repair of said premises has been made by Lessor or Lessor's agent.

22. NOTICE: Notices required or permitted under this Lease Agreement shall be given in writing and deemed delivered upon personal delivery or three calendar days after deposit in the United States mail, postage prepaid, registered mail, return receipt requested, addressed as follows:

To Lessor: _____

To Lessee: _____

Either party may change the address to which notices must be sent at any time by providing notice to the other party as specified in this Section.

23. TERMINATION: Lessee may terminate this Lease Agreement for any reason after giving Lessor ninety (90) days' written notice of its intent to terminate. Upon termination, Lessor shall repay to Lessee the pro rata share of any previously paid Rent payment.

24. SURRENDER AND EXPIRATION:

(a) Upon expiration of the Term or earlier termination of this Lease, Lessee will deliver all keys to Lessor and surrender the Premises and the Improvements in good condition and repair and broom clean (reasonable wear and tear excepted), free and clear of all occupancies other than subleases to which Lessor has specifically consented and free and clear of all liens and encumbrances other than those, if any, existing on the date of this Lease or created or suffered by Lessor. Lessee's obligations under this Article will be subject to the provisions of Section 17(c) relating to damage or destruction and Section 17(d) relating to condemnation.

SALE BY LESSOR. Lessee has a right to purchase the Premises pursuant to a separate Option Agreement between the parties and subject to Attorney General approval.

25. SURVIVAL. The obligations and liabilities of Lessee arising under this Lease Agreement will survive the expiration or earlier termination of this Lease Agreement or the termination of the right of possession of Lessee.

26. FORCE MAJEURE. If either party's performance of an obligation under this Lease (excluding a monetary obligation) is delayed or prevented in whole or in part

by (a) any Legal Requirement (and not attributable to an act or omission of the party); (b) any act of God, fire, or other casualty, flood, storm, explosion, accident, epidemic, war, civil disorder, strike, or other labor difficulty; (c) shortage or failure of supply of materials, labor, fuel, power, equipment, supplies, or transportation; or (d) any other cause not reasonably within the party's control, whether or not the cause is specifically mentioned in this Lease, the party will be excused, discharged, and released of performance to the extent that such performance or obligation (excluding any monetary obligation) is so limited or prevented by the occurrence without liability of any kind.

27. AUTHORITY. Lessee and Lessor each warrant and represent to the other that the person(s) signing this Lease Agreement on their behalf has authority to enter into this Lease Agreement and to bind Lessee and Lessor, respectively, to the terms, covenants, and conditions contained in this Lease Agreement.

28. MODIFICATION. No modification of this Lease Agreement will be valid unless it is in writing and is signed by all of the parties.

29. INTEGRATION. Except as stated below, this Lease Agreement is the entire agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained in this Lease Agreement. This Lease Agreement supersedes all prior communications, representations, and agreements, oral or written, of the parties. Notwithstanding the above provisions, the parties acknowledge that a separate Option Agreement exists between the parties, and this lease agreement is not meant to supersede that Option Agreement.

30. INTERPRETATION. The section and paragraph headings are for the convenience of the reader only and are not intended to act as a limitation on the scope or meaning of the sections or paragraphs themselves.

31. SEVERABILITY. The invalidity of any term or provision of this Lease Agreement will not affect the validity of any other provision.

32. BINDING EFFECT. Subject to restrictions in this Lease Agreement on assignment, this Lease Agreement will be binding on and inure to the benefit of the successors and assigns of the parties.

33. GOVERNING LAW. This Lease Agreement will be interpreted and enforced according to the laws of the State of Oregon.

34. TIME IS OF THE ESSENCE. Time is of the essence as to the performance of all the covenants, conditions, and agreements of this Lease.

IN WITNESS WHEREOF, the parties hereto have executed this Lease Agreement this ___ day of _____, 2020.

LESSOR:

Howard Memorial Sports Park, Inc.

BY John Schleining TITLE Board Member

STATE OF OREGON

COUNTY OF JACKSON

This Lease Agreement was acknowledged before me on _____, 2020, by John Schleining, as the Board Member of HMSP, Inc., an Oregon non-profit corporation.

Notary Public

LESSEE:

City of Medford

BY Brian Sjothun TITLE City Manager

STATE OF OREGON

COUNTY OF JACKSON

This Lease Agreement was acknowledged before me on _____, 2020, by Brian Sjothun, the City Manager for the City of Medford.

Notary Public

EXHIBIT "A"

That portion situated in Northwest One-Quarter of the Southwest One-Quarter of Section 23, Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon, being more particularly described as follows:

Commencing at a 3" Brass Cap marking the Southeast Corner of Donation Land Claim Number 73; thence along the East line of said Donation Land Claim, North 00°02'40" East, 1320.09 feet to an angle point; thence leaving said East line, South 89°32' 40" West, 40.00 feet to a 5/8" rebar, located on the West Right-of-Way Line of North Ross Lane and being on the north line of that tract described in Volume 396, Page 172 of the Deed Records of Jackson County, Oregon; thence leaving said West line and along the north line of said tract, South 89°32'40" West, 490.88 feet to a 5/8-inch iron rebar, and the True Point of Beginning; thence continue along said north line, South 89°32' 40" West, 904.83 feet to a 5/8" rebar, being the Northwest corner of Weldon Subdivision, according to the Official Plat thereof, now of record in Jackson County, Oregon, being also located on the east line of property described as Tract A of Instrument No. 2005-065977, Official Records, Jackson County, Oregon; thence along said east line, North 00°13'50" West, 16.99 feet to the northeast corner thereof; thence along the north of said Tract A, South 89°30'32" West, 532.57 feet to the west line of property described in Volume 225, Page 9 & 10 of the Deed Records of Jackson County, Oregon; thence along said west line, North 00°14'22" West, 1343.31 feet to a 5/8-inch iron rebar, and the South Right-of-Way Line of Rossanley Drive; thence along said South Right-of-Way line, South 85°43'06" East, 2.73 feet to a 5/8" rebar; thence along said South Right-of-Way line, South 00°15'37" West, 30.54 feet to a 5/8" rebar; thence along said South Right-of-Way line, South 89°44'23" East, 423.60 feet to a 5/8" rebar, and the beginning of a 26187.61 foot curve to the right; thence along said curve to the right, through a central angle of 00°17'09", (the long chord bears South 89°35'49" East, 130.64 feet), 130.64 feet to a 5/8" rebar; thence along said South Right-of-Way line, South 89°27'14" East, 1257.18 feet to a 5/8" rebar; thence along said South Right-of-Way line, North 26°07'26" East, 13.66 feet to a 5/8" rebar; thence along said South

Right-of-Way line, South 89°16'55" East, 62.98 feet to a 5/8" rebar; thence along said South Right-of-Way line, South 45°29'13" East, 72.84 feet to a 5/8" re bar, and the West Right-of-Way Line of North Ross Lane; thence along said West Right-of-Way Line, South 00°02' 40" West, 793.22 feet to a 5/8" re bar; thence leaving said West Right-of-Way Line, North 89°57'26" West, 108.54 feet to a 5/8-inch iron rebar; thence North 87°40'00" West, 158.47 feet to a 5/8-inch iron rebar; thence North 85°19'49" West 76.44 feet to a 5/8-inch iron rebar; thence North 89°57'26" West, 39.42 feet to a 5/8-inch iron rebar, and the beginning of a 282.50 foot radius curve to the left; thence along said curve to the left, through a central angle of 05°17'10" (the long chord bears South 87°23'59" West, 26.05 feet), a distance of 26.06 feet to a 5/8-inch iron rebar; thence South 05°01'29" West, 379.89 feet to a 5/8-inch iron rebar; thence South 14°28'30" West, 56.08 feet to a 5/8-inch iron rebar, and the beginning of a 110.22 foot radius non-tangent curve to the right; thence along said curve to the right, through a central angle of 31 °51'19" (the long chord bears South 35°50'51" West, 60.50 feet), a distance of 61.28 feet to a 5/8-inch iron rebar to the True Point of Beginning.

Containing 53.38 Acres, more or less.

EXHIBIT "B"

Wes Howard Memorial Sports Park

Overall Development Priorities

Priority	Leisure Services Plan Implementation
Soccer/Multi-Purpose Fields	1-C(1), 5-A(2)
Park Facility	1-D(2), 1-D(1)
Indoor Recreation Facility	1-C(6), 1-C(1)

Biennium	Task/Development	Cost estimates**
2017-19	City Council approval/Board appointments	
2017-19	Annexation into City limits	
2017-21	Update Park Master Plan, Civil Engineering, permits, etc.	\$ 1,500,000
2021-23	Phase 2 - Infrastructure (road, utilities)	\$ 4,900,000
2023-25	Phase 3 - (three soccer fields, parking, restroom)	\$ 2,000,000
2023-25	Park Elements	\$ 2,000,000
2027-29	Phase 4 - (two soccer fields, parking, infrastructure)	\$ 1,500,000
2029-31	Phase 5 - (three soccer fields, parking, restroom)	\$ 2,100,000
TBD	Indoor Recreation Facility***	

TOTAL \$ 14,000,000

* Contingent upon availability of funding and staff resources, as approved through the City biennial budget process

** Estimated in 2017 dollars

*** Property is potential location for aquatics facility or recreation center

PRELIMINARY HOWARD PARK BUDGET ESTIMATES
PHASES, COMMUNITY CENTER
 15-Nov-17

Total for all phases **\$ 14,015,491.70**

Cost estimate based on LSP Allocation Acres 39 \$ 250,000.00 \$ 9,750,000.00

DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	ITEM COST	SUBTOTAL	NOTES
Contingency	15%		\$ 1,834,629.30	\$ 1,834,629.30	\$ 1,834,629.30	
Phase One- Existing						
Required improvements to existing						
Potable system						
Irrigation system upgrade to potable						
Irrigation system control system						
Storm drainage						
Complete entry drive cross section						
Entry drive lighting						
Parking Lot lighting						
Path lighting						
Riparian restoration						
					\$ 250,000.00	

Phase Two- Park Road & Infrastructure

Preconstruction Costs:

Planning, Permits, Civil	1	LS	\$ 1,285,580.99	\$ 1,285,580.99		
Update Park Master Plan						
Civil Engineering fees						
Landscape Architectural fees						
Permits Fees						
SDC Fees						

CEC Cost Estimate

General Site Work

1 Mobilization	1	LS	\$ 25,000.00	\$ 25,000.00		
2 Install/Maintain Erosion Control (inc. Hydroseeding)	1	LS	\$ 30,000.00	\$ 30,000.00		
3 Clearing and Grubbing	1	LS	\$ 10,000.00	\$ 10,000.00		
4 Excavation and Embankment (cut and fill)	83462	CY	\$ 5.00	\$ 417,310.00		
5 Remove Existing Asphalt	0	SF	\$	\$ -		
6 Traffic Control	1	LS	\$	\$ -	\$ 482,310.00	

Street & Parking Lot Work

7 Standard Private Road (25' wide)	1615	LF	\$ 400.00	\$ 646,000.00		
8 Parking Lot	20183	SY	\$ 67.00	\$ -		
9 HWY 238 half street improvements	2015	LF	\$ 500.00	\$ 1,007,500.00		
10 Concrete Sidewalk	25600	SF	\$ 5.00	\$ 128,000.00		
11 Concrete Sidewalk Handicap Ramp	11	EA	\$ 10,000.00	\$ 110,000.00		
12 Concrete Island Fill	0	SF	\$	\$ -		
13 Sawcut Existing Asphalt	0	LF	\$	\$ -	\$ 1,891,500.00	

Street Lighting, Striping and Signage

14 Site Lighting	0	EA	\$	\$ -		
15 Arterial Street Lights	11	EA	\$ 5,000.00	\$ 55,000.00		
16 Pedestrian Street Lights	0	EA	\$	\$ -		
17 BMC Cabinet	1	EA	\$ 10,000.00	\$ 10,000.00		
18 Signage	1	LS	\$ 2,500.00	\$ 2,500.00		
19 Striping	1	LS	\$ 10,000.00	\$ 10,000.00	\$ 77,500.00	

Sanitary Sewer Work

20 8" PVC Pipe w/Crushed Rock Backfill	890	LF	\$ 35.00	\$ 31,150.00		
21 6" PVC Pipe w/Crushed Rock Backfill	0	LF	\$	\$ -		
22 4" PVC Pipe w/Crushed Rock Backfill	1600	LF	\$ 22.00	\$ 35,200.00		
23 8" x 6" PVC Service Wyes/Tees	0	EA	\$	\$ -		
24 4" x 6" PVC Service Wyes/Tees	0	EA	\$	\$ -		
25 48" Manhole	3	EA	\$ 3,500.00	\$ 10,500.00		
26 8" Cleanout	0	EA	\$	\$ -	\$ 76,850.00	

Waterline Work

27 12" C-900 PVC Water	0	LF	\$	\$ -		
28 12" C-900 PVC Water Restrained	0	LF	\$	\$ -		
29 12" Class 200 Pressure Rated Water	0	LF	\$	\$ -		
30 10" C-900 PVC Water	0	LF	\$	\$ -		
31 MCC Fees Depending on requirements (2" meter)	7	EA	\$ 25,000.00	\$ 175,000.00		
32 8" DI Water	2327	LF	\$ 55.00	\$ 127,985.00	\$ 302,985.00	

Storm Sewer Work

33 Soccer Field, Under-field Drainage	8	EA	\$ 57,000.00	\$ 456,000.00		
34 Detention and Water Quality Facility	1660	CY	\$ 25.00	\$ 41,500.00		
35 12" RCP w/Crushed Rock Backfill	3750	LF	\$ 25.00	\$ 93,750.00		
36 12" PVC w/Crushed Rock Backfill	0	LF	\$	\$ -		
37 4" PVC w/Crushed Rock Backfill	0	LF	\$	\$ -		
38 96" Type I SD Manhole	0	EA	\$	\$ -		
39 72" Type I SD Manhole	0	EA	\$	\$ -		
40 60" Type I SD Manhole	0	EA	\$	\$ -		
41 48" Type I SD Manhole	0	EA	\$	\$ -		
42 Catch Basin	0	EA	\$	\$ -		

43 Area Drain	14	EA	\$	1,000.00	\$	14,000.00
44 Type "D" Inlet	0	EA			\$	-
45 48" 45 Degree Bend	0	EA			\$	-
46 18" 45 Degree Bend	0	EA			\$	-
47 48" Paven End Slope	0	EA			\$	-
48 36" Paven End Slope	0	EA			\$	-
49 24" Paven End Slope	0	EA			\$	-
					\$	605,250.00

General Utility Work (Actual quantities to be determined by Contractor from Utility Company plans)

50 4" Utility Trench w/Crushed Rock Backfill	3900	LF	\$	25.00	\$	97,500.00
51 4" Utility Trench w/Native Backfill		LF			\$	-
52 4" Conduit		LF			\$	-
53 4" Sweeps		EA			\$	-
					\$	97,500.00

\$ 3,533,895.00

Phase Three

Parking Lot- North	150	Each	\$	2,730.00	\$	409,500.00
Parking Lot lights	12	Each	\$	3,000.00	\$	36,000.00
Path	1355	LF	\$	45.00	\$	60,975.00
Path Lights	15	Each	\$	3,000.00	\$	45,166.67
Restroom	1	Each	\$	120,000.00	\$	120,000.00
Landscape and Irrigation- lawn	9.34	Acres	\$	100,000.00	\$	934,343.43
Landscape- trees	50	Each	\$	250.00	\$	12,500.00
Parking Lot landscaping	2	Lump Sum	\$	25,000.00	\$	50,000.00
Picnic Tables	30	EA	\$	1,500.00	\$	45,000.00
Bench Seating	50	EA	\$	900.00	\$	45,000.00
Bike rack- small	5	EA	\$	400.00	\$	2,000.00
Trash Receptacle	50	Ea	\$	500.00	\$	25,000.00
Drinking Fountain	2	Ea	\$	5,000.00	\$	10,000.00
Picnic Shelter - 20 x 20 Square	3	EA	\$	35,000.00	\$	105,000.00
Shade Structure- 20 x 20	3	EA	\$	10,000.00	\$	30,000.00
Fencing	400	LF	\$	30.00	\$	12,000.00

\$ 1,942,485.10

Phase Four

Parking Lot- add to existing	100	Each	\$	2,730.00	\$	273,000.00
Parking Lot lights	10	Each	\$	3,000.00	\$	30,000.00
Path	900	LF	\$	45.00	\$	40,500.00
Path Lights	10	Each	\$	3,000.00	\$	30,000.00
Restroom	1	Each	\$	120,000.00	\$	120,000.00
Landscape and Irrigation- lawn	6.71	Acres	\$	100,000.00	\$	671,487.60
Landscape- trees	55	Each	\$	250.00	\$	13,861.11
Parking Lot landscaping	1	Lump Sum	\$	25,000.00	\$	25,000.00
Picnic Tables	30	EA	\$	1,500.00	\$	45,000.00
Bench Seating	50	EA	\$	900.00	\$	45,000.00
Bike rack- small	5	EA	\$	400.00	\$	2,000.00
Trash Receptacle	50	Ea	\$	500.00	\$	25,000.00
Drinking Fountain	2	Ea	\$	5,000.00	\$	10,000.00
Picnic Shelter - 20 x 20 Square	3	EA	\$	35,000.00	\$	105,000.00
Shade Structure- 20 x 20	3	EA	\$	10,000.00	\$	30,000.00
Fencing	1200	LF	\$	30.00	\$	36,000.00

\$ 1,501,848.71

Phase Five

Parking Lot	200	Each	\$	2,730.00	\$	546,000.00
Parking Lot lights	20	Each	\$	3,000.00	\$	60,000.00
Path	800	LF	\$	45.00	\$	36,000.00
Path Lights	9	Each	\$	3,000.00	\$	26,666.67
Restroom	2	Each	\$	120,000.00	\$	240,000.00
Landscape and Irrigation- lawn	8.68	Acres	\$	100,000.00	\$	867,768.60
Landscape- trees	28	Each	\$	250.00	\$	6,888.89
Parking Lot landscaping	2	Lump Sum	\$	25,000.00	\$	50,000.00
Picnic Tables	30	EA	\$	1,500.00	\$	45,000.00
Bench Seating	50	EA	\$	900.00	\$	45,000.00
Bike rack- small	5	EA	\$	400.00	\$	2,000.00
Trash Receptacle	50	Ea	\$	500.00	\$	25,000.00
Drinking Fountain	2	Ea	\$	5,000.00	\$	10,000.00
Picnic Shelter - 20 x 20 Square	3	EA	\$	35,000.00	\$	105,000.00
Shade Structure- 20 x 20	3	EA	\$	10,000.00	\$	30,000.00
Fencing	1240	LF	\$	30.00	\$	37,200.00

\$ 2,132,524.15

Phase Six- Typical park elements

Path	2375	LF	\$	45.00	\$	106,875.00
Path Lights	26	Each	\$	3,000.00	\$	79,166.67
Landscape and Irrigation- lawn	8.71	Acres	\$	100,000.00	\$	870,867.77
Landscape- trees	100	Each	\$	250.00	\$	25,000.00
Landscaping	1	Lump Sum	\$	50,000.00	\$	50,000.00
Fencing	140	LF	\$	30.00	\$	4,200.00

\$ 1,136,109.44

Hypothetical elements for cost estimate only

Basketball court	2	EA	\$	36,000.00	\$	72,000.00
Pickleball court	10	EA	\$	18,000.00	\$	180,000.00
Sand volleyball court	10	EA	\$	10,000.00	\$	100,000.00
Water Park	1	LS	\$	300,000.00	\$	300,000.00
Dog Park	1	LS	\$	75,000.00	\$	75,000.00
Play structure(s)	1	LS	\$	150,000.00	\$	150,000.00
Natural play	1	EA	\$	75,000.00	\$	75,000.00
Picnic Shelter - 20 x 20 Square	4	EA	\$	35,000.00	\$	140,000.00
Picnic Shelter - Large	4	EA	\$	65,000.00	\$	260,000.00
Shade Structure- 20 x 20	10	EA	\$	10,000.00	\$	100,000.00
Mega Span Shade System	4	EA	\$	25,000.00	\$	100,000.00
Park Sign	3	EA	\$	5,000.00	\$	15,000.00
Picnic Tables	30	EA	\$	1,500.00	\$	45,000.00
Bench Seating	50	EA	\$	900.00	\$	45,000.00

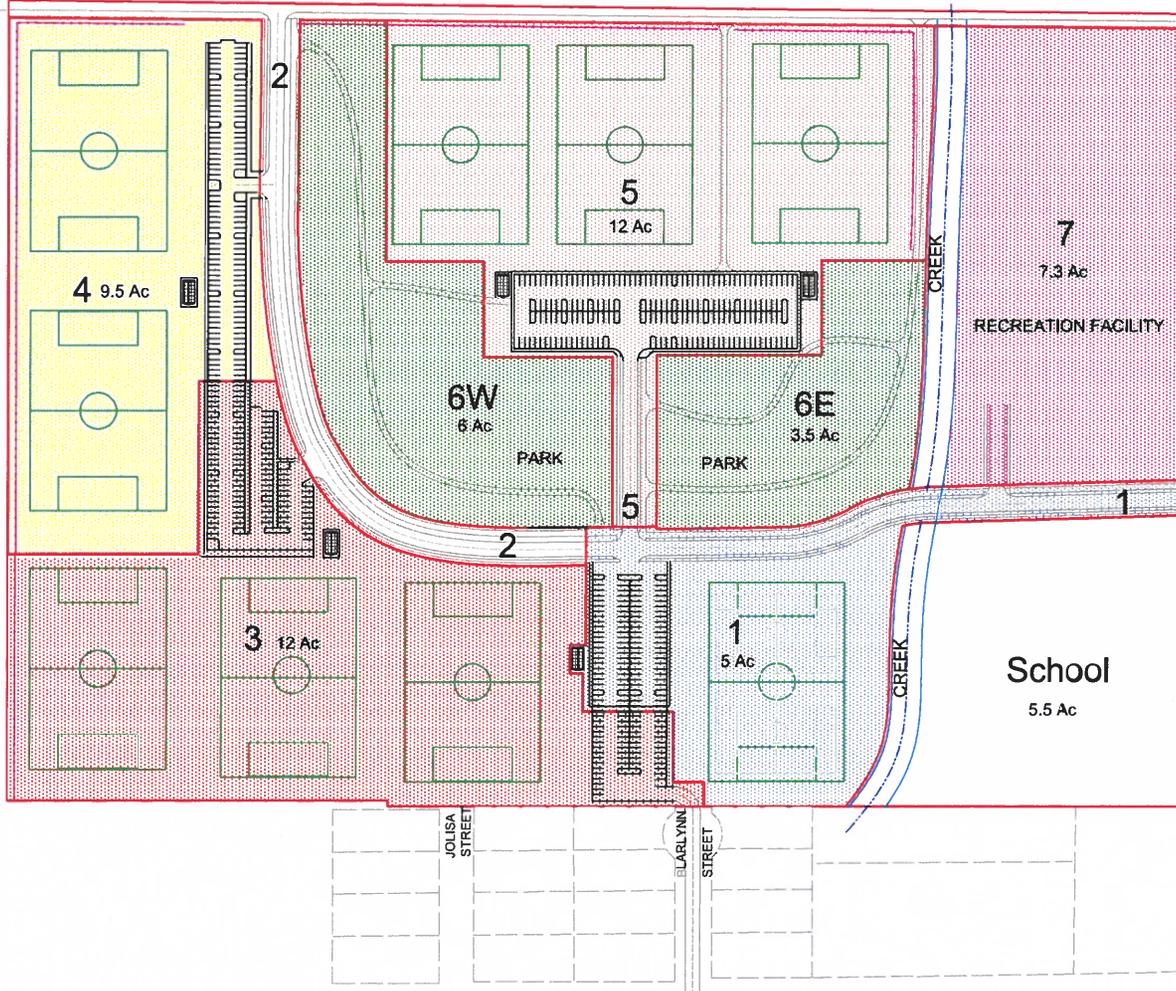
Bike rack- small	5	EA	\$	400.00	\$	2,000.00	
Trash Receptacle	50	Ea	\$	500.00	\$	25,000.00	
							\$ 1,684,000.00

ROSSANLEY DRIVE

NORTH ROSS LANE

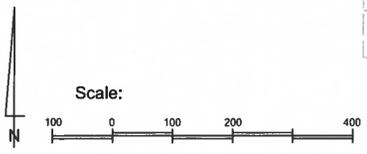
WES HOWARD PARK PHASING CONCEPT

November 10, 2017



- 1 EXISTING
- 2 Road and infrastructure
- 3 (3) Soccer fields, expand existing parking with new entry, new parking, restroom
- 4 (2) Soccer fields, restroom, expand parking lot
- 5 (3) Soccer fields, new parking lot and entry drive, (2) restrooms
- 6 Traditional Park amenities
- 7 Recreation facility, new parking lot and entry drive, restrooms

- Phase Line
- Power
- Storm Drainage
- Irrigation Mainline
- Water Mainline
- Sewer Mainline
- Restroom
- 10' AC Path
- Fence





AGENDA ITEM COMMENTARY

DEPARTMENT: Parks, Recreation, Facilities **AGENDA SECTION:** Ordinances & Resolutions
PHONE: (541) 774-2483 **MEETING DATE:** April 2, 2020
STAFF CONTACT: Rich Rosenthal, Director; Eric Mitton, Acting City Attorney

COUNCIL BILL 2020-42

An ordinance approving the Agreement for Option to Purchase (Option) for the Howard Memorial Sports Park.

SUMMARY AND BACKGROUND

Council is requested to consider an exclusive option-to-purchase agreement for the Howard Memorial Sports Park.

PREVIOUS COUNCIL ACTIONS

On December 20, 2018, Council appointed Dan O'Connor, Kevin Stine, Michael Zarosinski and Rich Rosenthal to fill four of the five seats on the Wes Howard Memorial Sports Park, Inc. Board of Directors in the first step of coupling the private foundation's landholdings to City recreational facility and parkland development.

ANALYSIS

As a companion agreement to the ground lease on the April 2 agenda, the Howard Memorial Sports Park, Inc. is providing the City an exclusive option to purchase the 53.38-acre property at the intersection of Ross Lane and Rossanley Drive in west Medford for \$100 on or by June 1, 2025, or within the timeframe provided by extensions to the ground lease.

If approved, the option to purchase is contingent upon the City's substantial completion of HMSP development efforts, and the state's Attorney General not opposing the transfer of land based on the private foundation's articles of incorporation.

HMSP articles of incorporation state the board of directors shall "Develop and operate sports facilities ... for the purpose of providing said facilities to members of the community." Consequently, the HMSP board views the partnership with the City of Medford as the best opportunity to see the property developed in accordance with Wes Howard's wishes.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Upon execution of the purchase agreement, the Parks, Recreation and Facilities Department will pay \$100.00 for such purchase.

TIMING ISSUES

The option to purchase is contingent upon satisfactory development of the property by the City in accordance to the ground lease, and a favorable opinion from the state's Attorney General.



COUNCIL OPTIONS

Approve the ordinance as presented.

Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the option to purchase agreement for the Howard Memorial Sports Park.

EXHIBITS

Ordinance

Agreement for Option to Purchase

ORDINANCE NO. 2020-42

AN ORDINANCE approving the Agreement for Option to Purchase (Option) for the Howard Memorial Sports Park.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That the Agreement for Option to Purchase for the Howard Memorial Sports Park, which is on file in the City Recorder's office, is hereby approved.

Section 2. The term of the Option shall commence on _____, 2020 and shall terminate on June 1, 2025, or the termination date of the lease between Owner and Optionee for the Property, whichever occurs later.

Section 3. In the event the Option is exercised in compliance with the requirements of Section 2.3, and within the period set forth in Section 2.3 of this Agreement, the purchase

PASSED by the Council and signed by me in authentication of its passage this ____ day of April, 2020.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2020.

Mayor

**AGREEMENT FOR
OPTION TO PURCHASE**

Date: _____, 2020 (“Effective Date”)

Between: **Howard Memorial Sports Park, Inc.**, (“Owner”)
An Oregon nonprofit corporation,
P.O. Box 8321
Medford, Oregon 97501

And: **City of Medford**, (“Optionee”)
A political subdivision of the State of Oregon,
411 West 8th Street
Medford, Oregon 97501

RECITALS

A. Owner is the owner of certain real property located in Jackson County, Oregon, and commonly known as Township 37 South, Range 2 West, Section 23, Tax Lot 1300 (“the subject property”), a more particular description of the subject property being attached hereto as **Exhibit “A”**. The subject property is approximately 53.38 acres in size and is developed with a parking lot, minor storage buildings and multiple soccer fields.

B. Owner and Optionee have entered into a *Ground Lease* with an effective date of _____, 2020 in conjunction with this Agreement (“the Lease”). Owner desires to grant Optionee an option to purchase the subject property in consideration of Optionee entering into the Lease.

C. Optionee desires an option to purchase an undivided 100% interest in the subject property and Owner desires to grant Optionee an option to purchase an undivided 100% interest in the subject property.

AGREEMENT

In consideration of the mutual promises, covenants and undertakings of the parties herein contained, the parties hereby agree as follows:

1. Recitals. The parties acknowledge and agree that the above-stated Recitals are incorporated herein and deemed a material part of this Agreement.

2. Option to Purchase

2.1 Grant of Option. Owner, for and in consideration of Optionee entering into the Lease, grants to Optionee the sole and exclusive option to purchase the subject property in the manner and for the price stated in this Agreement (“the Option”). In the event the Lease is terminated

by the parties, this Agreement shall automatically terminate without notice and be of no further force or effect.

2.2 Term. The Term of the Option shall commence upon _____, 2020 and shall terminate on June 1, 2025 or the termination date of the lease between Owner and Optionee for the Property, whichever occurs later. If the termination date of the lease is extended, the term of this Option shall extend automatically to match that termination date. The Term of the Option may be referred to in this Agreement as the "Term".

2.3 Exercise of Option. This Option shall be exercised, if at all, by written notice (the "Exercise Notice") given by Optionee to Owner on or before June 1, 2025, which notice shall state that Optionee has elected to exercise this Option. This Option may be exercised only with respect to all of the subject property. Exercise of the Option is contingent upon the Attorney General not opposing the transfer (including but not limited to a favorable opinion letter from the Attorney General). Exercise of the option is also contingent upon the City funding the development described in Exhibit "B" or other park development of equal or greater magnitude. Upon exercise of this Option, Optionee shall be obligated to purchase the subject property from Owner, and Owner shall be obligated to sell the undivided 100% interest in the subject property to Optionee, for the price and in the manner herein set forth. This Option may only be exercised if Optionee is currently in compliance with all obligations imposed on Optionee pursuant to the Lease.

2.4 Failure to Exercise Option. In the event Optionee fails for any reason to exercise this Option in the manner set forth herein, Optionee shall have no further claim against or interest in the subject property. In the event of the failure to exercise the Option, Optionee shall provide Owner with any instrument that Owner may reasonably deem necessary for the purpose of removing from the public record any cloud on title to the subject property which is attributable to the grant or existence of this Option, if any.

2.5 Purchase Price. In the event the Option is exercised in compliance with the requirements of Section 2.3 and within the period set forth in Section 2.3 of this Agreement, the purchase price for the 100% interest in the subject property shall be **One Hundred and No/100 Dollars (\$100.00)** ("the Purchase Price").

3. Purchase and Sale. Upon exercise of this Option in compliance with the requirements of Section 2.3 and within the period set forth in Section 2.3 of this Agreement, Optionee shall be obligated to purchase the subject property from Owner, and Owner shall be obligated to sell the undivided 100% interest in the subject property to Optionee, subject to the terms and conditions set forth herein.

3.1 Payment of Purchase Price. The purchase price for the subject property shall be payable as follows:

3.1.1 Optionee shall be given no credit for rent payments paid to Owner pursuant to the Lease.

3.1.2 The Purchase Price shall be paid in cash at Closing.

3.2 Title. On the Closing Date Owner shall execute and cause to be recorded in the Official Records of Jackson County, Oregon, a special warranty deed conveying the subject property to Optionee. Title to the subject property shall be conveyed to Optionee free and clear of all encumbrances, except for the encumbrances set forth in Paragraphs through of the Title Report (“the Accepted Encumbrance(s)”), a copy of which is attached hereto and marked **Exhibit “C”**. Notwithstanding the foregoing, any encumbrance on title resulting from Optionee’s activities shall be deemed an Accepted Encumbrance and shall be accepted by Optionee at Closing. As soon as practicable after Closing, and in any event no later than 30 days after the Closing Date, Optionee shall cause the Escrow Agent to issue its standard form Owners Title Insurance Policy, without extended coverage, in the amount of the Purchase Price, insuring fee simple title to the subject property vested in Optionee, subject only to the standard title policy exceptions and the exceptions set forth in **Exhibit “D”**.

3.3 Closing.

3.3.1 Time and Place. Closing of the sale and purchase of the subject property (the "Closing") shall occur on or before 60 days following the date of the Exercise Notice (the "Closing Date"). The escrow for the Closing shall be established at the office of First American Title Company of Oregon located at 1225 Crater Lake Avenue, Suite 101, Medford, Oregon (“Escrow Agent”). If Lori Billings at First American Title Company is available and willing to perform the escrow, she shall be used for that service.

3.3.2 Closing Obligations. On the Closing Date, Owner and Optionee shall deposit the following documents and funds in escrow, and the Escrow Agent shall close escrow in accordance with the instructions of Owner and Optionee:

3.3.2.1 Owner shall deposit the following:

(1) The conveyance documents described in Section 5.2, duly executed and acknowledged;

(2) Such other documents and funds, including (without limitation) escrow instructions, as are required of Owner to close the sale in accordance with this Agreement.

3.3.2.2 Optionee shall deposit the following:

(1) Such documents and funds, including (without limitation) escrow instructions, as are required of Optionee to close the sale and purchase of the subject property in accordance with this Agreement.

3.3.3 Cost of Closing.

3.3.3.1 Owner’s Costs and Expenses. At closing the Owner shall not be responsible for any closing costs of any kind except that the Owner shall pay for any attorney fees incurred by

owner with respect to negotiating the agreement, if any.

3.3.3.2 Optionee's Costs and Expenses. At Closing, Optionee shall pay (i) the Escrow Agent's Fee; (ii) the premium for an Owner's standard title insurance policy in the amount of the Purchase Price and any additional title insurance endorsements desired by Optionee over and above those provided by a standard title insurance policy (iii) all recording and miscellaneous charges; and (iv) all attorneys' fees incurred by Optionee with respect to negotiating this Agreement, if any.

3.3.4 Prorations. Owner and Optionee understand that certain items will need to be prorated among the parties at Closing including, but not limited to irrigation assessments.

4. Ownership. During the Term, or any extension thereof, Owner shall not sell, contract to sell or otherwise transfer the subject property, any part of thereof, or any interest therein, nor grant an option to any third party to acquire all or any portion of the subject property unless such transfer or grant is expressly subject to the rights of Optionee.

5. Casualty and Condemnation.

5.1 Casualty or Condemnation. In the event of threatened or actual condemnation of a material portion of the subject property prior to the Closing Date, at Optionee's option, Optionee may elect to proceed with the purchase of the subject property or may terminate this Agreement by written notice to Seller provided within ten (10) days after Purchaser's receipt of written notice of the occurrence of such threatened or actual condemnation. In the event Optionee elects to terminate this Agreement, neither party shall have any further rights, liabilities or obligations hereunder.

5.2 Election to Close. If Optionee elects to proceed with the purchase of the subject property despite a condemnation action, then upon Closing, all condemnation proceeds shall be paid towards payment of the Purchase Price. The Purchase Price shall not be reduced, Optionee shall have no claim against Owner relating to such condemnation other than any claim relating to the delivery of any condemnation proceeds and Optionee shall acquire the subject property at Closing in its then condition.

6. Brokerage Fees. No real estate brokerage fee or commission is owing in conjunction with this transaction.

7. Miscellaneous Provisions.

7.1 Assignment. The parties' rights and obligations under this Agreement shall not be assigned to any third party.

7.2 Notices. Notices under this Agreement shall be in writing and shall be effective when actually delivered by hand delivery, electronic correspondence, facsimile or United States mail directed to the other party at the address set forth below, or to such other address as the party may indicate by written notice to the other:

Owner:

Howard Memorial Sports Park, Inc.
Attn: Rich Rosenthal
P.O. Box 8321
Medford, OR 97501

Optionee:

City of Medford
Attn: Eric Mitton
411 West 8th Street
Medford, OR 97501
Eric.Mitton@cityofmedford.org

7.3 Entire Understanding. This Agreement, and the documents incorporated herein, consists of the entire Agreement between the parties with relation to the conveyance of the subject property.

7.4 Time of Essence. Time is of the essence of this Agreement.

7.5 Applicable law. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon

7.6 Counterparts. This Agreement may be executed by the parties in separate counterparts. For the purposes of this Agreement, a facsimile or electronic copy of a signature shall have the same force and effect as an original signature.

7.7 Statutory Disclaimer.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR

215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the parties have executed this Agreement for Option to Purchase on the date first written above, which is its effective date.

HOWARD MEMORIAL SPORTS PARK, INC.

BY: _____

ITS: _____

CITY OF MEDFORD

BY: _____

ITS: _____

EXHIBIT "A"

That portion situated in Northwest One-Quarter of the Southwest One-Quarter of Section 23, Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon, being more particularly described as follows:

Commencing at a 3" Brass Cap marking the Southeast Corner of Donation Land Claim Number 73; thence along the East line of said Donation Land Claim, North 00°02'40" East, 1320.09 feet to an angle point; thence leaving said East line, South 89°32' 40" West, 40.00 feet to a 5/8" rebar, located on the West Right-of-Way Line of North Ross Lane and being on the north line of that tract described in Volume 396, Page 172 of the Deed Records of Jackson County, Oregon; thence leaving said West line and along the north line of said tract, South 89°32'40" West, 490.88 feet to a 5/8-inch iron rebar, and the True Point of Beginning; thence continue along said north line, South 89°32' 40" West, 904.83 feet to a 5/8" rebar, being the Northwest corner of Weldon Subdivision, according to the Official Plat thereof, now of record in Jackson County, Oregon, being also located on the east line of property described as Tract A of Instrument No. 2005-065977, Official Records, Jackson County, Oregon; thence along said east line, North 00°13'50" West, 16.99 feet to the northeast corner thereof; thence along the north of said Tract A, South 89°30'32" West, 532.57 feet to the west line of property described in Volume 225, Page 9 & 10 of the Deed Records of Jackson County, Oregon; thence along said west line, North 00°14'22" West, 1343.31 feet to a 5/8-inch iron rebar, and the South Right-of-Way Line of Rossanley Drive; thence along said South Right-of-Way line, South 85°43'06" East, 2.73 feet to a 5/8" rebar; thence along said South Right-of-Way line, South 00°15'37" West, 30.54 feet to a 5/8" rebar; thence along said South Right-of-Way line, South 89°44'23" East, 423.60 feet to a 5/8" rebar, and the beginning of a 26187.61 foot curve to the right; thence along said curve to the right, through a central angle of 00°17'09", (the long chord bears South 89°35'49" East, 130.64 feet), 130.64 feet to a 5/8" rebar; thence along said South Right-of-Way line, South 89°27'14" East, 1257.18 feet to a 5/8" rebar; thence along said South Right-of-Way line, North 26°07'26" East, 13.66 feet to a 5/8" rebar; thence along said South Right-of-Way line, South 89°16'55" East, 62.98 feet to a 5/8" rebar; thence along said South Right-of-Way line, South 45°29'13" East, 72.84 feet to a 5/8" re bar, and the West Right-of-Way Line of North Ross Lane; thence along said West Right-of-Way Line, South 00°02' 40" West, 793.22 feet to a 5/8" re bar; thence leaving said West Right-of-Way Line, North 89°57'26" West, 108.54 feet to a 5/8-inch iron rebar; thence North 87°40'00" West, 158.47 feet to a 5/8-inch iron rebar; thence North 85°19'49" West 76.44 feet to a 5/8-inch iron rebar; thence North 89°57'26" West, 39.42 feet to a 5/8-inch iron rebar, and the beginning of a 282.50 foot radius curve to the left; thence along said curve to the left, through a central angle of 05°17'10" (the long chord bears South 87°23'59" West, 26.05 feet), a distance of 26.06 feet to a 5/8-inch iron rebar; thence South 05°01'29" West, 379.89 feet to a 5/8-inch iron rebar; thence South 14°28'30" West, 56.08 feet to a 5/8-inch iron rebar, and the beginning of a 110.22 foot radius non-tangent curve to the right; thence along said curve to the right, through a central angle of 31 °51'19" (the long chord bears South 35°50'51" West, 60.50 feet), a distance of 61.28 feet to a 5/8-inch iron rebar to the True Point of Beginning.

Containing 53.38 Acres, more or less.

EXHIBIT "B"

Wes Howard Memorial Sports Park

Overall Development Priorities

Priority	Leisure Services Plan Implementation
Soccer/Multi-Purpose Fields	1-C(1), 5-A(2)
Park Facility	1-D(2), 1-D(1)
Indoor Recreation Facility	1-C(6), 1-C(1)

Biennium	Task/Development	Cost estimates**
2017-19	City Council approval/Board appointments	
2017-19	Annexation into City limits	
2017-21	Update Park Master Plan, Civil Engineering, permits, etc.	\$ 1,500,000
2021-23	Phase 2 - Infrastructure (road, utilities)	\$ 4,900,000
2023-25	Phase 3 - (three soccer fields, parking, restroom)	\$ 2,000,000
2023-25	Park Elements	\$ 2,000,000
2027-29	Phase 4 - (two soccer fields, parking, infrastructure)	\$ 1,500,000
2029-31	Phase 5 - (three soccer fields, parking, restroom)	\$ 2,100,000
TBD	Indoor Recreation Facility***	

TOTAL \$ 14,000,000

* Contingent upon availability of funding and staff resources, as approved through the City biennial budget process

** Estimated in 2017 dollars

*** Property is potential location for aquatics facility or recreation center



AGENDA ITEM COMMENTARY

DEPARTMENT: Medford Fire-Rescue

PHONE: (541-774-2317)

STAFF CONTACT: Greg Kleinberg, Deputy Chief/Fire Marshal

AGENDA SECTION: Public Hearings

MEETING DATE: April 2, 2020

COUNCIL BILL 2020-43

An ordinance amending Sections 5.550, 7.010, 7.017, 7.022, 7.023, 7.210, 7.220, 7.224, 7.430, 7.900, and 7.910, and repealing Sections 7.018, 7.019, 7.020, 10.767 and 10.768 of the Medford Municipal Code pertaining to the adoption of the 2019 Fire Code.

SUMMARY AND BACKGROUND

Council is requested to consider adopting by ordinance the recently published State of Oregon adopted 2019 Oregon Fire Code, along with related Medford Code amendments proposed by the Fire Department. If approved, this ordinance will replace the 2014 Oregon Fire Code that is currently adopted within the Medford Municipal Code.

PREVIOUS COUNCIL ACTIONS

A presentation by Deputy Chief Greg Kleinberg was delivered to the Council on March 12, 2020 via a Study Session. Council directed staff to proceed with preparing an ordinance to adopt the 2019 Oregon Fire Code and the proposed Medford Code amendments.

ANALYSIS

The Oregon Fire Code is based on the International Fire Code with Oregon amendments. For each code cycle, the State analyzes the model code additions and modifications and then adopts the statewide amended fire code. Local municipal jurisdictions must then adopt the updated fire code to be able to enforce. In order to enforce the codes adopted by the State, it is necessary for the City of Medford to adopt the proposed update to the 2019 Oregon Fire Code.

As part of this process, the Department reviewed current Medford Code language and proposed amendments to sections which would update Oregon Fire Code references, enhance Medford Code language, and add new language (See Exhibit B: *Proposed Medford Code Amendments*). For a detailed outline of the proposed Medford Code amendments with reasons for the amendments, see Exhibit C: *Outline and Justification of Proposed Code Amendments*.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The City can expect a minimal revenue increase to the General Fund through additional permits, increases in some permit fees, and possible reimbursement of specific incidents involving intentionally-set fires, hazardous materials, and fires suppressed in unprotected areas (See Exhibit D: *Proposed Fire Department Permit and Services Fee Schedule*).

TIMING ISSUES

Medford currently enforces the 2014 Oregon Fire Code by adoption through the Medford Code. The State of Oregon has adopted the 2019 Oregon Fire Code, effective November 15, 2019 (Enforced January 1, 2020).



COUNCIL OPTIONS

1. Approve the ordinance as presented.
2. Modify the ordinance as presented.
3. Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance as presented.

SUGGESTED MOTION

I move to adopt the ordinance amending Section 7.010 of the Medford Code to adopt the 2019 Oregon Fire Code, including the proposed Medford Code amendments in sections 5.550, 7.010, 7.018, 7.019, 7.020, 7.022, 7.023, 7.210, 7.220, 7.224, 7.430, 7.900, 7.910, 10.767, and 10.768.

EXHIBITS

- A. Ordinance
- B. Proposed Medford Code Amendments
- C. Outline and Justification of Proposed Amendments
- D. Proposed Fire Department Permit and Services Fee Schedule

ORDINANCE NO. 2020-43

AN ORDINANCE amending Sections 5.550, 7.010, 7.017, 7.022, 7.023, 7.210, 7.220, 7.224, 7.430, 7.900, and 7.910, and repealing Sections 7.018, 7.019, 7.020, 10.767 and 10.768 of the Medford Municipal Code pertaining to the adoption of the 2019 Fire Code.

Section 1. Section 5.550 of the Medford Municipal Code is amended to read follows:

5.550 Outside Burning

(1) No person shall start or maintain any fire outside a building ~~(except for outdoor cooking fires, fires in outdoor fireplaces the that meet the requirements of the Medford Building Department, freestanding fireplace that (1) will be placed on a non-combustible surface that extends at least 16 inches beyond the front and at least 8 inches beyond the side of the fireplace opening, and (2) will not be placed beneath combustible materials, and agricultural heating devices)~~ for the purpose of burning any combustible material, or cause or participate therein, nor shall any person in control of any premises cause or knowingly allow any such fire to be started or maintained on any part of said premises unless:

- (a) A permit has been issued as allowed in subsection (7) by the city Fire Chief or ~~his agent~~ **the Fire Chief's designee** to maintain such fire at that location; and
- (b) The fire is started and maintained in accordance with the terms **and specific conditions** of the permit ~~and the following requirements of this section. No outside burning whatsoever shall be permitted during December and January, except for an outdoor cooking fire and agricultural heating devices.~~

Exceptions that do not require a fire code permit under Section 1 include:

- (a) **Outdoor cooking fires by permission of the property owner**
- (b) **Fires in outdoor fireplaces the that meet the requirements of the Medford Building Department by permission of the property owner**
- (c) **Natural gas fueled-only or propane fueled-only fireplace/fire pit/appliances**
- (d) **Agricultural heating devices**
- (e) **Fires at residential properties in wood-burning freestanding fireplace appliances or freestanding fire pit appliances that meet all of the following conditions:**
 - **Fires are not allowed when the Jackson County Wood Burning Advisory are declared red or yellow, and**
 - **Fires are not allowed when extreme fire danger levels declared by the Oregon Department of Forestry are in effect, and**
 - **The appliance shall be used per manufacturer's safety requirements, and**
 - **The appliance must be placed on a non-combustible surface or non-combustible pad, and**
 - **Fires are not allowed without a screen to prevent embers from spreading, and**
 - **Fires are not allowed when temperatures exceed 90°F or wind speeds exceed 20 mph, and**

- Fires are only permitted on property when the legal owner or the owner's agent of the property gives permission, *and*
 - Fireplaces or fire pits shall not be operated within 15 feet of a combustible structure or combustible material (Not allowed on decks/patios of multi-family dwellings), *and*
 - Only dry wood or charcoal briquettes are allowed to be burned
- (f) Fires at residential properties in in-ground fire pits that meet all of the following conditions:
- Fires are not allowed when extreme fire danger levels declared by the Oregon Department of Forestry are in effect, *and*
 - Fires are not allowed when the Jackson County Wood Burning Advisory are declared red or yellow, *and*
 - Fires are not allowed without a screen to prevent embers from spreading, *and*
 - Fires are not allowed when temperatures exceed 90°F or wind speeds exceed 20 mph, *and*
 - Fire pits shall not be operated within 25 feet of a combustible structure or combustible material, *and*
 - Fires are only permitted on property when the legal owner or the owner's agent of the property gives permission, *and*
 - The maximum fuel package size is restricted to three (3) feet or less in diameter and two (2) feet or less in height (Large bonfires are not allowed), *and*
 - Only dry wood or charcoal briquettes are allowed to be burned

(2) No permit will be issued where burning would violate Oregon Administrative Rules (OAR 340-264-0078) governing open burning in the Rogue Basin Open Burning Control Area.

(3) Each permit shall contain a written condition in bold-face type to the effect that the permittee shall contact the Fire Chief's office before each fire is started and ascertain that outside burning is approved, under subsections (4) and (5), by the Fire Chief for that day. No permit shall be valid as to any day on which **at any time when the Fire Chief or the Fire Chief's designee** has ascertained that burning is not permitted under said subsections. In addition, the Fire Chief or the Fire Chief's designee may condition any permit issued hereunder to exclude the burning of any particular material when he finds that the burning of such material would be unduly obnoxious in the locality of the proposed burning site.

(4) The Fire Chief or his agent **the Fire Chief's designee** shall not approve outside burning on any day if he determines that **high temperatures**, low humidity, high winds, drought, or other weather or other unusual conditions exist which make outside burning generally, or at the particular time and place proposed, unreasonably hazardous to the safety of persons or property. ~~In no event shall the Fire Chief approve outside burning on a day when one or more of the following conditions exist, or in his determination will exist:~~

- ~~(a) Temperatures above 90° Fahrenheit;~~
- ~~(b) Wind above 20 miles per hour; or~~
- ~~(c) Humidity below 30 percent.~~

(5) The Fire Chief or his agent **the Fire Chief's designee** may approve outside burning on any day when he determines that the ventilation index is or will be greater than 400 during that day. The

ventilation index is the National Weather Service's indicator of the relative degree of air circulation for the Medford area.

(6) Fires which are subject to this section shall be maintained during daylight hours and by a competent adult person and shall be extinguished prior to darkness unless continued burning is specifically authorized in writing by the Fire Chief **or the Fire Chief's designee.**

(7) A permit may be issued only for **any of** the following purposes:

(a) controlling agricultural diseases such as blight that must be quickly destroyed by fire to prevent the spread of the disease;

(b) burning contaminated pesticide containers as prescribed by D.E.Q. and manufacturer specifications;

(c) burning bee hives and beekeeping paraphernalia to eradicate the spread of disease;

(d) burning a structure or the other use of fire for training purposes by a fire department in coordination with D.E.Q.; ~~or~~

~~(e) field burning in agricultural areas; or~~

(e) (f) commercial recreational fire (pleasure, religious, ceremonial, cooking, warmth, or similar purposes) as defined in the Oregon Fire Code as adopted and amended;

~~(g) fire pits that are not considered a public nuisance.~~

(8) Violation of this section constitutes a violation. It shall be unlawful for a person to cause or allow any of the following materials to be burned: garbage; treated wood; plastic; wire insulation; automobile parts; asphalt; petroleum products; petroleum treated material; rubber products; animal remains; paint; animal or vegetable matter resulting from the handling, preparation, cooking, or service of food; marijuana waste products; or any other material which normally emits dense smoke or noxious odors.

(9) Outside burning without a permit is hereby declared to be a public nuisance and may be summarily abated by the ~~Fire Chief or Chief of Police~~ **Fire or Police Department.**

Section 2. Section 7.010 of the Medford Municipal Code is amended to read follows:

7.010 ~~2014~~ **2019** Oregon Fire Code as Modified Adopted by Reference

There is hereby adopted, and made an ordinance of this City, that certain Code and Standards known as the "Oregon Fire Code" published by the International Code Council, specifically the ~~2014~~ **2019** edition thereof, as amended by the State of Oregon, and including those Appendices set forth in Section 101.2.1 of the "Oregon Fire Code", subject to the modifications and deletions set forth in Sections ~~7.018~~ **7.015** through 7.023 of the Medford Municipal Code. ~~Not less than one copy of the said "Oregon Fire Code" 2014 Edition is filed and shall be maintained in the office of the city recorder. A link to a viewable copy of the Oregon Fire Code shall be maintained on the City's website for reference.~~

Section 3. Section 7.017 of the Medford Municipal Code is amended to read follows:

7.017 Definitions

(1) Wherever the word "jurisdiction" is used in the Oregon Fire Code, it shall mean the City of Medford.

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(2) Wildfire Risk Area: The wildfire risk area defined in the Oregon Fire Code shall be equivalent to Jackson County's defined wildfire hazard area/**zone**.

Section 4. Section 7.018 of the Medford Municipal Code is repealed as follows:

~~7.018 Establishment of Limits of Districts in Which Storage of Flammable or Combustible Liquids in Outside Above Ground Tanks Is To Be Prohibited~~

~~(1) The limits referred to in Section 5704.2.9.6.1 of the Oregon Fire Code in which the storage of flammable or combustible liquids is restricted are hereby established as set forth in the Medford Land Development Code.~~

~~(2) New above-ground bulk storage plants for flammable or combustible liquids are prohibited within this jurisdiction.~~

Section 5. Section 7.019 of the Medford Municipal Code is repealed as follows:

~~7.019 Establishment of Limits of Districts in Which Bulk Storage of Liquefied Petroleum Gases Is To Be Restricted~~

~~The limits referred to in Chapter 61 of the Oregon Fire Code in which bulk storage of liquefied petroleum gas is restricted includes all properties within this jurisdiction.~~

Section 6. Section 7.020 of the Medford Municipal Code is repealed as follows:

~~7.020 Establishment of Limits of Districts in Which Storage of Explosive and Blasting Agents Is To Be Prohibited~~

~~The limits referred to in Section 5601.8 of the Oregon Fire Code, in which storage of explosive and blasting agents is prohibited are hereby established as follows:~~

~~(1) Storage requiring a Class I magazine is prohibited within this jurisdiction.~~

~~(2) Storage requiring a Class II magazine is prohibited within this jurisdiction.~~

Section 7. Section 7.022 of the Medford Municipal Code is amended to read follows:

7.022 The Use of All Types of Fireworks in this Jurisdiction are Prohibited within the **Hazardous Wildfire Areas Wildfire Hazard Zone**, the Bear Creek Greenway, any City Park, and any Public School. The Retail Sales of Fireworks are Prohibited within this Jurisdiction.

(1) To offer for sale, expose for sale, or sell at retail any fireworks within this jurisdiction is specifically prohibited.

(2) To use or explode any fireworks within the **wildfire hazard zone wildland urban interface areas** (which for the purposes of this section are the ~~hazardous wildfire areas as defined by Jackson County~~), the Bear Creek Greenway, any city park, or any public school within this jurisdiction is specifically prohibited.

EXCEPTION:

The use of fireworks for display is allowed as set forth in Sections 7.023 ~~(14-15)~~ **(17-18)** and

7.023 (19) (23) of the Medford Code in conformance with NFPA 1123 "Code for Fireworks Display", 2018 edition.

Section 8. Section 7.023 of the Medford Municipal Code is amended to read follows:

7.023 Modifications to the Oregon Fire Code 2014 **2019** Edition, as adopted by the State of Oregon The Oregon Fire Code is modified as follows:

(1) Section 102.7 is amended by adding the following language: ~~NFPA Standards shall become adopted standard of reference 90 days after the effective date of such standard.~~ **Section 319 Mobile Food Preparation Vehicles of the 2018 ICC International Fire Code is adopted.**

(2) Section 104.6.3 is amended by adding the following language: Fire Investigation Reports for fires that are under investigation will not be released until the investigation is complete. Exception: The Fire Chief or the Fire Chief's designee may release incomplete Fire Investigation Reports.

(3) Section 106.2 is amended by adding the following language:

~~(a) Inspections outside of normal business hours: The Fire & Life Safety Division will make every attempt to conduct inspections during the Fire & Life Safety Division's normal business hours. If the applicant or business owner's agent requests an inspection time other than the City's normal business hours, or if the fire code official determines a permit inspection is required and there is no other alternative but to conduct the inspection at a time other than the City's normal business hours, the fire code official shall inform the applicant or business owner's agent that there will be an additional inspection fee of \$75.00 per hour with a 2 hour minimum. The inspection will not be performed until the fees have been paid.~~

~~(b) Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection after the second site visit when such portion of work for which inspections is requested is not complete or when corrections called for are not made. To obtain a re-inspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the re-inspection fee at the rate of \$75.00 per hour with a 2 hour minimum. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.~~

(4)(3) Section 105.1.1 is amended by adding the following language: A schedule of permit and service fees **Fire Department Permit and Services Fee Schedule listing fees** not more than the actual or average cost of providing the service shall be established by ordinance and periodically amended by ordinance of the City Council and kept on file in the Fire Department and the City Recorder's office. **Required permits include, but may not be limited to, those listed on the Fire Department Permit and Services Fee Schedule.** the following list:

~~(a) Required Operational Permits~~

- ~~1. Fireworks, agricultural~~
- ~~2. Fireworks, public display of~~
- ~~3. Fireworks, retail sales~~
- ~~4. Covered mall buildings~~

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- ~~_____ (a) The placement of retail fixtures and displays (Kiosks), concession equipment, displays~~
- ~~_____ of highly combustible goods and similar items in the mall~~
- ~~_____ (b) Display of liquid or gas fired equipment in the mall~~
- ~~_____ (c) Open flame or flame producing equipment~~
- 5. Exhibits and trade shows
 - ~~_____ (a) Vehicle Display~~
 - ~~_____ (b) Kiosks~~
- 6. Explosives
- 7. Fumigation and thermal insecticidal fogging
- 8. Liquid or gas fueled vehicles or equipment in assembly buildings
- 9. Open burning:
 - ~~_____ (a) Agricultural~~
 - ~~_____ (b) Agricultural Blight~~
 - ~~_____ (c) Special~~
 - ~~_____ (d) Recreational Commercial~~
 - ~~_____ (e) Fire Dancing~~
- 10. Places of assembly
- 11. Pyrotechnic special effects material
- 12. Temporary membrane structures, tents and canopies
- 13. Activities involving open flame, machines, or processes liable to start or cause a fire in the wildfire risk area*
 - ~~_____ Torches used to remove paint~~
 - ~~_____ Torches and other devices, machines or processes liable to start or cause a fire~~
 - ~~_____ Hot work (welding) operations~~
- *required during declared fire season only
 - ~~_____ (b) Required Construction Permits~~
- 1. Automatic fire extinguishing systems
- 2. Battery Systems
- 3. Compressed gases.
- 4. Fire alarm and detection systems and related equipment
- 5. Fire pumps and related equipment
- 6. Flammable and combustible liquids:
 - (a) Processing
 - (b) Abandon Tank in place
 - (c) Tank Removal
 - (d) Tank Installation
 - (e) Temporary Above Ground Storage Tank at Construction Site
- 7. Hazardous materials
- 8. Industrial ovens
- 9. LP gas:
 - (a) Installation >125 to 1000 gal
 - (b) Installation >1000 gal
- 10. Private fire hydrants
- 11. Spraying or dipping

~~12. Standpipe systems~~

~~13. Temporary membrane structures, tents and canopies.~~

~~———— (c) Other Permits~~

~~1. Agricultural Burn Permits~~

~~2. Recreational Fire Permits~~

(4) Section 106.2 is amended by adding the following language:

(a) **Inspections outside of normal business hours: The Fire & Life Safety Division will make every attempt to conduct inspections during the Fire & Life Safety Division's normal business hours. If the applicant or business owner's agent requests an inspection time other than the City's normal business hours, or if the fire code official determines a permit inspection is required and there is no other alternative but to conduct the inspection at a time other than the City's normal business hours, the fire code official shall inform the applicant or business owner's agent that there will be an additional inspection fee as set forth in the Fire Department Permit and Services Fee Schedule. The inspection will not be performed until the fees have been paid.**

(b) **Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection after the second site visit when such portion of work for which inspections is requested is not complete or when corrections called for are not made. To obtain a re-inspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the re-inspection fee as set forth in the Fire Department Permit and Services Fee Schedule. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.**

(5) Section ~~108.1~~ **109.1** is amended by adding the following language:
Refer to Medford Code Section 7.910.

(6) Section ~~109.3~~ **110.3** is amended by adding the following language:
Violations.

(A) Any person who violates any of the provisions of the *Oregon Fire Code* as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made there under, or who builds in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who fails to comply with such order as affirmed and modified by the regional appeals advisory board or by a court of competent jurisdiction, within the required time, shall severally for each and every violation and noncompliance, respectively, be guilty of an infraction, punishable by a penalty as provided by the City Code (Refer to Section 7.900). The imposition of one penalty for any violation shall not excuse the violations or defects within a reasonable time; and not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(B) The application of the above penalty is in addition to other remedies available to the City including but not limited to the enforced removal of prohibited conditions.

(C) Due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged, the history of previous violations shall be given whenever an infraction penalty is assessed under this section.

(D) The Fire Chief or ~~his~~ **the Fire Chief's** designee shall have the authority to issue

infraction penalties.

(7) Section 307 is amended by adding the following language:
Refer to Medford Code Section 5.550.

~~(8) Section 503.1.1 Exception 2 is amended by adding the following language:
When an approved alternate method is required as specified in Section 901.4.3 that alternate method
must be recorded on that property's deed, prior to final plat approval, as a requirement for future
construction.~~

~~(9) Section 503.2.1 is amended by adding the following language:
Upon approval by the fire code official, fire apparatus access road width of 20 feet may be reduced.~~

(8) Section 503.4 is amended by adding the following language:
Fire department emergency access obstructions on existing streets **and fire lanes**. The **Fire Chief** of
the **Fire Department** or his representative **the Fire Chief's designee** shall have the authority to
impose parking restrictions on existing streets **or fire lanes** that **provide less than 20 feet width of
unobstructed access are less than 36 feet in width**. The **Fire Chief or the Fire Chief's designee**
may require that the street or a portion of the street **or fire lane** be posted with **public street No
Parking signs or private street/property "No Parking-Fire Lane"** signs/**marking** if any of the
following conditions apply:

- (a) Site-specific conditions, parking of vehicles, or inadequate turning radius have rendered the travel lanes inadequate for emergency operations and fire department access.
- (b) Actual emergency response experience indicates that emergency vehicles cannot effectively provide emergency service.

Approval of the Public Works Director (or designee) shall be obtained for the layout, design and installation of parking restrictions on public streets. Fire Department approval shall be obtained for the layout, design, and installation of No Parking – Fire Lane signs along private streets, private easements, and fire lanes.

(e) The Medford Police Department shall have the authority to issue fire code citations for the following offenses on public and private properties:

- (a) ~~1.~~ Obstruction of marked fire apparatus access roads and fire lanes (Ref. OFC 503.4; OFC 503.2.1).
- (b) ~~2.~~ Failure to maintain existing **No Parking or NO PARKING - FIRE LANE** signs/**marking** (Ref. OFC 503.3; OFC D103.6).
- (c) ~~3.~~ Obstruction of fire hydrants and fire protection equipment (Ref. OFC 507.5.4; ORS 811.550(16)).

(9) Section 507.5 and Appendix C is amended by adding the following language:
The fire code official may be guided by fire hydrant spacing listed in Table C102.1 but generally will utilize a standard of 250 feet (narrow streets – see Medford Code section 10.430) to 500 (Standard residential streets) feet between fire hydrants in low density residential zones and 300 feet between fire hydrants in high density residential and commercial/industrial zones. For streets classified as Major Arterial, Minor Arterial, Major Collector and some Minor Collector streets where the Minor Collector may be re-classified as a Major or Minor Collector or a Major Arterial street, hydrants may be required to be located on each side of the street to meet a hydrant density of 300 or 500 feet on each side of the street. Increased hydrant density may be required by the fire code official.

(10) Section 903.2.11.1.3 is amended by adding the following language:
Sprinklers Required in Basements.

(a) DEFINITIONS. For the purpose of this section, the following definitions apply:

"Basement" shall mean any story, any portion of which is below the building grade of the building, or a cellar or subcellar.

"Building grade" shall mean the average of the finished ground level or a sidewalk level at and adjoining the exterior walls of the building.

"Story" shall mean all that portion of the building within the exterior walls thereof, included between the upper surface of any floor and lower surface or bottom of the floor structure next above.

(b) SCOPE. This section shall apply only to buildings devoted wholly or in part to the following uses: business and professional offices; hotels, apartments, motels and like purposes; industrial manufacturing; commercial, or professional enterprises; or any use or operation where the public is expressly or indirectly invited to come upon the premises or any part thereof to transact business, to meet or congregate, or for care or treatment. The requirements of subsection (b) of this section shall apply to a building that is existing at the time of the enactment of this ordinance, only if such building is hereinafter substantially remodeled or structurally altered, or if there is hereafter a change of use of the basement in the building whereby the public is thereafter expressly or indirectly invited to enter the basement for the purpose of transacting business therein. This section shall not be construed as excusing or suspending for any period any requirement otherwise imposed by any other section or provision of the Oregon Fire Code.

(11) Section 901.6.3 is amended by adding the following language: **Records of all fire protection system inspections, tests, and maintenance required by the referenced standards shall be maintained on the premises for the life of the installation and service contractors shall submit the service reports, in a manner specified by the Fire Marshal, to Medford Fire-Rescue's Fire & Life Safety Division within 30 days of performing the inspection and test.**

(12) Section 904.1.1 is amended by adding the following language: **Fire protection systems service providers providing inspections, tests, and maintenance required by OFC 901.6 and the referenced standards shall be qualified and shall provide the inspections, tests, and maintenance in accordance with the referenced standards. Where a manufacturer requires only manufacturer certified technicians to conduct inspection, testing and maintenance service on their engineered fire protection system, uncertified technicians shall not service the system. Prior to servicing the system, the service company performing the work shall submit a copy of the current manufacturer's certification in the manner specified by the Fire Marshal, to Medford Fire-Rescue's Fire & Life Safety Division to keep on file.**

(13) Section 1101.4 is amended by adding the following language:

When a building is found to be in noncompliance with this chapter, the fire code official shall apply all of the actions found in the Section 110 which may include notification to the owner, the owner's authorized agent, operator, or other person responsible for the noncompliance of the building. Upon receipt of such notice, the owner, the owner's authorized agent, operator, or other person responsible for the noncompliance shall, subject to the following time limits, take necessary actions to comply with the provisions of this chapter.

(14) Section 5001 is amended by adding the following language:

The manufacture and storage of the following materials is prohibited within this jurisdiction, unless approved by the Fire Chief or the Fire Chief's designee.

(1) Unclassified detonable or Class I Organic Peroxides

(2) Class 4 oxidizers

(3) Class 3 and Class 4 Unstable reactives

~~(12)~~**(15)** Section 5601 is amended by adding the following language:
The manufacture of fireworks within this jurisdiction is prohibited.

~~(13)~~**(16)** Section 5601.1.3 is amended by adding the following language:
The provisions of the Oregon Fireworks Law, as set forth in Chapter 480 of the Oregon Revised Statutes, are adopted and incorporated herein by reference.

(a) Except as hereinafter provided, it shall be unlawful for any person to store, use, offer for sale, expose for sale, or sell at retail any fireworks within this jurisdiction. The storage, use, offer for sale, exposition for sale, and sale of retail fireworks within the City of Medford is permitted from July 1 to July 6. Refer to Medford Code 7.023 Sections ~~14-15~~ **17-18** and ~~19~~ **23** for permitted public displays. Refer to Medford Code Section 7.022 for specific location use and sales restrictions.

(b) The careless or reckless use of fireworks is prohibited in this jurisdiction.

(c) Except as otherwise provided, it shall be unlawful to store, use, offer for sale, expose for sale, or sell any non-retail fireworks within this jurisdiction.

~~(14)~~**(17)** Section 5601.2 is amended by adding the following language:
Permits are required for public displays. **A State of Oregon permit is required for public fireworks displays and on-stage special effects as outlined by OAR 837-012-0700 through OAR 837-012-0970. In addition, a local permit is required from the Medford Fire Department.** Applications for ~~permits~~ **the Medford Fire Department permit** shall be made in writing at least ten (10) days in advance of the date of display. After the permit is granted, possession and use of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. ~~In addition, a special State of Oregon permit is required for public fireworks displays and on-stage special effects as outlined by OAR 837-012-0700 through OAR 837-012-0970.~~

~~(15)~~**(18)** Section 5601.2.4 is amended by adding the following language:
Before a permit is issued, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000.00 or a public liability insurance policy for the same amount for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any legal judgment results. **The Fire Chief or the Fire Chief's designee** may specify a greater or lesser amount when, in his opinion, conditions at the location of use indicate a greater or lesser amount is required. Public agencies shall be exempt from this bond requirement.

(19) Section 5601.8 is amended by adding the following language:

The limits referred to in Section 5601.8 of the Oregon Fire Code, in which storage of explosive and blasting agents is prohibited are hereby established as follows:

(1) Storage requiring a Type 1 magazine is prohibited within this jurisdiction.

(2) Storage requiring a Type 2 magazine is prohibited within this jurisdiction.

~~(16)~~**(20)** Section 5604 is amended by adding the following language:
The storage of explosives, explosive materials or fireworks is prohibited at any location within this jurisdiction, **unless approved by the Fire Chief or the Fire Chief's designee.**

EXCEPTION: Temporary storage, for use, in connection with approved blasting operations, explosive bolts, explosive rivets or cartridges for explosive-activated power tools in quantities approved by the fire code official. See OAR 837-012-1200 through 837-012-1420, ORS 480.010- through 480.290 and NFPA 495, "Explosive Materials Code", 2018 edition.

~~(17)~~**(21)** Section 5605 is amended by adding the following language: The manufacture of explosives, explosive materials or fireworks at any location within this jurisdiction is prohibited.

~~(18)~~**(22)** Section 5607 is amended by adding the following language: A blasting permit from the Medford Fire-Rescue Fire & Life Safety Division is required prior to the use of explosives or blasting agents.

~~(19)~~**(23)** Section 5608 is amended by adding the following language: The fire code official shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair associations, amusement parks, other organizations or for the use of fireworks by artisans in the pursuit of their trade. Every such display shall be handled by a competent operator approved by the fire code official and shall be of such good character and so located, discharged or fired so as, in the opinion of the fire code official after proper investigation, not to be hazardous to property or endanger any person.

(24) Section 5704.2.9.6.1 is amended by adding the following language:

(1) The limits referred to in Section 5704.2.9.6.1 of the Oregon Fire Code in which the storage of flammable or combustible liquids is restricted are hereby established as set forth in the Medford Land Development Code.

(2) New above-ground bulk storage plants for flammable or combustible liquids are prohibited within this jurisdiction.

(25) Section 5801.1 is amended by adding the following language:

The storage, utilization or manufacture of flammable gases shall not exceed 250,000 standard cubic feet, exclusive of finished products in sealed portable containers.

(26) Section 6104.2 is amended by adding the following language:

The limits referred to in Section 6104.2 of the Oregon Fire Code in which bulk storage of liquefied petroleum gas is restricted includes all properties within this jurisdiction.

~~(20) Appendix C is amended by adding the following language:~~

~~The fire code official may be guided by fire hydrant spacing listed in Table C105.1 but generally will utilize a standard of 500 feet between fire hydrants in low density residential zones and 300 feet in high density residential and commercial/industrial zones. For streets classified as Major Arterial, Minor Arterial, Major Collector and some Minor Collector streets where the Minor Collector may be re-classified as a Major or Minor Collector or a Major Arterial street, hydrants shall be to be located on each side of the street to meet a hydrant density of 300 or 500 feet on each side of the street. Increased hydrant density may be required by the fire code official.~~

~~(21) Section 901.6.2 is amended by adding the following language: Records of all fire protection system inspections, tests, and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and service contractors shall submit the service reports, in a manner specified by the Fire Marshal, to Medford Fire-Rescue's Fire & Life Safety Division within 30 days of performing the inspection and test.~~

~~(22) Section 904.1.1 is amended by adding the following language: Fire protection systems service providers providing inspections, tests, and maintenance required by OFC 901.6 and the referenced~~

~~standards shall be qualified and shall provide the inspections, tests, and maintenance in accordance with the referenced standards. Where a manufacturer requires only manufacturer certified technicians to conduct inspection, testing and maintenance service on their engineered fire protection system, uncertified technicians shall not service the system. Prior to servicing the system, the service company performing the work shall submit a copy of the current manufacturer's certification in the manner specified by the Fire Marshal, to Medford Fire Rescue's Fire & Life Safety Division to keep on file.~~

Section 9. Section 7.210 of the Medford Municipal Code is amended to read follows:

7.210 Fire Suppression and Hazardous Material Response Charges

- (1) When a fire or public safety incident occurs outside the limits of the city, or a rural fire protection district served by the city under contract, and the city fire department responds, the city may seek compensation and shall be paid for such service by charging the owner of the property as provided in ORS 478.310 or the Medford Code.
- (2) ~~Whenever any person starts or maintains a fire in the city in violation of Medford Code Section 5.550, the city fire department may extinguish it and charge the owner of the property where the fire occurred for the cost of suppression.~~ **and the city fire department is required to respond to or to be used actively or on a standby basis in connection with the extinguishment of the fire, control of the fire, or investigation of the fire, the person or persons responsible for the fire is liable and the city may choose to recover costs incurred by the city for such responses or use. If the bill is not paid within 30 days after notice thereof is mailed to the owner, a service charge of 25% shall be added thereto and the total amount shall thereafter be assessed as a lien against the property and enforced in the manner provided in Medford Code section 7.440(4), (5) and (6).**
- (3) **When a fire is extinguished in an unprotected area pursuant to ORS 476.280 by the city fire department, the city may seek compensation and shall be paid for such service by charging the owner of the property as provided in ORS 476.290 or the Medford Code.**
- (4) **When a hazardous material response occurs by the city fire department, the city may seek compensation and shall be paid for such service by charging the person responsible as provided in ORS 453.382 or the Medford Code.**

Section 10. Section 7.220 of the Medford Municipal Code is amended to read follows:

7.220 Wood Burning Definitions.

For purposes of Sections 7.220 through 7.242, the following definitions shall apply:

- (1) "Alternative heat source" means a heat source other than a solid fuel burning device.
- (2) "High pollution period" means a period of time commencing three hours after initial designation as a red or yellow day by the DEQ or Jackson County Department of Health and Human Services. In the event that the DEQ or Jackson County Department of Health and Human Services designates consecutive days as red or yellow, they shall all be considered a part of the same period.

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- (3) "Medford-Ashland Air Quality Maintenance Area" means that part of the County specifically identified by DEQ as an air quality maintenance area, that is one of several areas in the State wherein air quality has deteriorated due to unhealthful levels of pollutants in the air. A map and written description of the Medford-Ashland Air Quality Maintenance Area (hereinafter referred to as AQMA) are included as Exhibits "A" and "B" respectively, following the text of this ordinance.
- (4) "Opacity" means the degree to which emissions from a solid fuel burning device reduce the transmission of light and obscure the view of an object in the background. It is expressed as a percentage representing the extent to which an object viewed through the smoke is obscured.
- (5) "Oregon certified stove" means a solid fuel burning device certified by DEQ or EPA as meeting the emission performance standards specified in Oregon Administrative Rules ~~340-34-045~~ **340-262-0500** through ~~340-34-115~~ **340-262-0600**.
- (6) "PM2.5" means airborne particles 2.5 microns in diameter and smaller, which can be inhaled deep into the lungs and can lodge there for weeks and months, aggravating asthma, heart disease, and other respiratory and heart conditions.
- (7) "Red day" means a 24 hour period beginning at 7:00 a.m. when PM2.5 levels are forecast by the DEQ or the Jackson County Department of Health and Human Services to reach unhealthy levels.
- (8) "Residence" means a building containing one or more dwelling units used for habitation by one or more persons.
- (9) "Residential woodburning" means utilization of wood in a solid fuel heating device inside a new residence.
- (10) "Sole source of heat" means one or more solid fuel burning devices which constitute the only source of heating in a residence. No solid fuel burning device or devices shall be considered to be the sole source of heat if the residence is equipped with a permanently installed furnace or heating system utilizing oil, natural gas, electricity or propane.
- (11) "Solid fuel burning device" means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes, without limitation, solid fuel burning stoves, fireplaces, fireplace inserts, or woodstoves of any nature, combination fuel furnaces or boilers used for space heating which can burn solid fuel, or solid fuel burning cooking stoves. Solid fuel burning devices do not include barbecue devices, natural gas-fired artificial fireplace logs, DEQ approved pellet stoves, or Kachelofens.
- (12) "Space heating" means raising the interior temperature of a room.
- (13) "Yellow day" means a 24 hour period beginning at 7:00 a.m. when the PM2.5 levels are forecast by the DEQ or Jackson County Department of Health and Human Services to be approaching unhealthy levels.

NOTE: Ordinance No. 4740 adopted by the Council Nov. 4, 1982 and signed by the Mayor Nov. 11, 1982 provides as follows:

Section 1. General Definitions

- 1.1 Air stagnation advisory: Forecast made by the National Weather Service for poor ventilation conditions.
- 1.2 Council: The City Council of the City of Medford.
- 1.3 Cost-effective level of weatherization: Minimum, cost-efficient standards of weatherization, including standards for materials and installation, which shall be set by the Director of Building Safety. These standards shall reflect, but not exceed the levels defined in ORS ~~469.710(2)~~

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469.710(3).

1.4 Medford-Ashland AQMA: That part of Jackson County, Oregon, specifically identified by the Oregon Department of Environmental Quality as an air quality maintenance area -- one of several areas in the state wherein air quality has deteriorated due to unhealthful levels of pollutants in the air.

1.5 Particulate: Airborne particles ranging from .01 to 1,000 microns in size. These particles are inhaled during breathing and can be harmful.

1.6 Person: Includes individuals, corporations, associations, firms, partnerships, and joint stock companies.

1.7 Primary particulate standard: An average particulate concentration of 260 micrograms per cubic meter of air during a twenty-four hour period.

1.8 Proof of weatherization: Certification, receipts, contracts, or other such documents specifically listing weatherization steps taken by the homeowners, which may be reviewed by building inspectors at the time of solid fuel heating system installation.

1.9 Regulations: Regulations promulgated by the Council pursuant to this ordinance.

1.10 Residential building: An existing building used for permanent or seasonal habitation by one or more persons, containing four or fewer dwelling units, and constructed prior to January 1, 1979.

1.11 Residential woodburning: Utilization of a wood heating device inside a dwelling unit.

1.12 Spaceheating: Raising the interior temperature of a room or rooms.

1.13 Total suspended particulate level: Amount of particulate in ambient air.

1.14 Trackout: The deposition of mud, dirt and other debris on paved public roadways by motor vehicles; the material being so tracked onto public roadways. Trackout can become pulverized and blown into the air by vehicular traffic, where it becomes a part of the total suspended particulate level.

1.15 Ventilation index: The National Weather Service's indicator of the relative degree of air circulation for a specified area.

1.16 Wood heating devices: A stove, heater, fireplace, or other receptacle wherein wood is heated to the point of combustion.

Section 2. Severability.

2.1 If any portion of this ordinance is declared to be invalid by a court of competent jurisdiction, such invalidity shall be confined to the section to which such declaration of invalidity relates, and the remainder of this ordinance shall continue to be operative.

Section 3. Weatherization Requirements for Solid Fuel Heating Device Installation. The purpose of this section is to reduce the amount of particulate pollution resulting from residential woodburning for building heating. Most buildings constructed before 1979 were built to lower weatherization standards than buildings constructed since that date. A highly weatherized and insulated building will require less fuel to attain and hold a given temperature. It will produce less smoke pollution and will also result in a savings of the wood or other fuel resource. Additionally, weatherization prior to or at the time of installation of a solid fuel heating device will generally result in the selection of a device more appropriately sized for the building and will lessen the potential amount of smoke produced. Therefore:

3.1 The installation of a wood stove, fireplace, or any other form of solid fuel, space heating device is allowed if:

A) The space heating device is installed pursuant to the uniform building code and regulations of the Medford Department of Building Safety.

B) The structure contains an alternate form of space heating, including natural gas, propane, electric, oil, solar, or kerosene, sufficient to meet necessary space heating requirements, so that during episodes of high pollution levels, the occupant will be able to heat the home with other than a solid fuel burning, smoke producing method.

C) The residence meets or is proposed to meet within 90 days the cost-effective levels of weatherization as defined in Section 1.3 of this ordinance.

Section 4. [Repealed Ord. No. 5072, Feb. 16, 1984.] The purpose of this section is to minimize particulate emissions from home heating devices by improving home weatherization and reducing energy loss. This section is also intended to encourage homeowners to make use of free energy audits and low-interest financing available from local utility companies. It is the City's intent to advertise and make known programs which are already available for weatherizing homes and to assist citizens in taking advantage of those programs.

4.1 It is the goal of the City of Medford to assist citizens to weatherize all residences to the cost-effective level by January 1, 1987.

4.2 All residential buildings shall have received an energy audit prior to the time of sale or rental, and such information shall be made available to potential purchasers or renters as a condition of such sale or rental. This section shall become effective six months after adoption of this ordinance.

4.3 In January of 1984, if the primary particulate health standards are not being maintained, all homes with a wood heating system shall be weatherized to cost-effective levels at the time of sale or rental.

Section 5. Pollution Episode Curtailment

The purpose of this section is to reduce the amount of particulate pollution during periods of air stagnation or when pollution levels are critical. Periods of air stagnation occur at various times in a year and can create a severe accumulation of pollutants. Residential woodburning can contribute as much as 50 percent of the particulate pollution during these conditions.

5.1 The use of residential woodburning devices is prohibited on each day that an air stagnation advisory announcement for the Medford-Ashland AQMA has been issued by the National Weather Service. This subsection takes effect on July 1, 1984, if the particulate health standard is not attained in the Medford-Ashland Air Quality Maintenance Area by that date.

5.2 Residences having no other form of space heating are exempt from this section.

Section 11. Section 7.224 of the Medford Municipal Code is amended to read follows:

7.224 Solid-Fuel Burning Device Exemptions

It is permissible for a household to operate a solid fuel burning device within the City of Medford during a high pollution period when the head of that household has previously obtained one of the following exemptions. Exemptions granted under this section shall expire on September 1 of each year:

(1) Economic Need: An exemption for an economic need to burn solid fuel for residential space heating purposes may be issued to heads of households who can show their eligibility for energy assistance under the Low-Income Energy Assistance Program (hereinafter referred to as L.I.E.A.P.), as administered by ACCESS, Inc. or its successor.

(2) Sole Source: An exemption may be issued to the heads of households who sign a sworn statement declaring their reliance on a solid fuel burning device as the sole source of heat for their residence. Sole source exemptions shall not be issued unless the residence is approved for installation of an alternative heating source through the Jackson County Housing Authority woodstove replacement program guidelines or in the absence of such a program, when the head of a household can show that the family income is less than 80% of the median income level for the Medford metropolitan area as established by the Federal Department of Housing and Urban Development (HUD). Households that qualify for an exemption based on economic need, as defined in this chapter, may continue to rely on a solid fuel burning device as the sole source of heat for the residence beyond two years from the effective date of this section.

(3) Special Need: Upon a showing of special need which shall include, but not be limited to, occasions when a furnace or central heating system is inoperable other than through the owner or operator's own actions or neglect.

Section 12. Section 7.430 of the Medford Municipal Code is amended to read follows:

7.430 Nuisance Described; Offense Punishable

(1) Except as provided in subsection (3) hereof, it shall be unlawful and a public nuisance for any owner or occupant of real property in Medford to allow grass, weeds, brush, or bushes, or any like vegetation, over a height of ten inches to remain upon such real property during the period May 1 to September 30 in any calendar year, or at any other time prior to May 1 if the Fire Chief or the Fire Chief's designee determines that such growth constitutes a fire hazard. **For the purposes of this section, dead or dried grass/weeds/brush/bushes/vegetation over a height of 10 inches is a fire hazard.**

Fire season fire danger level restrictions including vegetation removal and operation of equipment in effect by Oregon Department of Forestry shall be enforced by the City of Medford. Exceptions may be granted by the Fire Chief or the Fire Chief's designee.

The following guidelines shall be used for mitigation requirements, unless as otherwise approved by the Fire Chief or the Fire Chief's designee:

- (a) **Properties less than one acre in size: All grass, weeds, brush, bushes, or any like vegetation posing a fire hazard shall be disked, cut, or removed.**
- (b) **Properties more than one acre in size: Grass, weeds, brush, bushes, or any like vegetation posing a fire hazard shall be disked, cut, or removed. Firebreaks may be considered acceptable as an alternative to clearing the entire parcel. Minimum 30' wide firebreaks shall be provided around the perimeter of the property and the area shall be divided into maximum 2.5 acre parcels with minimum 30' wide cross-breaks. In addition, minimum 100' firebreaks are required adjacent to improved subdivisions/properties (Road width may be considered part of the 100' firebreak).**

- (c) **Subdivisions, including those with paved streets and not fully built out: All grass, weeds, brush, bushes, or any like vegetation posing a fire hazard shall be disked, cut, or removed from each individual lot.**
 - (d) **Unmaintained agricultural properties: Grass, weeds, brush, bushes, or any like vegetation posing a fire hazard shall be disked, cut, or removed. Minimum 30' wide firebreaks shall be maintained along the perimeter from the edge of road. In addition, minimum 100' wide firebreaks adjacent to improved subdivisions/properties (Road width may be considered part of the 100' firebreak).**
 - (e) **Structures in wildfire hazard zones: Minimum 100' firebreaks (defensible space) shall be provided around the perimeter of the structure (Road or driveway width may be considered part of the 100' firebreak).**
- (2) Violation of subsection (1) of this section constitutes a violation per Section 7.430 of the Medford Municipal Code.
- (3) The provisions of subsection (1) shall not apply to the following:
- (a) To ornamental shrubs, bushes, or other like vegetation maintained and kept in a landscaped yard or place; or,
 - (b) Any crop grown and maintained for agricultural purposes, or grass or other like vegetation grown and maintained for pasturage upon property fenced, zoned, and otherwise lawfully used for said purpose; or,
 - (c) To any "natural area" within a public park in the City of Medford. As used herein the term "natural area" shall mean any park or portion thereof preserved in its native state, and approved in writing by the Medford Park Development Commission. Prior to approving any natural area the Medford Park Development Commission shall solicit and comply with any order of the Fire Marshal concerning the elimination or reduction of a fire hazard.
- (4) Each day during which such a condition is unlawfully permitted to exist after notice has been given in the manner prescribed by section 7.440(2) shall be deemed a separate offense punishable in the manner prescribed by Section 1.100 of this Code; provided that the condition shall be deemed a nuisance and, in addition to the foregoing remedy, may be abated by the City in the manner hereinafter prescribed, and the cost of abatement assessed as a lien against the property and subject to foreclosure in the same manner and to the same effect as in the case of special benefit assessment liens.

Section 13. Section 7.900 of the Medford Municipal Code is amended to read follows:

7.900 Penalty

- (1) Except as set forth in (2) of this section, violation of a provision of this Chapter 7 constitutes a violation punishable by a fine as set forth in Section 1.100 of the Medford Code. Each day in which a violation is caused or permitted to exist constitutes a separate violation.
- (2) Violation of ~~7.023(13)(e)~~ **7.023(16c)** constitutes a violation punishable by a fine of \$2,500. Each day in which a violation is caused or permitted to exist constitutes a separate violation.

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Section 14. Section 7.910 of the Medford Municipal Code is amended to read follows:

7.910 Appeals

~~If the owner, lessee, agent or occupant is aggrieved by the order of an officer under the provisions of ORS 476.030, 479.170, 479.210 to 479.220, 480.123 to 480.160, 480.330, 480.340, 480.420 to 480.434 or 480.450 and desires a hearing, the person may complain or appeal in writing to the State Fire Marshal within 10 days from the service of the order. The complaint or appeal shall set forth the specific grounds of the complaint or appeal and no other ground shall be considered thereafter~~

Appeals of any decision of the Fire Chief or the Fire Chief's designee may be appealed by filing a written appeal with the City Recorder in accordance with Section 1.025 within 10 days of the decision. An application for appeal of a fire code related decision shall be based on a claim that the intent of the code or the rules legally adopted hereunder have been incorrectly interpreted, that the provisions of the code do not fully apply, or an equivalent method of protection or safety is imposed.

~~Whenever the Fire Chief shall disapprove an application, or refuse to grant a permit, or suspend or revoke a permit, and the applicant claims that the provisions of this code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Chief to the board of appeals created under Section 2.475 of the Code of Medford by filing notice of such appeal with the City Recorder within 10 days from the date of the decision appealed.~~

Section 15. Section 10.767 of the Medford Municipal Code is repealed as follows:

~~10.767 Oxidizing Materials~~

~~The manufacture of oxidizing materials is prohibited. The storage or utilization of oxidizing materials in excess of 500 pounds is prohibited.~~

Section 16. Section 10.768 of the Medford Municipal Code is repealed as follows:

~~10.768 Flammable Gases~~

~~The storage, utilization or manufacture of flammable gases shall not exceed 250,000 standard cubic feet, exclusive of finished products in sealed portable containers.~~

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That amendment of Sections 5.550, 7.010, 7.017, 7.022, 7.023, 7.210, 7.220, 7.224, 7.430, 7.900, and 7.910, and the repeal of Sections 7.018, 7.019, 7.020, 10.767 and 10.768 of the Medford Municipal Code pertaining to the adoption of the 2019 Fire Code, is hereby approved.

PASSED by the Council and signed by me in authentication of its passage this ___ day of April, 2020.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2020.

Mayor

NOTE: Matter in **bold** is new. Matter ~~struck-out~~ is existing law to be omitted. Three asterisks (***) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.



(Deleted language is ~~struck through~~ and new language is **bolded**.)

5.550 Outside Burning

(1) No person shall start or maintain any fire outside a building ~~(except for outdoor cooking fires, fires in outdoor fireplaces the that meet the requirements of the Medford Building Department, freestanding fireplace that (1) will be placed on a non-combustible surface that extends at least 16 inches beyond the front and at least 8 inches beyond the side of the fireplace opening, and (2) will not be placed beneath combustible materials, and agricultural heating devices)~~ for the purpose of burning any combustible material, or cause or participate therein, nor shall any person in control of any premises cause or knowingly allow any such fire to be started or maintained on any part of said premises unless:

- (a) A permit has been issued as allowed in subsection (7) by the city Fire Chief or ~~his agent~~ **the Fire Chief's designee** to maintain such fire at that location; and
- (b) The fire is started and maintained in accordance with the terms **and specific conditions** of the permit ~~and the following requirements of this section. No outside burning whatsoever shall be permitted during December and January, except for an outdoor cooking fire and agricultural heating devices.~~

Exceptions that do not require a fire code permit under Section 1 include:

- (a) Outdoor cooking fires by permission of the property owner
- (b) Fires in outdoor fireplaces the that meet the requirements of the Medford Building Department by permission of the property owner
- (c) Natural gas fueled-only or propane fueled-only fireplace/fire pit/appliances
- (d) Agricultural heating devices
- (e) Fires at residential properties in wood-burning freestanding fireplace appliances or freestanding fire pit appliances that meet all of the following conditions:
 - Fires are not allowed when the Jackson County Wood Burning Advisory are declared red or yellow, *and*
 - Fires are not allowed when extreme fire danger levels declared by the Oregon Department of Forestry are in effect, *and*
 - The appliance shall be used per manufacturer's safety requirements, *and*
 - The appliance must be placed on a non-combustible surface or non-combustible pad, *and*
 - Fires are not allowed without a screen to prevent embers from spreading, *and*
 - Fires are not allowed when temperatures exceed 90°F or wind speeds exceed 20 mph, *and*
 - Fires are only permitted on property when the legal owner or the owner's agent of the property gives permission, *and*
 - Fireplaces or fire pits shall not be operated within 15 feet of a combustible structure or combustible material (Not allowed on decks/patios of multi-family dwellings), *and*
 - Only dry wood or charcoal briquettes are allowed to be burned
- (f) Fires at residential properties in in-ground fire pits that meet all of the following conditions:
 - Fires are not allowed when extreme fire danger levels declared by the Oregon Department of Forestry are in effect, *and*
 - Fires are not allowed when the Jackson County Wood Burning Advisory are declared red or yellow, *and*
 - Fires are not allowed without a screen to prevent embers from spreading, *and*
 - Fires are not allowed when temperatures exceed 90°F or wind speeds exceed 20 mph, *and*

- Fire pits shall not be operated within 25 feet of a combustible structure or combustible material, *and*
- Fires are only permitted on property when the legal owner or the owner's agent of the property gives permission, *and*
- The maximum fuel package size is restricted to three (3) feet or less in diameter and two (2) feet or less in height (Large bonfires are not allowed)
- Only dry wood or charcoal briquettes are allowed to be burned

(2) No permit will be issued where burning would violate Oregon Administrative Rules (OAR 340-264-0078) governing open burning in the Rogue Basin Open Burning Control Area.

(3) ~~Each permit shall contain a written condition in bold face type to the effect that the permittee shall contact the Fire Chief's office before each fire is started and ascertain that outside burning is approved, under subsections (4) and (5), by the Fire Chief for that day. No permit shall be valid as to any day on which~~ **at any time when the Fire Chief or the Fire Chief's designee** has ascertained that burning is not permitted under said subsections. In addition, the Fire Chief **or the Fire Chief's designee** may condition any permit issued hereunder to exclude the burning of any particular material when he finds that the burning of such material would be unduly obnoxious in the locality of the proposed burning site.

(4) The Fire Chief or ~~his agent~~ **the Fire Chief's designee** shall not approve outside burning on any day if he determines that **high temperatures**, low humidity, high winds, drought, or other weather or other unusual conditions exist which make outside burning generally, or at the particular time and place proposed, unreasonably hazardous to the safety of persons or property. ~~In no event shall the Fire Chief approve outside burning on a day when one or more of the following conditions exist, or in his determination will exist:~~

- ~~(a) Temperatures above 90° Fahrenheit;~~
- ~~(b) Wind above 20 miles per hour; or~~
- ~~(c) Humidity below 30 percent.~~

(5) The Fire Chief or ~~his agent~~ **the Fire Chief's designee** may approve outside burning on any day when he determines that the ventilation index is or will be greater than 400 during that day. The ventilation index is the National Weather Service's indicator of the relative degree of air circulation for the Medford area.

(6) Fires which are subject to this section shall be maintained during daylight hours and by a competent adult person and shall be extinguished prior to darkness unless continued burning is specifically authorized in writing by the Fire Chief **or the Fire Chief's designee**.

(7) A permit may be issued only for **any of** the following purposes:

- (a) controlling agricultural diseases such as blight that must be quickly destroyed by fire to prevent the spread of the disease;
- (b) burning contaminated pesticide containers as prescribed by D.E.Q. and manufacturer specifications;
- (c) burning bee hives and beekeeping paraphernalia to eradicate the spread of disease;
- (d) burning a structure or the other use of fire for training purposes by a fire department in coordination with D.E.Q.; ~~or~~
- ~~(e) field burning in agricultural areas; or~~
- (e) (f) commercial recreational fire (pleasure, religious, ceremonial, cooking, warmth, or similar purposes)** as defined in the Oregon Fire Code as adopted and amended;
- ~~(g) fire pits that are not considered a public nuisance.~~

(8) ~~Violation of this section constitutes a violation. It shall be unlawful for a person to cause or allow any of the following materials to be burned: garbage; treated wood; plastic; wire insulation; automobile parts; asphalt; petroleum products; petroleum treated material; rubber products; animal remains; paint; animal or vegetable~~

matter resulting from the handling, preparation, cooking, or service of food; marijuana waste products; or any other material which normally emits dense smoke or noxious odors.

(9) Outside burning without a permit is hereby declared to be a public nuisance and may be summarily abated by the Fire Chief or Chief of Police Fire or Police Department.

7.010 2014 2019 Oregon Fire Code as Modified Adopted by Reference

There is hereby adopted, and made an ordinance of this City, that certain Code and Standards known as the "Oregon Fire Code" published by the International Code Council, specifically the 2014 2019 edition thereof, as amended by the State of Oregon, and including those Appendices set forth in Section 101.2.1 of the "Oregon Fire Code", subject to the modifications and deletions set forth in Sections 7.018 7.015 through 7.023 of the Medford Municipal Code. ~~Not less than one copy of the said "Oregon Fire Code" 2014 Edition is filed and shall be maintained in the office of the city recorder. A link to a viewable copy of the Oregon Fire Code shall be maintained on the City's website for reference.~~

7.017 Definitions

(1) Wherever the word "jurisdiction" is used in the Oregon Fire Code, it shall mean the City of Medford.

(2) Wildfire Risk Area: The wildfire risk area defined in the Oregon Fire Code shall be equivalent to Jackson County's defined wildfire hazard area/zone.

7.018 Establishment of Limits of Districts in Which Storage of Flammable or Combustible Liquids in Outside Above-Ground Tanks Is To Be Prohibited

~~(1) The limits referred to in Section 5704.2.9.6.1 of the Oregon Fire Code in which the storage of flammable or combustible liquids is restricted are hereby established as set forth in the Medford Land Development Code.~~

~~(2) New above-ground bulk storage plants for flammable or combustible liquids are prohibited within this jurisdiction.~~

7.019 Establishment of Limits of Districts in Which Bulk Storage of Liquefied Petroleum Gases Is To Be Restricted

The limits referred to in Chapter 61 of the Oregon Fire Code in which bulk storage of liquefied petroleum gas is restricted includes all properties within this jurisdiction.

7.020 Establishment of Limits of Districts in Which Storage of Explosive and Blasting Agents Is To Be Prohibited

The limits referred to in Section 5601.8 of the Oregon Fire Code, in which storage of explosive and blasting agents is prohibited are hereby established as follows:

(1) Storage requiring a Class I magazine is prohibited within this jurisdiction.

(2) Storage requiring a Class II magazine is prohibited within this jurisdiction.

{Amd. Sec. 3, Ord. No. 7395, June 3, 1993; Amd. Sec. 6, Ord. No. 8271, Feb. 6, 1997; Amd. Sec. 3, Ord. No. 2005-58, Apr. 7, 2005; Amd. Sec. 5, Ord. No. 2014-148, Dec. 4, 2014.}

7.022 The Use of All Types of Fireworks in this Jurisdiction are Prohibited within the Hazardous Wildfire Areas Wildfire Hazard Zone, the Bear Creek Greenway, any City Park, and any Public School. The Retail Sales of Fireworks are Prohibited within this Jurisdiction.

(1) To offer for sale, expose for sale, or sell at retail any fireworks within this jurisdiction is specifically prohibited.

(2) To use or explode any fireworks within the **wildfire hazard zone wildland-urban interface areas** (which for the purposes of this section are the hazardous wildfire areas as defined by Jackson County), the Bear Creek Greenway, any city park, or any public school within this jurisdiction is specifically prohibited.

EXCEPTION:

The use of fireworks for display is allowed as set forth in Sections 7.023 (14-15) (17-18) and 7.023 (49) (23) of the Medford Code in conformance with NFPA 1123 "Code for Fireworks Display", 2018 edition.

7.023 Modifications to the Oregon Fire Code 2014 2019 Edition, as adopted by the State of Oregon

The Oregon Fire Code is modified as follows:

(1) Section 102.7 is amended by adding the following language:

~~NFPA Standards shall become adopted standard of reference 90 days after the effective date of such standard.~~

Section 319 Mobile Food Preparation Vehicles of the 2018 ICC International Fire Code is adopted.

(2) Section 104.6.3 is amended by adding the following language:

Fire Investigation Reports for fires that are under investigation will not be released until the investigation is complete. Exception: The Fire Chief or the Fire Chief's designee may release incomplete Fire Investigation Reports.

(3) Section 106.2 is amended by adding the following language:

~~(a) Inspections outside of normal business hours: The Fire & Life Safety Division will make every attempt to conduct inspections during the Fire & Life Safety Division's normal business hours. If the applicant or business owner's agent requests an inspection time other than the City's normal business hours, or if the fire code official determines a permit inspection is required and there is no other alternative but to conduct the inspection at a time other than the City's normal business hours, the fire code official shall inform the applicant or business owner's agent that there will be an additional inspection fee of \$75.00 per hour with a 2 hour minimum. The inspection will not be performed until the fees have been paid.~~

~~(b) Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection after the second site visit when such portion of work for which inspections is requested is not complete or when corrections called for are not made. To obtain a re-inspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the re-inspection fee at the rate of \$75.00 per hour with a 2 hour minimum. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.~~

(4) (3) Section 105.1.1 is amended by adding the following language:

A schedule of permit and service fees Fire Department Permit and Services Fee Schedule listing fees not more than the actual or average cost of providing the service shall be established by ordinance and periodically amended by ordinance of the City Council and kept on file in the Fire Department and the City Recorder's office. **Required permits include, but may not be limited to, those listed on the Fire Department Permit and Services Fee Schedule.** the following list:

~~(a) Required Operational Permits~~

- ~~1. Fireworks, agricultural~~
- ~~2. Fireworks, public display of~~
- ~~3. Fireworks, retail sales~~
- ~~4. Covered mall buildings~~

~~(a) The placement of retail fixtures and displays (Kiosks), concession equipment, displays of highly combustible goods and similar items in the mall~~

~~(b) Display of liquid or gas fired equipment in the mall~~

~~(c) Open flame or flame producing equipment~~

~~5. Exhibits and trade shows~~

~~(a) Vehicle Display~~

~~(b) Kiosks~~

- ~~6. Explosives~~
- ~~7. Fumigation and thermal insecticidal fogging~~
- ~~8. Liquid or gas-fueled vehicles or equipment in assembly buildings~~
- ~~9. Open burning.~~
 - ~~(a) Agricultural~~
 - ~~(b) Agricultural Blight~~
 - ~~(c) Special~~
 - ~~(d) Recreational – Commercial~~
 - ~~(e) Fire Dancing~~
- ~~10. Places of assembly~~
- ~~11. Pyrotechnic special effects material~~
- ~~12. Temporary membrane structures, tents and canopies~~
- ~~13. Activities involving open flame, machines, or processes liable to start or cause a fire in the wildfire risk area*~~
 - ~~—— Torches used to remove paint~~
 - ~~—— Torches and other devices, machines or processes liable to start or cause a fire~~
 - ~~—— Hot work (welding) operations~~
- ~~*required during declared fire season only~~
- ~~(b) Required Construction Permits~~
 - ~~1. Automatic fire-extinguishing systems~~
 - ~~2. Battery Systems~~
 - ~~3. Compressed gases.~~
 - ~~4. Fire alarm and detection systems and related equipment~~
 - ~~5. Fire pumps and related equipment~~
 - ~~6. Flammable and combustible liquids.~~
 - ~~(a) Processing~~
 - ~~(b) Abandon Tank in-place~~
 - ~~(c) Tank Removal~~
 - ~~(d) Tank Installation~~
 - ~~(e) Temporary Above Ground Storage Tank at Construction Site~~
 - ~~7. Hazardous materials~~
 - ~~8. Industrial ovens~~
 - ~~9. LP-gas.~~
 - ~~(a) Installation >125 to 1000 gal~~
 - ~~(b) Installation >1000 gal~~
 - ~~10. Private fire hydrants~~
 - ~~11. Spraying or dipping~~
 - ~~12. Standpipe systems~~
 - ~~13. Temporary membrane structures, tents and canopies.~~
- ~~(c) Other Permits~~
 - ~~1. Agricultural Burn Permits~~
 - ~~2. Recreational Fire Permits~~
- (4) Section 106.2 is amended by adding the following language:**
 - (a) Inspections outside of normal business hours: The Fire & Life Safety Division will make every attempt to conduct inspections during the Fire & Life Safety Division's normal business hours. If the applicant or business owner's agent requests an inspection time other than the City's normal business hours, or if the**

fire code official determines a permit inspection is required and there is no other alternative but to conduct the inspection at a time other than the City's normal business hours, the fire code official shall inform the applicant or business owner's agent that there will be an additional inspection fee as set forth in the Fire Department Permit and Services Fee Schedule. The inspection will not be performed until the fees have been paid.

(b) Re-inspections. A re-inspection fee may be assessed for each inspection or re-inspection after the second site visit when such portion of work for which inspections is requested is not complete or when corrections called for are not made. To obtain a re-inspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the re-inspection fee as set forth in the Fire Department Permit and Services Fee Schedule. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

(5) Section ~~108.1~~ 109.1 is amended by adding the following language:

Refer to Medford Code Section 7.910.

(6) Section ~~109.3~~ 110.3 is amended by adding the following language:

Violations.

(A) Any person who violates any of the provisions of the *Oregon Fire Code* as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made there under, or who builds in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who fails to comply with such order as affirmed and modified by the regional appeals advisory board or by a court of competent jurisdiction, within the required time, shall severally for each and every violation and noncompliance, respectively, be guilty of an infraction, punishable by a penalty as provided by the City Code (Refer to Section 7.900). The imposition of one penalty for any violation shall not excuse the violations or defects within a reasonable time; and not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

(B) The application of the above penalty is in addition to other remedies available to the City including but not limited to the enforced removal of prohibited conditions.

(C) Due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged, the history of previous violations shall be given whenever an infraction penalty is assessed under this section.

(D) The Fire Chief or ~~his~~ **the Fire Chiefs** designee shall have the authority to issue infraction penalties.

(7) Section 307 is amended by adding the following language:

Refer to Medford Code Section 5.550.

~~(8) Section 503.1.1 Exception 2 is amended by adding the following language:~~

~~When an approved alternate method is required as specified in Section 901.4.3 that alternate method must be recorded on that property's deed, prior to final plat approval, as a requirement for future construction.~~

~~(9) Section 503.2.1 is amended by adding the following language:~~

~~Upon approval by the fire code official, fire apparatus access road width of 20 feet may be reduced.~~

(10) ~~(8)~~ Section 503.4 is amended by adding the following language:

Fire department emergency access obstructions on existing streets **and fire lanes**. The ~~Fire Chief of the Fire Department or his representative~~ **the Fire Chiefs designee** shall have the authority to impose parking restrictions on existing streets **or fire lanes** that **provide less than 20 feet width of unobstructed access** ~~are less than 36 feet in width~~. The ~~Fire Chief or~~ **the Fire Chiefs designee** may require that the street or a portion of the street **or fire lane** be posted with **public street No Parking signs or private street/property "No Parking-Fire Lane"** signs/**marking** if any of the following conditions apply:

(a) Site –specific conditions, parking of vehicles, or inadequate turning radius have rendered the travel lanes inadequate for emergency operations and fire department access.

(b) Actual emergency response experience indicates that emergency vehicles cannot effectively provide emergency service.

Approval of the Public Works Director (or designee) shall be obtained for the layout, design and installation of parking restrictions on public streets. Fire Department approval shall be obtained for the layout, design, and installation of No Parking – Fire Lane signs along private streets, private easements, and fire lanes.

(c) The Medford Police Department shall have the authority to issue fire code citations for the following offenses on public and private properties:

(a) 1. Obstruction of marked fire apparatus access roads and fire lanes (Ref. OFC 503.4; OFC 503.2.1).

(b) 2. Failure to maintain existing **No Parking or NO PARKING - FIRE LANE** signs/markings (Ref. OFC 503.3; OFC D103.6).

(c) 3. Obstruction of fire hydrants and fire protection equipment (Ref. OFC 507.5.4; ORS 811.550(16)).

(9) Section 507.5 and Appendix C is amended by adding the following language:

The fire code official may be guided by fire hydrant spacing listed in Table C102.1 but generally will utilize a standard of 250 feet (narrow streets – see Medford Code section 10.430) to 500 (Standard residential streets) feet between fire hydrants in low density residential zones and 300 feet between fire hydrants in high density residential and commercial/industrial zones. For streets classified as Major Arterial, Minor Arterial, Major Collector and some Minor Collector streets where the Minor Collector may be re-classified as a Major or Minor Collector or a Major Arterial street, hydrants may be required to be located on each side of the street to meet a hydrant density of 300 or 500 feet on each side of the street. Increased hydrant density may be required by the fire code official.

(11) (10) Section 903.2.11.1.3 is amended by adding the following language:

Sprinklers Required in Basements.

(a) DEFINITIONS. For the purpose of this section, the following definitions apply:

"Basement" shall mean any story, any portion of which is below the building grade of the building, or a cellar or subcellar.

"Building grade" shall mean the average of the finished ground level or a sidewalk level at and adjoining the exterior walls of the building.

"Story" shall mean all that portion of the building within the exterior walls thereof, included between the upper surface of any floor and lower surface or bottom of the floor structure next above.

(b) SCOPE. This section shall apply only to buildings devoted wholly or in part to the following uses: business and professional offices; hotels, apartments, motels and like purposes; industrial manufacturing; commercial, or professional enterprises; or any use or operation where the public is expressly or indirectly invited to come upon the premises or any part thereof to transact business, to meet or congregate, or for care or treatment. The requirements of subsection (b) of this section shall apply to a building that is existing at the time of the enactment of this ordinance, only if such building is hereinafter substantially remodeled or structurally altered, or if there is hereafter a change of use of the basement in the building whereby the public is thereafter expressly or indirectly invited to enter the basement for the purpose of transacting business therein. This section shall not be construed as excusing or suspending for any period any requirement otherwise imposed by any other section or provision of the Oregon Fire Code.

(11) Section 901.6.3 is amended by adding the following language: Records of all fire protection system inspections, tests, and maintenance required by the referenced standards shall be maintained on the premises

for the life of the installation and service contractors shall submit the service reports, in a manner specified by the Fire Marshal, to Medford Fire-Rescue's Fire & Life Safety Division within 30 days of performing the inspection and test.

(12) Section 904.1.1 is amended by adding the following language: Fire protection systems service providers providing inspections, tests, and maintenance required by OFC 901.6 and the referenced standards shall be qualified and shall provide the inspections, tests, and maintenance in accordance with the referenced standards. Where a manufacturer requires only manufacturer certified technicians to conduct inspection, testing and maintenance service on their engineered fire protection system, uncertified technicians shall not service the system. Prior to servicing the system, the service company performing the work shall submit a copy of the current manufacturer's certification in the manner specified by the Fire Marshal, to Medford Fire-Rescue's Fire & Life Safety Division to keep on file.

(13) Section 1101.4 is amended by adding the following language:

When a building is found to be in noncompliance with this chapter, the fire code official shall apply all of the actions found in the Section 110 which may include notification to the owner, the owner's authorized agent, operator, or other person responsible for the noncompliance of the building. Upon receipt of such notice, the owner, the owner's authorized agent, operator, or other person responsible for the noncompliance shall, subject to the following time limits, take necessary actions to comply with the provisions of this chapter.

(14) Section 5001 is amended by adding the following language:

The manufacture and storage of the following materials is prohibited within this jurisdiction, unless approved by the Fire Chief or the Fire Chief's designee.

(1) Unclassified detonable or Class I Organic Peroxides

(2) Class 4 oxidizers

(3) Class 3 and Class 4 Unstable reactives

~~(12)~~ (15) Section 5601 is amended by adding the following language:

The manufacture of fireworks within this jurisdiction is prohibited.

~~(13)~~ (16) Section 5601.1.3 is amended by adding the following language:

The provisions of the Oregon Fireworks Law, as set forth in Chapter 480 of the Oregon Revised Statutes, are adopted and incorporated herein by reference.

(a) Except as hereinafter provided, it shall be unlawful for any person to store, use, offer for sale, expose for sale, or sell at retail any fireworks within this jurisdiction. The storage, use, offer for sale, exposition for sale, and sale of retail fireworks within the City of Medford is permitted from July 1 to July 6. Refer to Medford Code 7.023 Sections 44-45 17-18 and 49 23 for permitted public displays. Refer to Medford Code Section 7.022 for specific location use and sales restrictions.

(b) The careless or reckless use of fireworks is prohibited in this jurisdiction.

(c) Except as otherwise provided, it shall be unlawful to store, use, offer for sale, expose for sale, or sell any non-retail fireworks within this jurisdiction.

~~(14)~~ (17) Section 5601.2 is amended by adding the following language:

Permits are required for public displays. **A State of Oregon permit is required for public fireworks displays and on-stage special effects as outlined by OAR 837-012-0700 through OAR 837-012-0970. In addition, a local permit is required from the Medford Fire Department.** Applications for permits the Medford Fire Department permit shall be made in writing at least ten (10) days in advance of the date of display. After the permit is granted, possession and use of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. ~~In addition, a special State of Oregon permit is required for public fireworks displays and on-stage special effects as outlined by OAR 837-012-0700 through OAR 837-012-0970.~~

~~(15)~~ **(18)** Section 5601.2.4 is amended by adding the following language:

Before a permit is issued, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000.00 or a public liability insurance policy for the same amount for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any legal judgment results. The **Fire Chief or the Fire Chiefs designee** may specify a greater or lesser amount when, in his opinion, conditions at the location of use indicate a greater or lesser amount is required. Public agencies shall be exempt from this bond requirement.

(19) Section 5601.8 is amended by adding the following language:

The limits referred to in Section 5601.8 of the Oregon Fire Code, in which storage of explosive and blasting agents is prohibited are hereby established as follows:

(1) Storage requiring a Type 1 magazine is prohibited within this jurisdiction.

(2) Storage requiring a Type 2 magazine is prohibited within this jurisdiction.

~~(16)~~ **(20)** Section 5604 is amended by adding the following language:

The storage of explosives, explosive materials or fireworks is prohibited at any location within this jurisdiction, **unless approved by the Fire Chief or the Fire Chiefs designee.**

EXCEPTION: Temporary storage, for use, in connection with approved blasting operations, explosive bolts, explosive rivets or cartridges for explosive-activated power tools in quantities approved by the fire code official. See OAR 837-012-1200 through 837-012-1420, ORS 480.010- ~~through~~ 480.290 and NFPA 495, "Explosive Materials Code", 2018 edition.

~~(17)~~ **(21)** Section 5605 is amended by adding the following language:

The manufacture of explosives, explosive materials or fireworks at any location within this jurisdiction is prohibited.

~~(18)~~ **(22)** Section 5607 is amended by adding the following language:

A blasting permit from the Medford Fire-Rescue Fire & Life Safety Division is required prior to the use of explosives or blasting agents.

~~(19)~~ **(23)** Section 5608 is amended by adding the following language:

The fire code official shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by a jurisdiction, fair associations, amusement parks, other organizations or for the use of fireworks by artisans in the pursuit of their trade. Every such display shall be handled by a competent operator approved by the fire code official and shall be of such good character and so located, discharged or fired so as, in the opinion of the fire code official after proper investigation, not to be hazardous to property or endanger any person.

(24) Section 5704.2.9.6.1 is amended by adding the following language:

(1) The limits referred to in Section 5704.2.9.6.1 of the Oregon Fire Code in which the storage of flammable or combustible liquids is restricted are hereby established as set forth in the Medford Land Development Code.

(2) New above-ground bulk storage plants for flammable or combustible liquids are prohibited within this jurisdiction.

(25) Section 5801.1 is amended by adding the following language:

The storage, utilization or manufacture of flammable gases shall not exceed 250,000 standard cubic feet, exclusive of finished products in sealed portable containers.

(26) Section 6104.2 is amended by adding the following language:

The limits referred to in Section 6104.2 of the Oregon Fire Code in which bulk storage of liquefied petroleum gas is restricted includes all properties within this jurisdiction.

(20) Appendix C is amended by adding the following language:-

The fire code official may be guided by fire hydrant spacing listed in Table C105.1 but generally will utilize a standard of 500 feet between fire hydrants in low density residential zones and 300 feet in high density residential and commercial/industrial zones. For streets classified as Major Arterial, Minor Arterial, Major Collector and some Minor Collector streets where the Minor Collector may be re-classified as a Major or Minor Collector or a Major Arterial street, hydrants shall be ~~to be~~ located on each side of the street to meet a hydrant density of 300 or 500 feet on each side of the street. Increased hydrant density may be required by the fire code official.

(21) Section 901.6.2 is amended by adding the following language: Records of all fire protection system inspections, tests, and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and service contractors shall submit the service reports, in a manner specified by the Fire Marshal, to Medford Fire-Rescue's Fire & Life Safety Division within 30 days of performing the inspection and test.

(22) Section 904.1.1 is amended by adding the following language: Fire protection systems service providers providing inspections, tests, and maintenance required by OFC 901.6 and the referenced standards shall be qualified and shall provide the inspections, tests, and maintenance in accordance with the referenced standards. Where a manufacturer requires only manufacturer certified technicians to conduct inspection, testing and maintenance service on their engineered fire protection system, uncertified technicians shall not service the system. Prior to servicing the system, the service company performing the work shall submit a copy of the current manufacturer's certification in the manner specified by the Fire Marshal, to Medford Fire-Rescue's Fire & Life Safety Division to keep on file.

7.210 Fire Suppression and Hazardous Material Response Charges

(1) When a fire or public safety incident occurs outside the limits of the city, or a rural fire protection district served by the city under contract, and the city fire department responds, the city may seek compensation and shall be paid for such service by charging the owner of the property as provided in ORS 478.310 or the Medford Code.

(2) Whenever any person starts or maintains a fire in the city in violation of Medford Code Section 5.550, ~~the city fire department may extinguish it and charge the owner of the property where the fire occurred for the cost of suppression.~~ and the city fire department is required to respond to or to be used actively or on a standby basis in connection with the extinguishment of the fire, control of the fire, or investigation of the fire, the person or persons responsible for the fire is liable and the city may choose to recover costs incurred by the city for such responses or use. If the bill is not paid within 30 days after notice thereof is mailed to the owner, a service charge of 25% shall be added thereto and the total amount shall thereafter be assessed as a lien against the property and enforced in the manner provided in Medford Code section 7.440(4), (5) and (6).

(3) When a fire is extinguished in an unprotected area pursuant to ORS 476.280 by the city fire department, the city may seek compensation and shall be paid for such service by charging the owner of the property as provided in ORS 476.290 or the Medford Code.

(4) When a hazardous material response occurs by the city fire department, the city may seek compensation and shall be paid for such service by charging the person responsible as provided in ORS 453.382 or the Medford Code.

7.220 Wood Burning Definitions

For purposes of Sections 7.220 through 7.242, the following definitions shall apply:

(1) "Alternative heat source" means a heat source other than a solid fuel burning device.

(2) "High pollution period" means a period of time commencing three hours after initial designation as a red or yellow day by the DEQ or Jackson County Department of Health and Human Services. In the event that the DEQ or Jackson County Department of Health and Human Services designates consecutive days as red or yellow, they shall all be considered a part of the same period.

(3) "Medford-Ashland Air Quality Maintenance Area" means that part of the County specifically identified by DEQ as an air quality maintenance area, that is one of several areas in the State wherein air quality has deteriorated due to unhealthful levels of pollutants in the air. A map and written description of the Medford-Ashland Air Quality Maintenance Area (hereinafter referred to as AQMA) are included as Exhibits "A" and "B" respectively, following the text of this ordinance.

(4) "Opacity" means the degree to which emissions from a solid fuel burning device reduce the transmission of light and obscure the view of an object in the background. It is expressed as a percentage representing the extent to which an object viewed through the smoke is obscured.

(5) "Oregon certified stove" means a solid fuel burning device certified by DEQ or EPA as meeting the emission performance standards specified in Oregon Administrative Rules ~~340-34-045~~ **340-262-0500** through ~~340-34-115~~ **340-262-0600**.

(6) "PM2.5" means airborne particles 2.5 microns in diameter and smaller, which can be inhaled deep into the lungs and can lodge there for weeks and months, aggravating asthma, heart disease, and other respiratory and heart conditions.

(7) "Red day" means a 24 hour period beginning at 7:00 a.m. when PM2.5 levels are forecast by the DEQ or the Jackson County Department of Health and Human Services to reach unhealthy levels.

(8) "Residence" means a building containing one or more dwelling units used for habitation by one or more persons.

(9) "Residential woodburning" means utilization of wood in a solid fuel heating device inside a new residence.

(10) "Sole source of heat" means one or more solid fuel burning devices which constitute the only source of heating in a residence. No solid fuel burning device or devices shall be considered to be the sole source of heat if the residence is equipped with a permanently installed furnace or heating system utilizing oil, natural gas, electricity or propane.

(11) "Solid fuel burning device" means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes, without limitation, solid fuel burning stoves, fireplaces, fireplace inserts, or woodstoves of any nature, combination fuel furnaces or boilers used for space heating which can burn solid fuel, or solid fuel burning cooking stoves. Solid fuel burning devices do not include barbecue devices, natural gas-fired artificial fireplace logs, DEQ approved pellet stoves, or Kachelofens.

(12) "Space heating" means raising the interior temperature of a room.

(13) "Yellow day" means a 24 hour period beginning at 7:00 a.m. when the PM2.5 levels are forecast by the DEQ or Jackson County Department of Health and Human Services to be approaching unhealthy levels.

NOTE: Ordinance No. 4740 adopted by the Council Nov. 4, 1982 and signed by the Mayor Nov. 11, 1982 provides as follows:

Section 1. General Definitions

1.1 Air stagnation advisory: Forecast made by the National Weather Service for poor ventilation conditions.

1.2 Council: The City Council of the City of Medford.

1.3 Cost-effective level of weatherization: Minimum, cost-efficient standards of weatherization, including standards for materials and installation, which shall be set by the Director of Building Safety. These standards shall reflect, but not exceed the levels defined in ORS ~~469.710(2)~~ **469.710(3)**.

- 1.4 Medford-Ashland AQMA: That part of Jackson County, Oregon, specifically identified by the Oregon Department of Environmental Quality as an air quality maintenance area -- one of several areas in the state wherein air quality has deteriorated due to unhealthful levels of pollutants in the air.
- 1.5 Particulate: Airborne particles ranging from .01 to 1,000 microns in size. These particles are inhaled during breathing and can be harmful.
- 1.6 Person: Includes individuals, corporations, associations, firms, partnerships, and joint stock companies.
- 1.7 Primary particulate standard: An average particulate concentration of 260 micrograms per cubic meter of air during a twenty-four hour period.
- 1.8 Proof of weatherization: Certification, receipts, contracts, or other such documents specifically listing weatherization steps taken by the homeowners, which may be reviewed by building inspectors at the time of solid fuel heating system installation.
- 1.9 Regulations: Regulations promulgated by the Council pursuant to this ordinance.
- 1.10 Residential building: An existing building used for permanent or seasonal habitation by one or more persons, containing four or fewer dwelling units, and constructed prior to January 1, 1979.
- 1.11 Residential woodburning: Utilization of a wood heating device inside a dwelling unit.
- 1.12 Spaceheating: Raising the interior temperature of a room or rooms.
- 1.13 Total suspended particulate level: Amount of particulate in ambient air.
- 1.14 Trackout: The deposition of mud, dirt and other debris on paved public roadways by motor vehicles; the material being so tracked onto public roadways. Trackout can become pulverized and blown into the air by vehicular traffic, where it becomes a part of the total suspended particulate level.
- 1.15 Ventilation index: The National Weather Service's indicator of the relative degree of air circulation for a specified area.
- 1.16 Wood heating devices: A stove, heater, fireplace, or other receptacle wherein wood is heated to the point of combustion.

Section 2. Severability.

2.1 If any portion of this ordinance is declared to be invalid by a court of competent jurisdiction, such invalidity shall be confined to the section to which such declaration of invalidity relates, and the remainder of this ordinance shall continue to be operative.

Section 3. Weatherization Requirements for Solid Fuel Heating Device Installation. The purpose of this section is to reduce the amount of particulate pollution resulting from residential woodburning for building heating. Most buildings constructed before 1979 were built to lower weatherization standards than buildings constructed since that date. A highly weatherized and insulated building will require less fuel to attain and hold a given temperature. It will produce less smoke pollution and will also result in a savings of the wood or other fuel resource. Additionally, weatherization prior to or at the time of installation of a solid fuel heating device will generally result in the selection of a device more appropriately sized for the building and will lessen the potential amount of smoke produced. Therefore:

- 3.1 The installation of a wood stove, fireplace, or any other form of solid fuel, space heating device is allowed if:
- A) The space heating device is installed pursuant to the uniform building code and regulations of the Medford Department of Building Safety.
 - B) The structure contains an alternate form of space heating, including natural gas, propane, electric, oil, solar, or kerosene, sufficient to meet necessary space heating requirements, so that during episodes of high pollution levels, the occupant will be able to heat the home with other than a solid fuel burning, smoke producing method.
 - C) The residence meets or is proposed to meet within 90 days the cost-effective levels of weatherization as defined in Section 1.3 of this ordinance.

Section 4. [Repealed Ord. No. 5072, Feb. 16, 1984.] The purpose of this section is to minimize particulate emissions from home heating devices by improving home weatherization and reducing energy loss. This section is also intended to encourage homeowners to make use of free energy audits and low-interest financing available from local utility companies. It is the City's intent to advertise and make known programs which are already available for weatherizing homes and to assist citizens in taking advantage of those programs.

4.1 It is the goal of the City of Medford to assist citizens to weatherize all residences to the cost-effective level by January 1, 1987.

4.2 All residential buildings shall have received an energy audit prior to the time of sale or rental, and such information shall be made available to potential purchasers or renters as a condition of such sale or rental. This section shall become effective six months after adoption of this ordinance.

4.3 In January of 1984, if the primary particulate health standards are not being maintained, all homes with a wood heating system shall be weatherized to cost-effective levels at the time of sale or rental.

Section 5. Pollution Episode Curtailment

The purpose of this section is to reduce the amount of particulate pollution during periods of air stagnation or when pollution levels are critical. Periods of air stagnation occur at various times in a year and can create a severe accumulation of pollutants. Residential woodburning can contribute as much as 50 percent of the particulate pollution during these conditions.

5.1 The use of residential woodburning devices is prohibited on each day that an air stagnation advisory announcement for the Medford-Ashland AQMA has been issued by the National Weather Service. This subsection takes effect on July 1, 1984, if the particulate health standard is not attained in the Medford-Ashland Air Quality Maintenance Area by that date.

5.2 Residences having no other form of space heating are exempt from this section.

Section 6. [Repealed, Sec. 2, Ord. No. 2008-187, Sept. 18, 2008.]

7.224 Solid-Fuel Burning Device Exemptions

It is permissible for a household to operate a solid fuel burning device within the City of Medford during a high pollution period when the head of that household has previously obtained one of the following exemptions.

Exemptions granted under this section shall expire on September 1 of each year:

(1) Economic Need: An exemption for an economic need to burn solid fuel for residential space heating purposes may be issued to heads of households who can show their eligibility for energy assistance under the Low-Income Energy Assistance Program (hereinafter referred to as L.I.E.A.P.), as administered by ACCESS, Inc. or its successor.

(2) Sole Source: An exemption may be issued to the heads of households who sign a sworn statement declaring their reliance on a solid fuel burning device as the sole source of heat for their residence. Sole source exemptions shall not be issued unless the residence is approved for installation of an alternative heating source through the Jackson County Housing Authority woodstove replacement program guidelines or in the absence of such a program, when the head of a household can show that the family income is less than 80% of the median income level for the Medford metropolitan area as established by the Federal Department of Housing and Urban Development (HUD). Households that qualify for an exemption based on economic need, as defined in this chapter, may continue to rely on a solid fuel burning device as the sole source of heat for the residence beyond two years from the effective date of this section.

(3) Special Need: Upon a showing of special need which shall include, but not be limited to, occasions when a furnace or central heating system is inoperable other than through the owner or operator's own actions or neglect.

7.430 Nuisance Described; Offense Punishable

(1) Except as provided in subsection (3) hereof, it shall be unlawful and a public nuisance for any owner or occupant of real property in Medford to allow grass, weeds, brush, or bushes, or any like vegetation, over a height of ten inches to remain upon such real property during the period May 1 to September 30 in any calendar year, or at any other time prior to May 1 if the Fire Chief or the Fire Chief's designee determines that such growth constitutes a fire hazard. For the purposes of this section, dead or dried grass/weeds/brush/bushes/vegetation over a height of 10 inches is a fire hazard.

Fire season fire danger level restrictions including vegetation removal and operation of equipment in effect by Oregon Department of Forestry shall be enforced by the City of Medford. Exceptions may be granted by the Fire Chief or the Fire Chief's designee.

The following guidelines shall be used for mitigation requirements, unless as otherwise approved by the Fire Chief or the Fire Chief's designee:

- (a) Properties less than one acre in size: All grass, weeds, brush, bushes, or any like vegetation posing a fire hazard shall be disked, cut, or removed.
- (b) Properties more than one acre in size: Grass, weeds, brush, bushes, or any like vegetation posing a fire hazard shall be disked, cut, or removed. Firebreaks may be considered acceptable as an alternative to clearing the entire parcel. Minimum 30' wide firebreaks shall be provided around the perimeter of the property and the area shall be divided into maximum 2.5 acre parcels with minimum 30' wide cross-breaks. In addition, minimum 100' firebreaks are required adjacent to improved subdivisions/properties (Road width may be considered part of the 100' firebreak).
- (c) Subdivisions, including those with paved streets and not fully built out: All grass, weeds, brush, bushes, or any like vegetation posing a fire hazard shall be disked, cut, or removed from each individual lot.
- (d) Unmaintained agricultural properties: Grass, weeds, brush, bushes, or any like vegetation posing a fire hazard shall be disked, cut, or removed. Minimum 30' wide firebreaks shall be maintained along the perimeter from the edge of road. In addition, minimum 100' wide firebreaks adjacent to improved subdivisions/properties (Road width may be considered part of the 100' firebreak).
- (e) Structures in wildfire hazard zones: Minimum 100' firebreaks (defensible space) shall be provided around the perimeter of the structure (Road or driveway width may be considered part of the 100' firebreak).

(2) Violation of subsection (1) of this section constitutes a violation per Section 7.430 of the Medford Municipal Code.

(3) The provisions of subsection (1) shall not apply to the following:

- (a) To ornamental shrubs, bushes, or other like vegetation maintained and kept in a landscaped yard or place; or,
- (b) Any crop grown and maintained for agricultural purposes, or grass or other like vegetation grown and maintained for pasturage upon property fenced, zoned, and otherwise lawfully used for said purpose; or,
- (c) To any "natural area" within a public park in the City of Medford. As used herein the term "natural area" shall mean any park or portion thereof preserved in its native state, and approved in writing by the Medford Park Development Commission. Prior to approving any natural area the Medford Park Development Commission shall solicit and comply with any order of the Fire Marshal concerning the elimination or reduction of a fire hazard.

(4) Each day during which such a condition is unlawfully permitted to exist after notice has been given in the manner prescribed by section 7.440(2) shall be deemed a separate offense punishable in the manner prescribed by Section 1.100 of this Code; provided that the condition shall be deemed a nuisance and, in addition to the foregoing remedy, may be abated by the City in the manner hereinafter prescribed, and the cost of abatement assessed as a lien against the property and subject to foreclosure in the same manner and to the same effect as in the case of special benefit assessment liens.

[Amd. Sec. 4, Ord. No. 5358, Feb. 7, 1985; Amd. Ord. No. 7345, March 18, 1993; Amd. Sec. 2, Ord. No. 8271, Feb. 6, 1997; Amd. Sec. 4, Ord. No. 2000-55, April 6, 2000; Amd. Sec. 10, Ord. No. 2009-91, May 7, 2009, Amd. Sec. 1, Ord. No. 2019-23, April 4, 2019]

7.910 Appeals

~~If the owner, lessee, agent or occupant is aggrieved by the order of an officer under the provisions of ORS 476.030, 479.170, 479.210 to 479.220, 480.123 to 480.160, 480.330, 480.340, 480.420 to 480.434 or 480.450 and desires a hearing, the person may complain or appeal in writing to the State Fire Marshal within 10 days from the service of the order. The complaint or appeal shall set forth the specific grounds of the complaint or appeal and no other ground shall be considered thereafter~~

Appeals of any decision of the Fire Chief or the Fire Chief's designee may be appealed by filing a written appeal with the City Recorder in accordance with Section 1.025 within 10 days of the decision. An application for appeal of a fire code related decision shall be based on a claim that the intent of the code or the rules legally adopted hereunder have been incorrectly interpreted, that the provisions of the code do not fully apply, or an equivalent method of protection or safety is imposed.

~~Whenever the Fire Chief shall disapprove an application, or refuse to grant a permit, or suspend or revoke a permit, and the applicant claims that the provisions of this code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Chief to the board of appeals created under Section 2.475 of the Code of Medford by filing notice of such appeal with the City Recorder within 10 days from the date of the decision appealed.~~

10.767 Oxidizing Materials

~~The manufacture of oxidizing materials is prohibited. The storage or utilization of oxidizing materials in excess of 500 pounds is prohibited.~~

10.768 Flammable Gases

~~The storage, utilization or manufacture of flammable gases shall not exceed 250,000 standard cubic feet, exclusive of finished products in sealed portable containers.~~



Section	Reason for Amendment
5.550 Outside Burning	<ul style="list-style-type: none"> • Improve language. • Change language from “Fire Chief” to “Fire Chief or the Fire Chief’s designee”. • Add language allowing recreational fires at residential properties under certain conditions. • Add language about prohibited burning of certain materials, which is in Oregon statutes. • Clarify language for enforcement purposes.
7.010 2019 Oregon Fire Code as Modified Adopted by Reference	<ul style="list-style-type: none"> • Adopt the 2019 Oregon Fire Code. Remove the section stating one copy will be maintained in the office of the City Recorder and reference a viewable copy by link on our website.
7.017 Definitions	<ul style="list-style-type: none"> • Add the word “zone” to the wildfire hazard area language.
7.018, 7.019, 7.020	<ul style="list-style-type: none"> • Delete 7.018, 7.019, and 7.020 and move existing language to sections 7.023 (24), 7.023 (26), 7.023 (19).
7.022 The Use of All Types of Fireworks in this Jurisdiction are Prohibited within the Hazardous Wildfire Areas...	<ul style="list-style-type: none"> • Clarify with “wildfire hazard zone” language.
7.023 Modifications to the Oregon Fire Code 2019 Edition, as adopted by the State of Oregon	<ul style="list-style-type: none"> • Strike language that adopts the most current NFPA standards. • Adopt Section 719 of the 2018 International Fire Code (IFC) regarding mobile food preparation vehicles as Oregon ran out of time to include this language in the 2019 OFC and plans to adopt it mid-cycle. We need it now. • Change language from “Fire Chief” to “Fire Chief or the Fire Chief’s designee” • Relocate several sections • Remove individual required permits and reference the Fire Department Permit and Services Fee Schedule. • Update code references • Strike unnecessary language about alternate methods and fire official reducing road widths. • Clarify language to be more consistent with OFC language for unobstructed road width. • Clarify the difference between public versus private markings for parking restrictions. Add language requiring approval of the Public Works Director or designee for the posting parking restrictions on public streets.

	<ul style="list-style-type: none"> • Amend language for fire hydrants on both sides of major streets to be “may” instead of “shall”, as this should be left up to the discretion of the fire department and in many cases may not be necessary. • Amend language for records of fire protection systems to be maintained on the premises for the life of the installation to be match the new OFC changes. • Add new language to 7.023 (13) which includes discretionary notification to the owner, the owner’s authorized agent, operator, or other person responsible for the noncompliance of the building. • Amend language for manufacture and storage of oxidizers to include other materials that pose a detonation hazard. Remove the 500 pound threshold. • Clarify that both a State permit is required and a local permit for firework displays. • Correct explosives magazine designation to “Type” instead of “Class”.
7.210 Fire Suppression and Hazardous Material Response Charges	<ul style="list-style-type: none"> • Add Hazardous Material Response to the section title. • Amend section to allow the City to recover costs for responses of intentionally set fires. The intent would be to apply this rarely, but it could be used to hold an arsonist responsible for restitution or to bill a repeat offender of illegal fires. • Add new language that is found in the ORS’s that allows to the city to collect costs incurred on suppressing fires in unprotected areas and costs incurred for hazmat incidents.
7.220 Wood Burning Definitions	<ul style="list-style-type: none"> • OAR and ORS reference corrections
7.224 Solid-Fuel Burning Device Exempt.	<ul style="list-style-type: none"> • Clarify section title language
7.430 Nuisance Described; Offense Punishable	<ul style="list-style-type: none"> • Codify language guidelines for vegetation mitigation that we have been using for years.
7.900 Penalty	<ul style="list-style-type: none"> • Reference correction
7.910 Appeals	<ul style="list-style-type: none"> • Improve current language which is confusing and points to two different paths for appeals. We are an Exempt jurisdiction and therefore can have our own appeals process.
10.767 Oxidizing Materials	<ul style="list-style-type: none"> • Delete and move to 7.023 (14)
10.768 Flammable Gases	<ul style="list-style-type: none"> • Delete and move to 7.023 (25)



Fire Department Permit and Services Fee Schedule

Permit Type Required	Description	When Required	Submit to Dept.	Prop. Fee ¹	Current Fee
Activities involving open flame, machines, or processes in the wildfire hazard zone	Cutting, welding, and similar activities that may ignite a wildfire fire during fire season in a wildfire hazard zone (WHZ)	Only during fire season prior to activity in a WHZ	Fire	\$0	\$0
Aerosol products	Level 2 or 3 products in excess of 500 pounds	Initially ⁴	Fire	\$150	New
Amusement buildings		Prior to occupancy	Fire	\$0 ²	New
Automatic fire-extinguishing systems	Fire sprinkler, kitchen hood, clean agent , paint booth, etc. - suppression systems	Initially	Building	*	*
Battery systems		Initially	Building	*	*
Carnivals and fairs		Prior to event	Fire	\$0 ²	New
Combustible fibers	Required for the storage and handling of combustible fibers in quantities exceeding 100 cf	Initially ⁴	Fire	\$150	New
Compressed gases	Required when amounts exceed the those listed in OFC Table 105.6.10	Initially ⁴	Fire	\$150	\$100
Electrified fences	Registration with the Fire Department is required. A fire code permit is not required.	Initially	Building	-	New
Emergency responder radio coverage system		Initially	Building	*	*
Exhibits and trade shows		Prior to event	Fire	\$0 ²	\$0 ²
Explosives (blasting)	Required for storage, handling, and use	Prior to event	Fire	\$100	\$75
Fire alarm and detection systems		Initially	Building	*	*
Fire pumps		Initially	Building	*	*
Fireworks, agricultural	Small fireworks set to go off at specific intervals to scare birds off agricultural land	Prior to event	Fire	\$100	\$75
Fireworks, public display	Public or private fireworks displays done by a professional company	Prior to event	Fire	\$150 ²	\$100 ²
Fireworks, retail sales	Only allowed outside the City limits; No fireworks sales allowed inside City limits	Prior to event	Fire	\$100 ³	\$75 ³
Flammable & combustible liquids	<ul style="list-style-type: none"> Processing Tank installation Tank removal, abandon tank in-place Temporary above-ground tank 	Initially ⁴	Fire	\$150 \$150ea \$100ea \$150ea	\$100 \$100ea \$100ea \$50ea
Fumigation and insecticidal fogging		Prior to event	Fire	\$100	\$50
Gas detection systems		Initially	Building	*	New
Hazardous materials	Required when amounts exceed the those listed in OFC Table 105.6.20	Initially ⁴	Fire	\$150	\$100
High-piled storage	Required when size of high-piled storage area exceeds 500 square feet, including aisles	Initially ⁴	Fire	\$150	New
Industrial ovens		Initially	Fire	\$100	\$100
LP-gas (Propane)	Installation of new tank - Not required for installations at private residences for 500 gallons or less capacity	Initially	Fire	\$150ea	\$100
Miscellaneous combustible storage	Required to store in any building or on any premise in excess of 2,500 cubic feet gross volume of combustible empty packing cases, boxes, barrels, or similar containers, combustible pallets, rubber tires, rubber, cork or similar combustible material	Initially ⁴	Fire	\$150	New
Mobile food preparation vehicles		Initially	Fire	\$0	\$0
Open burning	<ul style="list-style-type: none"> Agricultural burning Agricultural blight Special Recreational - Commercial 	Prior to burning	Fire	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Open flame or flame producing equipment	<ul style="list-style-type: none"> Kiosk or demonstration in assembly buildings or covered mall buildings Fire dancing in a building 	Prior to event	Fire	\$50 \$25	\$25 \$0
Outdoor assembly event	Required for large outdoor assembly events where planned attendance at any one time exceeds 1000 persons	Prior to event	Fire	\$150	New

Permit Type Required	Description	When Required	Submit to Dept.	Prop. Fee ¹	Current Fee
Places of assembly	Required for large assembly functions (150 or more occupants expected at any one time) located in spaces or buildings that do not have fixed seating	Prior to event	Fire	\$0 ²	\$0 ²
Plant extraction systems	<ul style="list-style-type: none"> Extraction processes 	Initially ⁴	Fire	\$150	New
Pyrotechnic special effect material	Pyrotechnic shows are prohibited unless approved by permit process	Prior to event	Fire	\$100 ²	\$100 ²
Private fire hydrant systems or on-site firefighting water supplies	Per OFC and NFPA requirements	Initially	Fire	\$150	\$100
Private fire service mains	Note: A separate permit is not required if the Building Department submittal of architectural or fire sprinkler plans shows the private fire service main details per the OFC and NFPA 24	Initially	Building	*	*
Shelters - Severe Event		Prior to start of season or first event	Fire	\$0	New
Shelters -Temporary		Prior to start of season or first event	Fire	\$0	New
Smoke control or smoke exhaust systems		Initially	Building	*	New
Special event structure		Prior to event	Building	*	New
Spraying and dipping operations		Initially ⁴	Fire	\$100	\$100
Standpipe systems	<ul style="list-style-type: none"> In-building systems require a Building permit Exterior dry-standpipe systems require a Fire permit 	Initially	Building	* \$100	* \$100
Temporary membrane structures and tents	Required when the structure or tent is in place for less than 180 days (>180 days require a Building permit)	Prior to occupancy	Fire	\$100 ³	\$75 ³
Vehicle or equipment display, liquid or gas-fueled	<ul style="list-style-type: none"> Assembly buildings Covered mall buildings 	Prior to event	Fire	\$50	\$50

- The applicant will be charged for an after normal business hour inspection if that is the only time the required inspection can occur
 - After normal business hour standby personnel charges may apply
 - There will be no fee assessed for a nationally recognized non-profit organization
 - Or as required by the fire code official based on change of occupancy, use, material or process
- * This permit must be obtained through the Building Department (Permit fee based upon valuation)

Service Fees	Description	Proposed Fee	Current Fee
Inspection – After hours	The Fire & Life Safety Division will make every attempt to conduct inspections during normal business hours. If the applicant/business owner's agent requests an inspection time other than normal business hours, or if the fire code official determines a permit inspection is required and there is no other alternative but to conduct the inspection at a time other than normal business hours, fire code official shall inform the applicant/business owner's that there is an additional inspection fee. Inspection will be performed upon payment of fees paid.	\$100 per hour per person (Minimum 2 hours)	\$75 per hour per person (Minimum 2 hours)
Re-inspection and Plan Reviews	May be assessed after the second site visit when such portion of work for which inspections is requested is not complete or when corrections called for are not made. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid. May also be assessed for excessive plan reviews.	\$100 per hour per person (Minimum 2 hours)	\$75 per hour per person (Minimum 2 hours)
Standby – Fire Personnel	Standby personnel may be requested for certain events and some large events may be required to have Fire Department standby personnel	\$100 per hour per person (Minimum 2 hours)	New
Fire extinguisher training	<ul style="list-style-type: none"> 1-15 people (During normal business hours) >16 people (During normal business hours) After normal business hours 	\$0 \$5/person \$200 plus \$5/person	New
Fire suppression and investigation charges on illegal fires.	May be assessed whenever any person starts or maintains a fire in the city in violation of Medford Code Section 5.550 and the city fire department is required to respond to or to be used actively or on a standby basis in connection with the extinguishment of the fire, control of the fire, or investigation of the fire. The person responsible for the fire is liable and the city may choose to recover costs incurred by the city for such response or use.	State standardized-costs schedule issued by the State Fire Marshal (Found in OSFM's Oregon Fire Service Mobilization Plan)	New



AGENDA ITEM COMMENTARY

DEPARTMENT: Planning
PHONE: (541) 774-2380
STAFF CONTACT: Matt Brinkley, AICP, CFM, Planning Director

AGENDA SECTION: Public Hearings
MEETING DATE: April 2, 2020

COUNCIL BILL 2020-44

An ordinance amending Section 9.530 of the Medford Municipal Code and reinserting (and in some instances amending) Sections 9.531, 9.532, 9.550, 9.570, 9.571, 9.572, and 9.800. (DCA-20-040)

SUMMARY AND BACKGROUND

Council is requested to consider reinstating Medford Municipal Code (MMC) Sections 9.530-9.533 Moving of Buildings, 9.550 Parking Lot Specifications, 9.570-9.572 Street Addressing, and 9.800 Stormwater Erosion Control. These sections were repealed on December 19, 2019, by Council Bill 2019-133.

MMC Chapter 10 references the sections that were repealed; however, these sections were not added to any other chapter of the code, thereby complicating enforcement of these provisions.

The repeal of these sections was consistent with the state Building Code Division’s policy of eliminating parts of the building code that are not customarily enforced or implemented by Building Officials. However, these specific sections are important to work conducted by Public Works’ Engineering Division and are requested to be restored into the code. The proposed language removes references to the Building Official and replaces them with the City Manager or designee.

PREVIOUS COUNCIL ACTIONS

On December 19, 2019, Council Bill 2019-133 was approved, adopting the 2019 Oregon Structural Specialty Code, the 2019 Oregon Mechanical Specialty Code, and the 2019 Oregon Zero Energy Ready Commercial Code and approved updates to MMC Chapter 9. The updates inadvertently eliminated Sections 9.530-9.533, 9.550, 9.570-9.572 and 9.800.

ANALYSIS

The repealed sections are intended to be placed directly back into the locations they previously resided. This limits the requirement to amend other sections of the Medford Municipal Code where they are referenced.

Minor changes were made to the repealed language to clarify administration of each section and to remove the Building Official as the administrator.

Sections 9.530-9.533 Moving of Buildings provides the City with regulations required to be met in the event a building is to be moved on the streets or alleys of the city.



AGENDA ITEM COMMENTARY

Section 9.550 Parking Lot Specifications are regulations established for the design and construction of parking lots specifically related to drainage, quantities of sub base materials, and surfacing thickness and materials.

The Street Addressing Section 9.570-9.572 provides consistent, sequential, and accurate addressing to ensure that emergency services are able to locate and respond quickly in an emergency, minimize the delivery time for postal and private carriers, and enable visitors to locate a new area and find their way in a timely fashion.

The City of Medford is required to maintain a Stormwater Discharge MS4 permit with the Oregon Department of Environmental Quality (DEQ). A requirement of the MS4 permit is to have erosion control regulations in the Medford Municipal Code. Without the erosion control regulations Section 9.800, the City lacks the ability to uphold regulations for private development and to ensure compliance with the DEQ.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Failure to implement and enforce these provisions, particularly Street Addressing and Soil Erosion and Sedimentation Control, could result in regulatory compliance issues that would impose unanticipated financial burdens on the City.

TIMING ISSUES

Council Bill 2019-133 was effective December 19, 2019, which repealed sections of the MMC and has caused the City to not be in compliance with the Oregon DEQ MS4 permit. It also removed the City's authority to require specific standards when developing a parking lot or requiring permits to move a building in the public right-of-way and thus adding these back to the MMC is important and time sensitive.

COUNCIL OPTIONS

Approve the ordinance as presented.

Modify the ordinance as presented.

Decline to approve the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance to amend Chapter 9 and reinstate the previously repealed sections as modified.

SUGGESTED MOTION

I move to approve the ordinance to amend Chapter 9 with the modifications to Sections 9.530-9.533, 9.550, 9.570-9.572 and 9.800.

EXHIBITS

Ordinance

Exhibit A: Sections 9.530-9.533, 9.550, 9.570-9.572, and 9.800

ORDINANCE NO. 2020-44

AN ORDINANCE amending Section 9.530 of the Medford Municipal Code and re-inserting (and in some instances amending) Sections 9.531, 9.532, 9.550, 9.570, 9.571, 9.572, and 9.800.

Section 1. Section 9.530 of the Medford Municipal Code is amended to read follows:

BUILDING CODE

Moving of Buildings

9.530 Permit for Moving Building.

No person shall move a building on the streets or alleys of the city without first obtaining a permit from the Building Safety Director **and the City Engineer** or ~~his~~ **an** authorized designee.

Section 2. Section 9.531 of the Medford Municipal Code is re-inserted and amended to read follows:

9.531 Bond Required.

Before permission is granted under Section 9.530 the Building Safety Director ~~shall~~ **may** require the person to furnish a bond with one or more sureties to the effect that they will indemnify the city for repairs to the streets and alleys or other property of the city, or damage and expense to any person occupying the streets or alleys by virtue of a franchise or otherwise, which results from transportation of a building on the streets or alleys of the city.

Section 3. Section 9.532 of the Medford Municipal Code is re-inserted to read as follows:

9.532 Payments to the City in Case of Damage or Harm.

(1) If, as a result of transporting the building, the streets, alleys or other property of the city are damaged or if damage or costs result to a person occupying the streets or alleys by virtue of a franchise or otherwise, there shall be paid to the city by the person who transported the building a sum equal to the damage incurred. The amount received shall be placed in the proper fund of the city and the city shall pay the person damaged by the transportation of the building.

(2) If there is a failure of payment under subsection (1) of this Section by the person transporting the building, then the city may proceed to collect the amount of damages upon the bond furnished under the provisions of Section 9.531, in the manner provided by law.

Section 4. Section 9.550 of the Medford Municipal Code is re-inserted and amended to read follows:

Parking Lot Specifications

9.550 Parking Lot Specifications.

(1) **Drainage.** All parking lots shall be designed and constructed so that no surface run-off will drain across a sidewalk, bike path, driveway or walkway. Surface run-off is permitted to drain into an adjacent alley, if the alley has an existing storm drain system capable of handling the additional run-off. All run-offs shall be approved by the City Engineer.

(2) **Base Material.** Decomposed granite or 1"-0 crushed rock of a gradation approved by the city shall be used as base material. The base shall be compacted to a minimum of 95% of optimum density and shall exhibit a uniform grade in appearance. Unstable subgrade (soft spots) shall be removed and replaced with sub-base shale. Parking lot base material minimum thickness requirements are 4 inches of crushed rock or 6 inches of decomposed granite for asphalt surfaces and 2 inches of granite for concrete surfaces.

(3) **Asphalt Surface.** Asphalt surface lots shall be a 2 inch minimum thickness of **level 2, ½" dense Asphalt Concrete Pavement (ACP) mixture Class "B" asphalt.** All bituminous and concrete surfaces in contact with the asphalt shall be sprayed with tack coat prior to asphalt placement.

Asphalt shall be a temperature of between 250 and 300 degrees F at the time it is placed. It shall be placed on dry prepared surfaces and when the air temperature in the shade is 35 degrees F or warmer. Placing during rain or other adverse weather conditions will not be permitted, except that material in transit at the time adverse conditions may occur may be placed provided it is of proper temperature, has been covered during transit, and is placed on a foundation free from pools or flow of water.

The asphalt shall be rolled immediately after the asphalt has been placed using a steel wheeled or pneumatic tired roller capable of transmitting sufficient force necessary to compact the material to 90%of optimum density. The finished surface shall be true to grade, free of irregularities and roller wheel marks.

(4) **Concrete Surface.** Concrete surface parking lots shall be a 6-inch minimum thickness of 3000-1-1/2 Portland Cement concrete. No concrete shall be placed when the ambient temperature is below 35 degrees F. Concrete subject to freezing temperatures during curing shall be adequately protected. The concrete shall be compacted using screens or tampers. The surface shall be finished as specified, with a uniform surface free from laitance, soupy mortar, marks or irregularities. Joints will be placed as specified on plans. When no specification is made, joints shall conform to Section ~~212.3.0700756.48~~ of the **Oregon Standard Specifications for Construction (OSSC)Public Works Construction, Oregon Chapter APWA.** Immediately upon final surface finishing, the entire exposed surface of the newly laid concrete shall be covered and cured using a membrane-forming compound, impervious sheeting, or saturated mats for at least 72 hours.

Alternates to the above specifications may be approved by the City Engineer who shall inform the Building Safety Director of his approval.

(5) Permits.

(a) Building permits for the construction of parking lots are required. Permit fees shall be based on the total project valuation and Table 3-A of the Building Code.

(b) Any electrical work shall require a permit and be installed in accordance with the Electrical Code.

(c) Any catch basins or piping shall require a permit and be installed in accordance with the Plumbing Code.

Section 5. Section 9.570 of the Medford Municipal Code is re-inserted to read follows:

9.570 Street Number Required on Premises.

The owner or tenant of every residence or place of business or other structure opening upon or having access to the streets of the City shall cause to be placed in a conspicuous place upon the main entrance or at the principal place of ingress to his premises a number, to be ascertained as provided in Sections 9.571 and 9.572.

Section 6. Section 9.571 of the Medford Municipal Code is re-inserted and amended to read follows:

9.571 Assignment of Numbers by ~~Building Safety Director~~ **City Manager** or his designee.

(1) The ~~Building Safety Director~~ **City Manager** shall prepare a map or maps of the city and indicate thereon the numbers used to designate the premises, as provided in Section 9.570.

(2) In assigning the numbers the ~~Building Safety Director~~ **City Manager** shall use Main Street and the main line of the Southern Pacific Railway as base lines for starting points for the numbering and shall allow 100 numbers to each block, and not less than one number to each 25 feet of street front.

(3) For east-west streets east of the base line all numbers on the south side of said streets shall be even numbers, and all numbers on the north side of said street shall be odd numbers. For east-west streets west of the base line all numbers on the south side of said streets shall be odd numbers, and all numbers on the north side of streets shall be even numbers. For north-south streets north of the base line all numbers on the west side of said streets shall be odd numbers, and all numbers on the east side of said streets shall be even numbers. For north-south streets south of the base line all numbers on the west side of said streets shall be even numbers, and all numbers on the east side of said streets shall be odd numbers.

(4) A primary structure shall include but is not limited to residential building, mobile/manufactured home park, commercial building, industrial building, office building, public building, utility building or communications tower.

(5) Flag lots and lots accessed off of a minimum access street, as defined in Chapter 10, Section 10.430, will be addressed off of the main "Road" or "Street" street on which it fronts. ~~Signage shall be placed at the entrance to the lots indicating the address/s as provided by Medford Fire Department - Minimum Access Street Addressing.~~

(6) Mobile home parks and manufactured homes within the park shall be addressed ~~on~~ off the public street it fronts, with each home having a space number. The space numbering will adhere to the street addressing standard in the Code of the City of Medford Section 9.571.

(7) The ~~Building Safety Director~~ **City Manager** or his Designee reserves the right to require the readdressing of property that is affected by the creation or extension of a public right-of-way or the subdivision of land.

(8) An application for a permit for a new structure shall be considered an application for an address assignment. Address numbers assigned by the Building Safety Director or his Designee must be displayed prior to the first building inspection.

(9) Any requested change of address after an assignment of said address is established shall constitute a fee of \$100.

NON-COMPLIANCE

Failure to comply with the provisions of this Ordinance ~~including~~ **include**, but **are** not limited to, by way of example: a number out-of-sequence, odd or even number on wrong side of street, numbers improperly affixed, numbers illegible, numbers unclear, numbers obstructed or not visible, numbers not present, numbers of improper size, numbers not in contrast with immediate background.

Section 6. Section 9.572 of the Medford Municipal Code is re-inserted and amended to read follows:

9.572 INSTALLATION OF NUMBERS

Each property owner or tenant, as provided in Section 9.570, shall ascertain from the ~~Building Safety Director~~ **City Manager** or his Designee the numbers so assigned to his premises, and shall cause those numbers to be affixed thereto. ~~in figures not less than three inches (3") high for residential structures and not less than six inches (6") high for commercial Structures and multi-family dwelling units.~~

(21) Numbers for apartments and similar complexes shall be displayed on each assigned structure. Numbers and/or letters for individual apartments or units within these complexes shall be displayed on, above, or to the side of main doorway of each apartment or unit.

(32) Commercial and industrial buildings with multiple levels shall adhere to the following three digit suite numbering: basements - 001, first floor - 100, second floor -200, third floor - 300 and etc.

(43) There shall be positioned at each entrance of multiple-family dwelling complex, commercial/industrial complex, mobile/manufactured home parks an illuminated diagrammatic representation of the complex which shows the location of the viewer and the address and unit designations within the complex.

Section 7. Section 9.800 of the Medford Municipal Code is re-inserted and amended to read follows:

STORMWATER EROSION CONTROL

9.800 Stormwater Erosion Control.

A. Purpose.

As required by the City's National Pollutant Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4), the City does hereby proclaim an ordinance to address Stormwater Erosion Control.

B. Applicability.

A City of Medford Erosion Control Permit is required for all construction projects that ~~meet criteria established by the Oregon Department of Environmental Quality (DEQ) for a NPDES 1200C permit~~ **result in land disturbance of 7000 square feet or more. For construction projects that disturb one or more acres (or that disturb less than one acre, if part of a "common plan of development or sale" disturbing one or more acres) a NPDES 1200C permit from the Oregon Department of Environmental Quality (DEQ) will also be required.**

C. Standards.

Erosion control plans ~~that meet criteria established by DEQ for the 1200C permit~~ **shall be submitted for review with plans for building permits.**

The City of Medford **Public Works Engineering Division will review the erosion control plans and issue the** Erosion Control Permit ~~will be issued concurrently~~ with the building permit or grading permit for the project.

Erosion control plans must:

1. Use the current City of Medford Erosion Control Plan Template
2. Be approved prior to the beginning of land disturbance activities
3. Be maintained and updated as site conditions change
4. Be kept on site and made available for review by the City and DEQ

Erosion control measures as shown on the approved plans shall be in place prior to any earthwork being performed and shall be maintained for the duration of the project.

PASSED by the Council and signed by me in authentication of its passage this ____ day of April, 2020.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2020.

Mayor

NOTE: Matter in **bold** is new. Matter ~~struck out~~ is existing law to be omitted. Three asterisks (* * *) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.

BUILDING CODE

Moving of Buildings

9.530 Permit for Moving Building.

No person shall move a building on the streets or alleys of the city without first obtaining a permit from the Building Safety Director and the City Engineer or ~~his-an~~ authorized designee.

9.531 Bond Required.

Before permission is granted under Section 9.530 the Building Safety Director ~~shall-may~~ require the person to furnish a bond with one or more sureties to the effect that they will indemnify the city for repairs to the streets and alleys or other property of the city, or damage and expense to any person occupying the streets or alleys by virtue of a franchise or otherwise, which results from transportation of a building on the streets or alleys of the city.

9.532 Payment to City in Case of Damage or Harm.

(1) If, as a result of transporting the building, the streets, alleys or other property of the city are damaged or if damage or costs result to a person occupying the streets or alleys by virtue of a franchise or otherwise, there shall be paid to the city by the person who transported the building a sum equal to the damage incurred. The amount received shall be placed in the proper fund of the city and the city shall pay the person damaged by the transportation of the building.

(2) If there is a failure of payment under subsection (1) of this Section by the person transporting the building, then the city may proceed to collect the amount of damages upon the bond furnished under the provisions of Section 9.531, in the manner provided by law.

9.533 Permit Requirements for Moved Buildings.

(1) No person shall move any building to a lot or store any building on a lot in any zoning district within the city, other than an industrial zoning district, unless the owner of the building first obtains all necessary permits and pays all required fees to move the building, construct a foundation and place the building on a foundation on that lot. Necessary permits and fees shall include but not be limited to moving permit, zone change, site plan and architectural commission review, system development charges, foundation permit, sewer and water connection permits, specialty code permits and fees and any other permits necessary for construction, addition, remodel or change of occupancy.

(2) Every building moved onto a lot shall be installed on a foundation within 30 days of the date of the move specified on the building permit.

(3) Any owner of a building not on a foundation and existing on a lot as of the date of the passage of these provisions shall apply for and obtain the required permits specified in subsection (1) above and place the building on a foundation within 90 days of the adoption of these provisions.

(4) Notwithstanding the provisions of subSections (1) through (3) above, any person or entity who is exempt from taxation under Section 501 of the Internal Revenue Code of the United States and produces an IRS determination letter of proof thereof may store a building on any residential lot for 90

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days. Upon written request to the Building Safety Department dated prior to the expiration of this initial 90-day period, a person may request an additional 90-day period to place a building on a foundation. Unless the 90-day extension would result in the creation or continuation of a public nuisance, the Building Safety Director shall grant the additional 90-day extension.

[Added, Ord. No. 1999-168, Oct. 28, 1999.]

~~Public Right-of-Way Occupancy~~

~~9.540 [Repealed, Sec. 3, Ord. No. 2009-120, June 4, 2009.]~~

Parking Lot Specifications

9.550 Parking Lot Specifications.

(1) **Drainage.** All parking lots shall be designed and constructed so that no surface run-off will drain across a sidewalk, bike path, driveway or walkway. Surface run-off is permitted to drain into an adjacent alley, if the alley has an existing storm drain system capable of handling the additional run-off.

All run-offs shall be approved by the City Engineer.

(2) **Base Material.** Decomposed granite or 1"-0 crushed rock of a gradation approved by the city shall be used as base material. The base shall be compacted to a minimum of 95% of optimum density and shall exhibit a uniform grade in appearance. Unstable subgrade (soft spots) shall be removed and replaced with sub-base shale. Parking lot base material minimum thickness requirements are 4 inches of crushed rock or 6 inches of decomposed granite for asphalt surfaces and 2 inches of granite for concrete surfaces.

(3) **Asphalt Surface.** Asphalt surface lots shall be a 2 inch minimum thickness of level 2, ½" dense Asphalt Concrete Pavement (ACP) mixture Class "B" asphalt. All bituminous and concrete surfaces in contact with the asphalt shall be sprayed with tack coat prior to asphalt placement.

Asphalt shall be a temperature of between 250 and 300 degrees F at the time it is placed. It shall be placed on dry prepared surfaces and when the air temperature in the shade is 35 degrees F or warmer. Placing during rain or other adverse weather conditions will not be permitted, except that material in transit at the time adverse conditions may occur may be placed provided it is of proper temperature, has been covered during transit, and is placed on a foundation free from pools or flow of water.

The asphalt shall be rolled immediately after the asphalt has been placed using a steel wheeled or pneumatic tired roller capable of transmitting sufficient force necessary to compact the material to 90% of optimum density. The finished surface shall be true to grade, free of irregularities and roller wheel marks.

(4) **Concrete Surface.** Concrete surface parking lots shall be a 6-inch minimum thickness of 3000-1-1/2 Portland Cement concrete. No concrete shall be placed when the ambient temperature is below 35 degrees F. Concrete subject to freezing temperatures during curing shall be adequately protected. The concrete shall be compacted using screens or tampers. The surface shall be finished as specified, with a uniform surface free from laitance, soupy mortar, marks or irregularities. Joints will be placed as specified on plans. When no specification is made, joints shall conform to Section 212.3.0700756.48 of

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the Oregon Standard Specifications for Construction (OSSC)~~Public Works Construction, Oregon Chapter APWA~~. Immediately upon final surface finishing, the entire exposed surface of the newly laid concrete shall be covered and cured using a membrane-forming compound, impervious sheeting, or saturated mats for at least 72 hours.

-Alternates to the above specifications may be approved by the City Engineer who shall inform the Building Safety Director of his approval.

(5) Permits.

- (a) Building permits for the construction of parking lots are required. Permit fees shall be based on the total project valuation and Table 3-A of the Building Code.
- (b) Any electrical work shall require a permit and be installed in accordance with the Electrical Code.
- (c) Any catch basins or piping shall require a permit and be installed in accordance with the Plumbing Code.

Street Addresses

~~9.570 STREET~~9.570 STREET NUMBER REQUIRED ON PREMISES

The owner or tenant of every residence or place of business or other structure opening upon or having access to the streets of the City shall cause to be placed in a conspicuous place upon the main entrance or at the principal place of ingress to his premises a number, to be ascertained as provided in Sections 9.571 and 9.572.

9.571 ASSIGNMENT OF NUMBERS BY ~~BUILDING SAFETY DIRECTOR~~CITY MANAGER OR HIS DESIGNEE

- (1) The ~~building Safety Director~~City Manager shall prepare a map or maps of the city and indicate thereon the numbers used to designate the premises, as provided in Section 9.570.
- (2) In assigning the numbers the ~~Building Safety Director~~City Manager shall use Main Street and the main line of the Southern Pacific Railway as base lines for starting points for the numbering and shall allow 100 numbers to each block, and not less than one number to each 25 feet of street front.
- (3) For east-west streets east of the base line all numbers on the south side of said streets shall be even numbers, and all numbers on the north side of said street shall be odd numbers. For east-west streets west of the base line all numbers on the south side of said streets shall be odd numbers, and all numbers on the north side of streets shall be even numbers. For north-south streets north of the base line all numbers on the west side of said streets shall be odd numbers, and all numbers on the east side of said streets shall be even numbers. For north-south streets south of the base line all numbers on the west side of said streets shall be even numbers, and all numbers on the east side of said streets shall be odd numbers.
- (4) A primary structure shall include but is not limited to residential building, mobile/manufactured home park, commercial building, industrial building, office building, public building, utility building or communications tower.
- (5) Flag lots and lots accessed off of a minimum access street, as defined in Chapter 10, Section 10.430, ~~will be addressed off of the main "Road" or "Street"~~street on which it fronts. ~~Signage shall be placed at the entrance to the lots indicating the address/s as provided by Medford Fire Department Minimum Access Street Addressing.~~
- (6) Mobile home parks and manufactured homes within the park shall be addressed ~~on~~off the public street it fronts, with each home having a space number. The space numbering will adhere to the street addressing standard in the Code of the City of Medford Section 9.571.
- (7) The ~~Building Safety Director~~City Manager or his Designee reserves the right to require the readdressing of property that is affected by the creation or extension of a public right-of-way or the subdivision of land.

~~(9)~~(8) An application for a permit for a new structure shall be considered an application for an address assignment. Address numbers assigned by the Building Safety Director or his Designee must be displayed prior to the first building inspection.

~~(40)~~(9) Any requested change of address after an assignment of said address is established shall constitute a fee of \$100.

NON-COMPLIANCE

Failure to comply with the provisions of this Ordinance ~~including~~include, but are not limited to, by way of example: a number out-of-sequence, odd or even number on wrong side of street, numbers improperly affixed, numbers illegible, numbers unclear, numbers obstructed or not visible, numbers not present, numbers of improper size, numbers not in contrast with immediate background.

9.572 INSTALLATION OF NUMBERS

Each property owner or tenant, as provided in Section 9.570, shall ascertain from the ~~Building Safety Director~~City Manager or his Designee the numbers so assigned to his premises, and shall cause those numbers to be affixed thereto. ~~in figures not less than three inches (3") high for residential structures and not less than six inches (6") high for commercial structures and multi-family dwelling units.~~

~~(21)~~ Numbers for apartments and similar complexes shall be displayed on each assigned structure. Numbers and/or letters for individual apartments or units within these complexes shall be displayed on, above, or to the side of main doorway of each apartment or unit.

~~(32)~~ Commercial and industrial buildings with multiple levels shall adhere to the following three digit suite numbering: basements – 001, first floor – 100, second floor – 200, third floor – 300 and etc.

~~(43)~~ There shall be positioned at each entrance of multiple-family dwelling complex, commercial/industrial complex, mobile/manufactured home parks an illuminated diagrammatic representation of the complex which shows the location of the viewer and the address and unit designations within the complex.

STORMWATER EROSION CONTROL

9.800 Stormwater Erosion Control.

A. Purpose.

As required by the City's National Pollutant Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4), the City does hereby proclaim an ordinance to address Stormwater Erosion Control.

B. Applicability.

A City of Medford Erosion Control Permit is required for all construction projects that ~~meet criteria established by the Oregon Department of Environmental Quality (DEQ) for a NPDES 1200C permit~~ result in land disturbance of 7000 square feet or more. For construction projects that disturb one or more acres (or that disturb less than one acre, if part of a "common plan of development or sale" disturbing one or more acres) a NPDES 1200C permit from the Oregon Department of Environmental Quality (DEQ) will also be required.

C. Standards.

Erosion control plans ~~that meet criteria established by DEQ for the 1200C permit~~ shall be submitted for review with plans for building permits.

The City of Medford Public Works Engineering Division will review the erosion control plans and issue the Erosion Control Permit ~~will be issued concurrently~~ with the building permit or grading permit for the project.

Erosion control plans must:

1. Use the current City of Medford Erosion Control Plan Template
2. Be approved prior to the beginning of land disturbance activities
3. Be maintained and updated as site conditions change
4. Be kept on site and made available for review by the City and DEQ

Erosion control measures as shown on the approved plans shall be in place prior to any earthwork being performed and shall be maintained for the duration of the project.