



## Medford City Council Meeting

# Agenda

**April 7, 2016**

**12:00 Noon**

**Medford City Hall, Council Chambers  
411 West Eighth Street, Medford, Oregon**

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### 10. Roll Call

#### Introduction of McLoughlin Middle School Students of the Month

### 20. Approval or Correction of the Minutes of the March 17 Regular Meeting

### 30. Oral Requests and Communications from the Audience

Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. PLEASE SIGN IN.

### 40. Consent Calendar

### 50. Items Removed from Consent Calendar

### 60. Ordinances and Resolutions

60.1 COUNCIL BILL 2016-27 Continued from March 3, 2016 - A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 117 S. Central Avenue.

60.2 COUNCIL BILL 2016-28 Continued from March 3, 2016 - A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 135 through 149 S. Central Avenue.

60.3 COUNCIL BILL 2016-29 Continued from March 3, 2016 - A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 125 S. Central Avenue.

60.4 COUNCIL BILL 2016-32 Continued from March 3, 2016 - A resolution approving referral to the electors of the City of Medford the question of imposing a three percent tax on the sale of marijuana items by a marijuana retailer within the City.

60.5 COUNCIL BILL 2016-33 Continued from March 3, 2016 - A resolution approving referral to the electors of the City of Medford the question of banning state-licensed marijuana retailers within the City.

60.6 COUNCIL BILL 2016-44 An ordinance authorizing acceptance and expenditure of a grant in the amount of \$4,000 from the Chaney Family Foundation for the purchase of satellite communication equipment and digital two-way radios for use in the Medford Emergency Management command vehicle.

60.7 COUNCIL BILL 2016-45 An ordinance amending sections 4.105, 4.710, 4.761, 4.763, 4.1111, 4.1200, 4.1202, 4.1203 and repealing sections 4.1003, and 4.1103 of the Medford Code pertaining to utility fees.

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70. **Council Business**

80. **City Manager and Other Staff Reports**

80.1 Further reports from City Manager

90. **Propositions and Remarks from the Mayor and Councilmembers**

90.1 Proclamations issued

90.2 Further Council committee reports

90.3 Further remarks from Mayor and Councilmembers

100. **Adjournment to the Evening Session**

**EVENING SESSION**

**7:00 P.M.**

The evening meeting has been cancelled as there are no items for Council consideration.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.1

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**DEPARTMENT:** Public Works **AGENDA SECTION:** Ordinances and Resolutions  
**PHONE:** (541) 774-2100 **MEETING DATE:** April 7, 2016  
**STAFF CONTACT:** Cory Crebbin, Public Works Director

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**COUNCIL BILL 2016-27**

A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 117 S. Central Avenue.

**SUMMARY AND BACKGROUND**

An appeal of the Public Works letter to Rogue Community College (RCC) informing them that the sidewalk fronting the property at 117 S. Central Avenue poses a safety hazard and needs to be repaired was considered by the City Council on February 18, 2016. The Council denied the appeal and granted the appellant nine months to complete repairs provided the City is indemnified for any related claims.

**PREVIOUS COUNCIL ACTIONS**

The Council voted to deny the appeal at the February 18, 2016, Council meeting. At the March 3, 2016 meeting, Council voted to table the resolution until the April 7, 2016 meeting.

**ANALYSIS**

Section 3.010 of the Medford Municipal Code (MMC) requires owners of property within the city to inspect and maintain all sidewalks abutting their property in a condition safe for use by the public at all times. The code further states that if any property owner by his neglect to perform any duty required by this section causes injury or damage to any person or property, he shall be liable to the person suffering such injury or damage and indemnify the city for all damages it has been compelled to pay in such cases.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

None.

**TIMING ISSUES**

None.

**COUNCIL OPTIONS**

Approve, modify or deny the resolution.

**STAFF RECOMMENDATION**

Staff recommends approval of the resolution.

**SUGGESTED MOTION**

I move to approve the resolution denying the appeal of an administrative decision regarding the defective sidewalk at 117 S. Central Avenue.

**EXHIBITS**

Resolution

RESOLUTION NO. 2016-27

A RESOLUTION affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 117 S. Central Avenue.

WHEREAS, the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 117 S. Central Avenue pursuant to section 3.010 of the Medford Code was appealed to the City Council by appellant, Rogue Community College; and

WHEREAS, the City Council reviewed the decision and considered the matter upon appeal and affirmed the Public Works Director's decision; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

Section 1. The City Council finds there is substantial evidence in the record affirming the Public Works Director's decision requiring the repair of an unsafe sidewalk located at 117 S. Central Avenue, which repairs are to be completed within 270 days from the date hereof.

Section 2. The property owner shall indemnify the City of Medford from any liability associated with the subject unsafe sidewalk.

Section 3. The appeal is hereby denied.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.2

www.ci.medford.or.us

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

**AGENDA SECTION:** Ordinances and Resolutions  
**MEETING DATE:** April 7, 2016

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**COUNCIL BILL 2016-28**

A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 135 through 149 S. Central Avenue.

**SUMMARY AND BACKGROUND**

An appeal of the Public Works letter to Central Avenue Properties, LLC, informing them that the sidewalk fronting the property at 135-149 S. Central Avenue poses a safety hazard and needs to be repaired was considered by the City Council on February 18, 2016. The Council denied the appeal and granted the appellant nine months to complete repairs provided the City is indemnified for any related claims.

**PREVIOUS COUNCIL ACTIONS**

The Council voted to deny the appeal at the February 18, 2016, Council meeting. At the March 3, 2016 meeting, Council voted to table the resolution until the April 7, 2016 meeting.

**ANALYSIS**

Section 3.010 of the Medford Municipal Code requires owners of property within the city to inspect and maintain all sidewalks abutting their property in a condition safe for use by the public at all times. The code further states that if any property owner by his neglect to perform any duty required by this section causes injury or damage to any person or property, he shall be liable to the person suffering such injury or damage and indemnify the city for all damages it has been compelled to pay in such cases.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

None.

**TIMING ISSUES**

None.

**COUNCIL OPTIONS**

Approve, modify or deny the resolution.

**STAFF RECOMMENDATION**

Staff recommends approval of the resolution.

**SUGGESTED MOTION**

I move to approve the resolution denying the appeal of an administrative decision regarding the defective sidewalk at 135-149 S. Central Avenue.

**EXHIBITS**

Resolution

RESOLUTION NO. 2016-28

A RESOLUTION affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 135 through 149 S. Central Avenue.

WHEREAS, the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 135 through 149 S. Central Avenue pursuant to section 3.010 of the Medford Code was appealed to the City Council by appellant, Central Avenue Properties, LLC; and

WHEREAS, the City Council reviewed the decision and considered the matter upon appeal and affirmed the Public Works Director's decision; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

Section 1. The City Council finds there is substantial evidence in the record affirming the Public Works Director's decision requiring the repair of an unsafe sidewalk located at 135 through 149 S. Central Avenue, which repairs are to be completed within 270 days from the date hereof.

Section 2. The property owner shall indemnify the City of Medford from any liability associated with the subject unsafe sidewalk.

Section 3. The appeal is hereby denied.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.3

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

**AGENDA SECTION:** Ordinances and Resolutions  
**MEETING DATE:** April 7, 2016

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**COUNCIL BILL 2016-29**

A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 125 S. Central Avenue.

**SUMMARY AND BACKGROUND**

An appeal of the Public Works letter to Mountain Development Company, LLC, informing them that the sidewalk fronting the property at 125 S. Central Avenue poses a safety hazard and needs to be repaired was considered by the City Council on February 18, 2016. The Council denied the appeal and granted the appellant nine months to complete repairs provided the City is indemnified for any related claims.

**PREVIOUS COUNCIL ACTIONS**

The Council voted to deny the appeal at the February 18, 2016, Council meeting. At the March 3, 2016 meeting, Council voted to table the resolution until the April 7, 2016 meeting.

**ANALYSIS**

Section 3.010 of the Medford Municipal Code requires owners of property within the City to inspect and maintain all sidewalks abutting their property in a condition safe for use by the public at all times. The code further states that if any property owner by his neglect to perform any duty required by this section causes injury or damage to any person or property, he shall be liable to the person suffering such injury or damage and indemnify the City for all damages it has been compelled to pay in such cases.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

None.

**TIMING ISSUES**

None.

**COUNCIL OPTIONS**

Approve, modify or deny the resolution.

**STAFF RECOMMENDATION**

Staff recommends approval of the resolution.

**SUGGESTED MOTION**

I move to approve the resolution denying the appeal of an administrative decision regarding the defective sidewalk at 125 S. Central Avenue.

**EXHIBITS**

Resolution

RESOLUTION NO. 2016-29

A RESOLUTION affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 125 S. Central Avenue.

WHEREAS, the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 125 S. Central Avenue pursuant to section 3.010 of the Medford Code was appealed to the City Council by appellant, Mountain Development Company, LLC; and

WHEREAS, the City Council reviewed the decision and considered the matter upon appeal and affirmed the Public Works Director's decision; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

Section 1. The City Council finds there is substantial evidence in the record affirming the Public Works Director's decision requiring the repair of an unsafe sidewalk located at 125 S. Central Avenue, which repairs are to be completed within 270 days from the date hereof.

Section 2. The property owner shall indemnify the City of Medford from any liability associated with the subject unsafe sidewalk.

Section 3. The appeal is hereby denied.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor





**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.4

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**SUGGESTED MOTION**

I move to approve the resolution approving referral to the electors of the City of Medford the question of imposing a three (3) percent tax on the sale of marijuana items by a marijuana retailer within the City and the accompanying exhibits, direct the City Attorney to prepare the ballot title for the measure and deposit the ballot title with the City Recorder within the times set forth by law, and authorize the City Recorder to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

**EXHIBITS**

Resolution  
Ordinance 2015-132 with Question, Summary  
Explanatory Statement

RESOLUTION NO. 2016-32

A RESOLUTION approving referral to the electors of the City of Medford the question of imposing a three percent tax on the sale of marijuana items by a marijuana retailer within the City.

WHEREAS, section 34a of House Bill 3400 (2015) provides that a city council may adopt an ordinance to be referred to the voters that imposes up to a three (3) percent tax on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city; and

WHEREAS, the Medford City Council adopted Ordinance 2015-132, which imposes a tax of three percent on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city and referred the ordinance to the electors of the City for approval; now therefore;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

MEASURE. A measure election is hereby called for the purpose of submitting to the electors of the City of Medford a measure imposing a three percent tax on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city, a copy of which is attached hereto as "Exhibit 1," and incorporated herein by reference.

ELECTION CONDUCTED BY MAIL. The measure election shall be held in the City of Medford on November 8, 2016. As required by ORS 254.465, the measure election shall be conducted by mail by the County Clerk of Jackson County, according to the procedures adopted by the Oregon Secretary of State.

DELEGATION. The City of Medford authorizes the City Manager, or the City Manager's designee, to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

PREPARATION OF BALLOT TITLE. The City Attorney is hereby directed to prepare the ballot title for the measure, and deposit the ballot title with the City Recorder within the times set forth by law.

NOTICE OF BALLOT TITLE AND RIGHT TO APPEAL. Upon receiving the ballot title for this measure, the City Recorder shall publish in the next available edition of a newspaper of general circulation in the City a notice of receipt of the ballot title, including notice that an elector may file a petition for review of the ballot title.

EXPLANATORY STATEMENT. The explanatory statement for the measure, which is attached hereto as "Exhibit 2," and incorporated herein by reference, is hereby approved.

FILING WITH COUNTY ELECTIONS OFFICE. The City Recorder shall deliver the Notice of Measure Election to the County Clerk for Jackson County for inclusion on the ballot for the November 8, 2016 election.

EFFECTIVE DATE. This resolution is effective upon adoption.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST: \_\_\_\_\_

City Recorder

\_\_\_\_\_

Mayor

ORDINANCE NO. 2015-132

AN ORDINANCE imposing a three (3) percent tax on the sale of marijuana items by a marijuana retailer; referring ordinance.

WHEREAS, section 34a of House Bill 3400 (2015) provides that a City Council may adopt an ordinance to be referred to the voters that imposes up to a three (3) percent tax or fee on the sale of marijuana items by a marijuana retailer in an area subject to the jurisdiction of the City; and

WHEREAS, the Medford City Council wants to impose a three (3) percent tax on the sale of marijuana items by a marijuana retailer in an area subject to the jurisdiction of the City; now therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

DEFINITIONS.

Marijuana item has the meaning given that term in Oregon Laws 2015, chapter 614, section 1.

Marijuana retailer means a person who sells marijuana items to a consumer in this State.

Retail sale price means the price paid for a marijuana item, excluding tax, to a marijuana retailer by or on behalf of a consumer of the marijuana item.

TAX IMPOSED. As described in section 34a of House Bill 3400 (2015), the City of Medford hereby imposes a tax of three (3) percent on the retail sale price of marijuana items by a marijuana retailer in an area subject to the jurisdiction of the City.

COLLECTION. The tax shall be collected at the point of sale of a marijuana item by a marijuana retailer at the time at which the retail sale occurs and remitted by each marijuana retailer that engages in the retail sale of marijuana items. The tax collected by a marijuana retailer constitutes a debt owing to the City, and is due and payable to the City's Finance Director on a monthly basis on or before the last day of the month immediately following for the preceding month. A marijuana retailer shall make a return to the Finance Director, on forms provided by the City, specifying the total sales and the amount of tax collected.

REFERRAL. This ordinance shall be referred to the electors of the City of Medford at the

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November 8, 2016 statewide general election.

PASSED by the Council and signed by me in authentication of its passage this 17 day of December, 2015.

ATTEST: Karen M. Spoons  
City Recorder

APPROVED December, 2015.

[Signature]  
Mayor  
[Signature]  
Mayor

## QUESTION

Shall the City of Medford impose a three percent tax on the sale of marijuana items by a marijuana retailer?

## SUMMARY

Under sState law, **permits** a city council ~~may to~~ adopt an ordinance imposing up to a three percent tax on the sale of marijuana items within the city by a marijuana retailer. **A marijuana retailer may sell marijuana items to a consumer for their recreational use.**

Approval of this measure would impose a three percent tax on the sale of marijuana items in the City by a marijuana retailer.

Under state law, a city adopting an ordinance that prohibits the establishment of a state-licensed marijuana ~~producer, processor, wholesaler or~~ retailers may not impose a tax on the production, processing or sale of marijuana, or any product into which marijuana has been incorporated.

On December 17<sup>th</sup>, 2015, the Medford City Council adopted Ordinance No. 2015-133, which prohibits the establishment of marijuana retailers within the City. ~~The measure of~~ Ordinance No. 2015-133 has been referred to the electors for approval at the November 8, 2016 statewide general election.

This measure would become operative only if it passes by a majority of votes and the measure of Ordinance No. 2015-133 does not pass by a majority of votes.

## **EXHIBIT 1**

### **QUESTION**

Shall the City of Medford impose a three percent tax on the sale of marijuana items by a marijuana retailer?

### **SUMMARY**

State law permits a city council to adopt an ordinance imposing up to a three percent tax on the sale of marijuana items within the city by a marijuana retailer. A marijuana retailer may sell marijuana items to a consumer for their recreational use.

Approval of this measure would impose a three percent tax on the sale of marijuana items in the City by a marijuana retailer.

Under state law, a city adopting an ordinance that prohibits the establishment of state-licensed marijuana retailers may not impose a tax on the production, processing or sale of marijuana, or any product into which marijuana has been incorporated.

On December 17<sup>th</sup>, 2015, the Medford City Council adopted Ordinance No. 2015-133, which prohibits the establishment of marijuana retailers within the City. Ordinance No. 2015-133 has been referred to the electors for approval at the November 8, 2016 statewide general election.

This measure would become operative only if it passes by a majority of votes and the measure of Ordinance No. 2015-133 does not pass by a majority of votes.

## EXPLANATORY STATEMENT

Approval of this measure would impose a three percent tax on the sale of marijuana items by a marijuana retailer within the City. **A marijuana retailer is an entity licensed by the Oregon Liquor Control Commission authorized to sell marijuana items to a consumer for their recreational use.** There are no restrictions on how the City may use the revenues generated by this tax. However, this measure will become operative only if the ballot measure prohibiting the establishment of marijuana retailers fails.

Measure 91, adopted by Oregon voters in November 2014 and amended by the Legislature in 2015, provides that the Oregon Liquor Control Commission will license marijuana producers, processors, wholesalers and retailers. The 2015 legislation permits a city council to adopt an ordinance imposing up to a three percent tax on the sale of marijuana items by marijuana retail licensees in the city, but the council must submit the measure of the ordinance to the electors of the city at the next statewide general election. Marijuana items are defined by state law as marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

In light of the 2015 legislation, the Medford City Council adopted Ordinance No. 2015-132, which imposes a three percent tax on the sale of marijuana items by a marijuana retailer within the City. Pursuant to state law, the Medford City Council submitted the measure of Ordinance No. 2015-132 to the voters for approval at the November 8, 2016 statewide general election.

The 2015 legislation also permits a city council to adopt an ordinance prohibiting the establishment of marijuana producers, processors, wholesalers, ~~and~~retailers **and medical marijuana dispensaries**, which must then be referred to the electors of the city. On December 17<sup>th</sup>, 2015, the Medford City Council adopted Ordinance No. 2015-133, which prohibits the establishment of marijuana retailers within the City. **The City did not prohibit the establishment of marijuana producers, processors, wholesalers or medical marijuana dispensaries.** A marijuana retailer is defined by state law as an entity licensed by the Oregon Liquor Control Commission to sell marijuana items to a consumer in this state. The measure of Ordinance No. 2015-133 has been referred to the electors of the City for approval at the November 8, 2016 statewide general election.

While the 2015 legislation permits a city to prohibit the establishment **of** marijuana producers, processors, wholesalers ~~or~~, retailers **and medical marijuana dispensaries**, that city is subsequently precluded from imposing a tax on the production, processing or sale of marijuana or any product into which marijuana has been incorporated.

As a result, if the electors of the City pass Ordinance No. 2015-133, this tax measure will not become operative, even if it also receives a majority of votes.

## EXHIBIT 2

### EXPLANATORY STATEMENT

Approval of this measure would impose a three percent tax on the sale of marijuana items by a marijuana retailer within the City. A marijuana retailer is an entity licensed by the Oregon Liquor Control Commission authorized to sell marijuana items to a consumer for their recreational use. There are no restrictions on how the City may use the revenues generated by this tax. However, this measure will become operative only if the ballot measure prohibiting the establishment of marijuana retailers fails.

Measure 91, adopted by Oregon voters in November 2014 and amended by the Legislature in 2015, provides that the Oregon Liquor Control Commission will license marijuana producers, processors, wholesalers and retailers. The 2015 legislation permits a city council to adopt an ordinance imposing up to a three percent tax on the sale of marijuana items by marijuana retail licensees in the city, but the council must submit the measure of the ordinance to the electors of the city at the next statewide general election. Marijuana items are defined by state law as marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

In light of the 2015 legislation, the Medford City Council adopted Ordinance No. 2015-132, which imposes a three percent tax on the sale of marijuana items by a marijuana retailer within the City. Pursuant to state law, the Medford City Council submitted the measure of Ordinance No. 2015-132 to the voters for approval at the November 8, 2016 statewide general election.

The 2015 legislation also permits a city council to adopt an ordinance prohibiting the establishment of marijuana producers, processors, wholesalers, retailers and medical marijuana dispensaries, which must then be referred to the electors of the city. On December 17<sup>th</sup>, 2015, the Medford City Council adopted Ordinance No. 2015-133, which prohibits the establishment of marijuana retailers within the City. The City did not prohibit the establishment of marijuana producers, processors, wholesalers or medical marijuana dispensaries. A marijuana retailer is defined by state law as an entity licensed by the Oregon Liquor Control Commission to sell marijuana items to a consumer in this state. The measure of Ordinance No. 2015-133 has been referred to the electors of the City for approval at the November 8, 2016 statewide general election.

While the 2015 legislation permits a city to prohibit the establishment of marijuana producers, processors, wholesalers, retailers and medical marijuana dispensaries, that city is subsequently precluded from imposing a tax on the production, processing or sale of marijuana or any product into which marijuana has been incorporated.

As a result, if the electors of the City pass Ordinance No. 2015-133, this tax measure will not become operative, even if it also receives a majority of votes.





**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.5

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**STAFF RECOMMENDATION**

Staff recommends approval of the resolution and accompanying exhibits.

**SUGGESTED MOTION**

I move to approve the resolution approving referral to the electors of the City of Medford the question of banning state-licensed marijuana retailers within the City and the accompanying exhibits, direct the City Attorney to prepare the ballot title for the measure and deposit the ballot title with the City Recorder within the times set forth by law, and authorize the City Recorder to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

**EXHIBITS**

Resolution

Ordinance 2015-133 with Question, Summary

Explanatory Statement

RESOLUTION NO. 2016-33

A RESOLUTION approving referral to the electors of the City of Medford the question of banning marijuana retailers within the City.

WHEREAS, section 134 of HB 3400 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of certain state-registered and state-licensed marijuana businesses in the area subject to the jurisdiction of the city; and

WHEREAS, the City of Medford City Council adopted Ordinance 2015-133, which prohibits the establishment of marijuana retailers in the area subject to the jurisdiction of the City and referred the ordinance to the electors of the City for approval; now therefore;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON:

MEASURE. A measure election is hereby called for the purpose of submitting to the electors of the City of Medford a measure prohibiting the establishment of marijuana retailers in the area subject to the jurisdiction of the City, a copy of which is attached hereto as "Exhibit 1," and incorporated herein by reference.

ELECTION CONDUCTED BY MAIL. The measure election shall be held in the City of Medford on November 8, 2016. As required by ORS 254.465, the measure election shall be conducted by mail by the County Clerk of Jackson County, according to the procedures adopted by the Oregon Secretary of State.

DELEGATION. The City of Medford authorizes the City Recorder to act on behalf of the City and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

PREPARATION OF BALLOT TITLE. The City Attorney is hereby directed to prepare the ballot title for the measure, and deposit the ballot title with the City Recorder within the times set forth by law.

NOTICE OF BALLOT TITLE AND RIGHT TO APPEAL. Upon receiving the ballot title for this measure, the City Recorder shall publish in the next available edition of a newspaper of general circulation in the City a notice of receipt of the ballot title, including notice that an elector may file a petition for review of the ballot title.

EXPLANATORY STATEMENT. The explanatory statement for the measure, which is attached hereto as "Exhibit 2," and incorporated herein by reference, is hereby approved.

FILING WITH COUNTY ELECTIONS OFFICE. The City Recorder shall deliver the Notice of Measure Election to the county clerk for Jackson County for inclusion on the ballot for the November 8, 2016 election.

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EFFECTIVE DATE. This resolution is effective upon adoption.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST: \_\_\_\_\_

City Recorder

\_\_\_\_\_

Mayor

ORDINANCE NO. 2015-133

AN ORDINANCE declaring a ban on recreational marijuana retailers; referring ordinance.

WHEREAS, Measure 91, which the voters adopted in November 2014, directs the Oregon Liquor Control Commission to license the production, processing, wholesale, and retail sale of recreational marijuana; and

WHEREAS, section 134 of HB 3400 provides that a City Council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of certain state-registered and state-licensed marijuana businesses in the area subject to the jurisdiction of the city; and

WHEREAS, the Medford City Council wants to refer the question of whether to prohibit marijuana retailers to the voters of the City of Medford; now therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

DEFINITIONS.

Marijuana means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

Marijuana retailer means an entity licensed by the Oregon Liquor Control Commission to sell marijuana items to a consumer in this state.

BAN DECLARED. As described in section 134 of House Bill 3400 (2015), the City of Medford hereby prohibits the establishment of marijuana retailers in an area subject to the jurisdiction of the City.

REFERRAL. This ordinance shall be referred to the electors of the City of Medford at the November 8, 2016 statewide general election.

PASSED by the Council and signed by me in authentication of its passage this 17 day of December, 2015.

ATTEST: Kaleenm Spruett  
City Recorder

APPROVED December 17, 2015.

Greg White  
Mayor  
Greg White  
Mayor

## QUESTION

Shall the City of Medford prohibit the establishment of marijuana retailers within the City?

## SUMMARY

State law allows operation of state-licensed marijuana ~~producers, processors, wholesalers and~~ retailers. ~~State law provides that a city council may adopt an ordinance to be referred to the electors of the city for approval to prohibit the establishment of any of those licensed activities.~~

**A marijuana retailer is an entity licensed by the Oregon Liquor Control Commission authorized to sell marijuana items to a consumer for their recreational use.**

**However, state law also permits a city council to adopt an ordinance prohibiting the establishment of marijuana retailers, which must then be referred to the electors of the city for approval.**

On December 17, 2015, the Medford City Council adopted ordinance No. 2015-133, which prohibits marijuana retailers from operating within the City.

**A “yes” vote on this measure will prohibit marijuana retailers from doing business within the City. A “no” vote on this measure will allow marijuana retailers to do business within the City.**

If this measure is approved, the City will be ineligible to receive distributions of state marijuana tax revenues and will be unable to impose a local tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated.

## **Exhibit 1**

### QUESTION

Shall the City of Medford prohibit the establishment of marijuana retailers within the City?

### SUMMARY

State law allows operation of state-licensed marijuana retailers. A marijuana retailer is an entity licensed by the Oregon Liquor Control Commission authorized to sell marijuana items to a consumer for their recreational use.

However, state law also permits a city council to adopt an ordinance prohibiting the establishment of marijuana retailers, which must then be referred to the electors of the city for approval.

On December 17, 2015, the Medford City Council adopted ordinance No. 2015-133, which prohibits marijuana retailers from operating within the City.

A “yes” vote on this measure will prohibit marijuana retailers from doing business within the City. A “no” vote on this measure will allow marijuana retailers to do business within the City.

If this measure is approved, the City will be ineligible to receive distributions of state marijuana tax revenues and will be unable to impose a local tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated.

## EXPLANATORY STATEMENT

Approval of this measure would prohibit the establishment of marijuana retailers within the City of Medford. **State law allows a marijuana retailer to sell marijuana items to a consumer for their recreational use.**

Measure 91, approved by Oregon voters in 2014 and amended by the Legislature in 2015, provides that the Oregon Liquor Control Commission will license marijuana producers, processors, wholesalers, and retailers. The 2015 legislation permits a city council to adopt an ordinance prohibiting the establishment of any of those entities within a city, but the council must refer the measure of the ordinance to the voters at the next statewide general election.

The 2015 legislation also permits a city council to adopt an ordinance imposing up to a three percent tax on the sale of marijuana items by a marijuana retailer within a city, which must also be referred to the voters at the next statewide general election.

In light of the 2015 legislation, the Medford City Council adopted Ordinance No. 2015-133, which prohibits the establishment of marijuana retailers, and referred the measure of the ordinance to the electors of the City for approval at the November 8, 2016 statewide general election. A marijuana retailer is defined by state law as an entity licensed by the Oregon Liquor Control Commission to sell marijuana items to a consumer in this state. Marijuana items are defined by state law as marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

The Medford City Council also adopted Ordinance No. 2015-132, imposing a three percent tax on the sale of marijuana items by a marijuana retailer, and referred the measure of that ordinance to the electors of the City for approval at the November 8, 2016 statewide general election.

The Medford City Council purposefully adopted these inconsistent ordinances so that the City's electors could decide whether marijuana retailers should be prohibited from operating within the City, and if not **prohibited**, whether the City should impose a three percent tax on the sale of marijuana items by marijuana retailers.

**A “yes” vote on this measure will prohibit marijuana retailers from doing business within the City. A “no” vote on this measure will allow marijuana retailers to do business within the City.**

Approval of this measure has revenue impacts. Currently, ten percent of state marijuana tax revenues will be distributed to cities to assist local law enforcement in performing their duties under Measure 91. If approved, this measure would make the City of Medford ineligible to receive distributions of state marijuana tax revenues. In addition, the City will not be able to impose a three percent tax on the sale of marijuana items by a marijuana retailer within the City, even if that measure also receives a majority of votes.

## Exhibit 2

### EXPLANATORY STATEMENT

Approval of this measure would prohibit the establishment of marijuana retailers within the City of Medford. State law allows a marijuana retailer to sell marijuana items to a consumer for their recreational use.

Measure 91, approved by Oregon voters in 2014 and amended by the Legislature in 2015, provides that the Oregon Liquor Control Commission will license marijuana producers, processors, wholesalers, and retailers. The 2015 legislation permits a city council to adopt an ordinance prohibiting the establishment of any of those entities within a city, but the council must refer the measure of the ordinance to the voters at the next statewide general election.

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The Medford City Council purposefully adopted these inconsistent ordinances so that the City's electors could decide whether marijuana retailers should be prohibited from operating within the City, and if not prohibited, whether the City should impose a three percent tax on the sale of marijuana items by marijuana retailers.

A "yes" vote on this measure will prohibit marijuana retailers from doing business within the City. A "no" vote on this measure will allow marijuana retailers to do business within the City.

Approval of this measure has revenue impacts. Currently, ten percent of state marijuana tax revenues will be distributed to cities to assist local law enforcement in performing their duties under Measure 91. If approved, this measure would make the City of Medford ineligible to receive distributions of state marijuana tax revenues. In addition, the City will not be able to impose a three percent tax on the sale of marijuana items by a marijuana retailer within the City, even if that measure also receives a majority of votes.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.6

www.ci.medford.or.us

**DEPARTMENT:** City Manager's Office  
**PHONE:** (541) 774-2000  
**STAFF CONTACT:** Larry Masterman

**AGENDA SECTION:** Ordinances & Resolutions  
**MEETING DATE:** April 7, 2016

## **COUNCIL BILL 2016-44**

An ordinance authorizing acceptance and expenditure of a grant in the amount of \$4,000 from the Chaney Family Foundation for the purchase of satellite communication equipment and digital two-way radios for use in the Medford Emergency Management command vehicle.

## **SUMMARY AND BACKGROUND**

The City of Medford applied for and received a specific purpose grant from the Chaney Family Foundation in the amount of \$4,000 for the purchase of satellite communication equipment and digital two-way radios for use in the Medford Emergency Management command vehicle.

Receipt of specific purpose grants, gifts, or donations can be accepted and expended after enactment of a resolution under ORS 294.338. A supplemental budget is not required.

## **PREVIOUS COUNCIL ACTIONS**

None

## **ANALYSIS**

The Chaney Family Foundation grant is to support the purchase of satellite communication equipment and digital two-way radios for use in the Medford Emergency Management command vehicle. The command vehicle will be used in the event of emergencies and large events by all City departments.

## **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

Revenues and expenditures will increase by \$4,000.

## **TIMING ISSUES**

The grant must be signed by June 1, 2016.

## **COUNCIL OPTIONS**

Authorize acceptance and expenditure of the grant.  
Deny acceptance and expenditure of the grant.

## **STAFF RECOMMENDATION**

Staff recommends approval of the ordinance authorizing the acceptance and expenditure of the grant.

## **SUGGESTED MOTION**

I move to approve the ordinance authorizing the acceptance and expenditure of the Chaney Family Foundation Grant in the amount of \$4,000.

## **EXHIBITS**

Ordinance  
Agreement

ORDINANCE NO. 2016-44

AN ORDINANCE authorizing acceptance and expenditure of a grant in the amount of \$4,000 from the Chaney Family Foundation for the purchase of satellite communication equipment and digital two-way radios for use in the Medford Emergency Management command vehicle.

WHEREAS, ORS 294.338 authorizes acceptance and expenditure of a grant without adopting a supplemental budget or other procedural requirements of local budget law; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That acceptance and expenditure of a grant in the amount of \$4,000 from the Chaney Family Foundation for the purchase of satellite communication equipment and digital two-way radios for use in the Medford Emergency Management command vehicle, as shown on the Appropriation Modifications Form attached as Exhibit A and incorporated herein, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor



GRANT AGREEMENT  
Terms and Conditions of Grant Award

03/14/2016

City of Medford Emergency Management  
Attn: Larry Masterman  
411 West 8th Street, Room 310  
Medford, OR 97501

<b><u>S1609C</u></b> <b>Grant Number</b>
<b><u>03/1/2016-02/28/2017</u></b> <b>Grant Period</b>
<b><u>04/30/2017</u></b> <b>Year End Report Due</b>

Dear Larry,

Congratulations! The Robert and Frances Chaney Family Foundation (“Foundation”) is pleased to inform you that City of Medford Emergency Management has been awarded a grant in the amount of \$4,000.00.  
**Approved Grant Purpose: Support the purchase of satellite communication equipment and digital 2-way radios for use in the Medford Emergency Management Command Vehicle.**

Under the applicable laws of the United States, all grant funds must be expended for charitable, scientific, literary or educational purposes.

**City of Medford Emergency Management (Grantee) hereby agrees:**

1. To use grant funds solely for the approved purpose.
2. To expend the entire amount of this grant for the approved purpose.
3. To repay any portion of the amount granted which is not used for the purpose of the grant.
4. To maintain full and adequate records concerning receipts and expenditures related to the use of the grant. These records shall be made available to the Foundation upon request at any reasonable time.
5. Prior written approval by the Foundation must be obtained for any modification of the budget equating to \$500.00 or five percent (5%) of the grant amount, whichever is greater, or to any of the objectives, workplace or timeline of the project.
6. The Foundation’s Board of Trustees and staff are to receive no personal benefits or services for this grant that are not otherwise extended to the general public without cost.
7. To notify the Foundation immediately if City of Medford Emergency Management loses its exemption from Federal income taxes under Section 501(c)(3) of the Internal Revenue Code; as a state-supported

educational institution or government entity; or its status as a public charity under Section 509(a) during the life of the grant.

8. That grant funds will not be used for any of the following purposes:
  - a. To influence the outcome of any specific public election or to carry on, directly or indirectly, any voter registration drive (within the meaning of Internal Revenue Code Section 4945(d)(2)).
  - b. To make any grant which constitutes a taxable expenditure under Internal Revenue Code Section 170(c)(2)(B).
  - c. To support any illegal purposes, promotion of violence or terrorist activities.
9. To submit a full and complete final report no later than the date indicated on page one of this agreement. The year-end report is an online report and can be obtained by returning to the application tab of our website ([www.familyfoundationchaney.org](http://www.familyfoundationchaney.org)) and using the login credentials that you were given as part of the application process.

If you find this grant agreement acceptable, please sign below upload to the grant management system. A check for \$4,000.00 will be issued to City of Medford Emergency Management within ten (10) days after receiving your signed grant agreement. Please call our office, 541-899-9199, if you have any questions or if we can be of further assistance.

Best wishes for your continued success.

Congratulations,



Carrie Hanson, Executive Director

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***ELECTRONIC SIGNATURE:***

*By entering your signature information and marking "I Agree", you certify that the organization you represent will abide by this grant agreement. Facsimile or electronic signatures shall be deemed acceptable and binding and shall be treated in all respects as an original contract and shall have the same binding legal effect as if it were in an original signed version thereof delivered in person.*

**City of Medford Emergency Management**

**I understand and comply with the grant agreement above:**

\_\_\_\_\_  
Name and Title of Representative Authorized to Sign Contract

\_\_\_\_\_  
Date

***CHOICES***

I Agree

I Do Not Agree



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.7

www.ci.medford.or.us

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<b>DEPARTMENT:</b> Public Works	<b>AGENDA SECTION:</b> Ordinances and Resolutions
<b>PHONE:</b> (541) 774-2100	<b>MEETING DATE:</b> April 7, 2016
<b>STAFF CONTACT:</b> Cory Crebbin, Public Works Director	

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## COUNCIL BILL 2016-45

An ordinance amending sections 4.105, 4.710, 4.761, 4.763, 4.1111, 4.1200, 4.1202, 4.1203 and repealing sections 4.1003, and 4.1103 of the Medford Code pertaining to utility fees.

## SUMMARY AND BACKGROUND

The street utility fee portion of the 17-Transportation Project List was fully collected on the March 2016 utility bill. As a result, the street utility fee is reduced and the public safety fee increased as prescribed by Sections 4.761(3) and 4.1111 of the Medford Municipal Code. These proposed changes to the code eliminate unneeded language and display the revised fees.

Sections 4.1200(3) and (3)(a) are revised to clarify which utility fees are not assessed when an account is closed or vacant. Public Safety and Pedestrian Street Light fees will be assessed as those costs to the City continue whether a building is vacant or occupied.

Additional minor housekeeping changes are proposed to various sections of code to improve consistency between code sections and simplify language.

## PREVIOUS COUNCIL ACTIONS

None.

## ANALYSIS

Section 4.105 is revised to add a new definition for Accessory Dwelling Unit. This definition is consistent with the ADU definition in Chapter 10, but adds square footage limitations for utility billing purposes. The Home Based Business definition is clarified to indicate that any portion of a business conducted in a home is subject to the utility fee. The Residential Service - Multi-Family Residential Service is clarified to include a single family dwelling with an ADU, as this meets the current multi-family definition of two or more separate living facilities and removes the restriction of a common wall or roof. The Mobile Home Park definition is revised to be consistent with the number of units specified in Chapter 10. All definitions are renumbered.

Section 4.710 is revised to clarify that the minimum storm drain utility charge is per tax lot.

Section 4.761(c) clarifies that the street fee reduction for non-profits, houses of worship and fraternal organizations is limited to administration facilities.

Sections 4.761(d), 4.761(3) and 4.1111 are revised to eliminate language regarding the 17-Transportation Project List surcharge. Street utility fees are reduced and Public Safety fees increased to reflect the 17-Transportation Project surcharge sunset.

Table 4.1 of Section 4.763 is revised to reflect the change in definition for a single family dwelling with an ADU and moves duplex to multi-family.

Section 4.763(2) is revised to clarify that the gross floor area of a building is the sum of the area of each floor, and removes language exempting unroofed areas from utility fee calculations.

Revised March 2, 2016



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.7

[www.ci.medford.or.us](http://www.ci.medford.or.us)

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Sections 4.1003 and 4.1103 are eliminated as these definitions are included in Section 4.105. This eliminates inconsistencies between definitions.

Section 4.1200(3) and (3)(a) are revised to clarify which utility fees are not assessed when an account is closed or vacant. Public Safety and Pedestrian Street Light fees will be assessed as those costs to the City continue whether the building is vacant or occupied.

Section 4.1202 is revised to clarify the calculation for the annual billing plan.

Section 4.1203 is revised to clarify that all delinquent utility fees will be referred to an outside collection agency and that interest will be added to the delinquent balance.

## **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

None.

## **TIMING ISSUES**

None.

## **COUNCIL OPTIONS**

Approve, modify, or deny the ordinance.

## **STAFF RECOMMENDATION**

Approve the proposed code changes.

## **SUGGESTED MOTION**

I move to approve the ordinance amending Sections 4.105, 4.710, 4.761, 4.763, 4.1003, 4.1103, 4.1111, 4.1200, 4.1202 and 4.1203 to revise language regarding the 17-Transportation Project, clarify which utility fees will be charged when accounts are closed or vacant, and make minor housekeeping changes.

## **EXHIBITS**

Ordinance  
Chapter 4 Revisions

ORDINANCE NO. 2016-45

AN ORDINANCE amending sections 4.105, 4.710, 4.761, 4.763, 4.1111, 4.1200, 4.1202, 4.1203 and repealing sections 4.1003, and 4.1103 of the Medford Code pertaining to utility fees.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 4.105 of the Medford Code is amended to read as follows:

4.105 Definitions.

\*\*\*

**(1) Accessory Dwelling Unit (ADU). A detached or attached dwelling unit that is additional and auxiliary to an existing single-family dwelling, and is on the same tax lot. An ADU cannot exceed 900 square feet or more than half the square footage of the SFR, whichever is less.**

~~(2)~~(1) Commission: The board of the Medford Water Commission of the City, its authorized agents or employees.

~~(3)~~(2) Currently Developed Area (CDA): All parcels within the City limits except those parcels greater than one acre which were undeveloped on August 4, 1983, as defined by the following Medford Land Use Inventory Codes: 8100, intensive agriculture; 8200, non-intensive agriculture; and 9000, undeveloped or vacant land. Such parcels are identified on a list filed in the office of the City Recorder prior to passage of Ordinance No. 4940.

~~(4)~~(3) Customer: An individual, firm, corporation, or governmental agency residing, operating or owning property within the City of Medford.

~~(5)~~(4) Detention System: A facility (such as a pond, vault, pipe, etc.) in which surface and stormwater are temporarily stored.

~~(6)~~(5) Developed Property: Any man-made change to improved or unimproved real property including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

~~(7)~~(6) Equivalent Residential Unit (ERU): An area which is estimated to place approximately equal demand on the City's storm drainage system as a parcel containing one single-family dwelling unit. One (1) ERU shall be equal to 3,730 square feet of impervious surface.

~~(8)~~(7) Extra Strength Sewer Service: Industrial, commercial or hospital industrial wastes discharged into the sewer system containing a total of more than sixty (60) pounds of Biochemical Oxygen Demand, or Suspended Solids in any one (1) day and having an average strength in excess of 300 parts per million (ppm) of Biochemical Oxygen Demand, or Suspended Solids.

~~(9)~~(8) Home Based Business: Business conducted entirely from a residential premise (home, garage or other outbuilding) regardless of the nature of the business.

~~(10)~~(9) Impervious Surface: Surface areas which either prevent or retard the absorption of water into the surface of the soil, or cause water to run off the surface in greater quantities or at an increased rate of flow compared to the natural condition of the property before development. Asphalt, concrete and roofing materials are examples of impervious materials. Gravel surfaces used for vehicular traffic are also considered impervious.

(11)(10) Improved Premises: Any area which has been altered such that the runoff from the site is greater than that which historically occurred prior to development. Such a condition shall be determined by the City Engineer.

(12)(11) NAICS Manual: North American Industry Classification System, 2002 edition. Published by Executive Office of the President – Office of Management and Budget.

(13)(12) Non-Profit: Refers to charitable organizations that are tax exempt under section 501(c)(3) of the Internal Revenue Code.

(14)(13) Non-Residential Service: Service to any structure not used primarily for residential purposes. Specific Non-Residential use definitions include the following:

\*\*\*

(15)(14) Open Drainageway: A natural or man-made path, ditch or channel on the land surface which has the specific function of transmitting natural stream water or storm runoff water.

(16)(15) Pass-by Trip: An intermediate stop on the way from an origin to a primary trip destination without a route diversion.

(17)(16) Recreational Vehicle Dumping Station: A facility connected to the sewage collection system and accepts liquid wastes dumped from holding tanks of recreational vehicles such as travel trailers, motor homes and campers regardless of whether the wastes are accepted by the dumping station operator with or without charge.

(18)(17) Residential Service: Service to any structure used primarily for residential purposes. Residential use is further defined as follows:

\*\*\*

(b) Multi-Family Residential Service: Service to a structure(s) which consists of two or more separate living facilities ~~sharing at least one common wall or a common roof~~ in which the occupants normally cook meals, eat, sleep and carry on the household operations incident to domestic life. **Also includes a single-family residential structure with an ADU, whether attached or detached** Excludes commercial transient housing such as hotel and motel suites.

(c) Mobile Home Parks: An area under unified ownership or ~~control~~ **management** in which manufactured homes are situated and used for human habitation; or in which ~~two~~ **four** or more spaces are improved, designed or offered for such use.

\*\*\*

(19)(18) Responsible Party: The person paying the City utility charges or the person (s) having the right to occupy the property if there is no water service to the property. If the City is not able to identify the responsible party, the owner of record shall be the responsible party.

(20)(19) Retention System: A system which is intended to retain and infiltrate surface water either partially or completely to groundwater.

(21)(20) Runoff Control: Any means approved by the City Engineer by which the peak rate and volume of storm runoff from developed land surfaces is reduced to its predeveloped state for storms up to the 25-year event.

(22)(21) Trip Generation: The average number of weekday vehicle trips as determined by the Institute of Traffic Engineers (ITE) by reference to the 8<sup>th</sup> edition of the ITE manual.

(23)(22) Water System: All or any part of the public water system owned and operated by the Medford Water Commission, including all service lines to and including the water meters.

SECTION 2. Section 4.710 of the Medford Code is amended to read as follows:

4.710 Monthly Storm Drainage Charges.

\*\*\*

The minimum service charge per ~~property~~ **tax lot** shall be that established for a single family unit.

SECTION 3. Section 4.761 of the Medford Code is amended to read as follows:

4.761 Imposition of Utility Fee.

\*\*\*

(c) Customers classified as non-profit, houses of worship and fraternal organizations shall receive a 50% reduction in their Modified Average Daily Trip-End **where the building or unit's primary purpose is administration**. The reduction applies to the headquarters or main administrative offices only; satellite or auxiliary facilities operated by these organizations at other sites shall not receive the discount. Government offices directly concerned with the delivery of social services to individuals and families are not eligible for the discount.

(d) Effective July 15 of each year below, **except as noted**, the rates shall be as follows:

	<u>2013</u>	<u>2015</u>	<u>03/15/2016</u>	<u>2016</u>	<u>2017</u>
Residential	<del>\$0.883</del>	<del>\$0.960</del>	<b>\$0.670</b>	<del>\$1.017</del> <b>\$0.727</b>	<del>\$1.058</del> <b>\$0.768</b>
Non-Residential	<del>\$0.553</del>	<del>\$0.601</del>	<b>\$0.420</b>	<del>\$0.637</del> <b>\$0.456</b>	<del>\$0.663</del> <b>\$0.482</b>

\*\*\*

~~(3) On August 1, 1998, the charge per trip-end was increased by \$0.077 per trip-end. Further increases occurred on March 1, 2001 (\$0.054/trip-end), March 1, 2002 (\$0.073/trip-end), and March 1, 2003 (\$0.074/trip-end).~~

~~These increases were implemented to provide funding for the City's 17 Transportation Project list, adopted by the City Council in 1998. When sufficient funds have been collected to complete these projects, the charge per trip-end shall be reduced by \$0.290 for residential customers and \$0.181 for non-residential customers.~~

SECTION 4. Section 4.763 of the Medford Code is amended to read as follows:

4.763 Determination of Utility Fee.

\*\*\*

TABLE 4.1  
ITE Bundles and Formulas for Determining Trip-Ends

<i>Bundle</i>	<i>ITE Codes</i>	<i>Unit of Quantity</i>	<i>Quantity Range</i>	<i>Modified Average Daily Trip-End Formula</i>	<i>Pass-By Factor</i>
***					
RESIDENTIAL					
A. Single-Family/ADU, Duplex, Condo, Townhome	210, 224, 230-233	Dwelling Units	All	9.57	1.00

B. Apartments/SFR w/ADU, Duplex	220, 223, 265, 270	Dwelling Units	All	6.75	1.00
***					

(2) Gross Floor Area (GFA): The gross floor area of a building is the ~~same~~ **sum** (in square feet) of the area at each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores and offices that are included within the principal outside faces of exterior walls, not including architectural setbacks or projections.

\*\*\*

~~All unroofed areas and unenclosed roofed over spaces, except as defined above, are to be excluded from the area calculations. Any roofed over areas with three or more enclosed sides which limit pedestrian circulation shall be included in the gross floor area.~~

\*\*\*

SECTION 5. Section 4.1003 of the Medford Code is hereby repealed:

4.1003 Definitions:

(1) ~~"Developed property" means property on which improvements have been constructed.~~

SECTION 6. Section 4.1103 of the Medford Code is hereby repealed:

4.1103 Definitions:

(1) ~~"Developed property". Property on which improvements have been constructed.~~

(2) ~~"Responsible party". Unless another responsible party has agreed in writing to pay and a copy of that writing is filed with the City, the person(s) paying the City's water utility charges shall pay the Public Safety Fees. If there is no water service to the property or if water service is discontinued, the Public Safety Fees shall be paid by the person(s) having the right to occupy the property.~~

SECTION 7. Section 4.1111 of the Medford Code is amended to read as follows:

4.1111 Imposition of Utility Fee.

There is hereby imposed upon the responsible party for each developed parcel in the City, ~~an initial a~~ Public Safety Fee for each residential dwelling unit, **business unit or tenant space existing on that parcel**, which shall be as follows:

<u>01-15-2014</u>	<u>03-15-2016</u>
\$4.60	\$7.42

~~and for each business unit or tenant space existing on that parcel the fee shall be as follows:~~

\$4.60

This fee is deemed reasonable and is necessary to fund public safety. ~~The effective starting date of this fee will be January 15, 2014, and will first appear on utility bills delivered in February 2014.~~ The January 15, 2014, \$2.00 per-unit increase **and the March 15, 2016 \$2.82 per-unit increase are**

is to provide funding for the public safety facilities. ~~The Public Safety Fee will increase by an additional \$2.82 when the Street Utility Fee is reduced for the completion of the City's 17-Transportation Project list. It is anticipated that this decrease will occur in 2018. The \$2.82 increase in the Public Safety Fee and decrease in the Street Utility Fee will occur simultaneously.~~

\*\*\*

SECTION 8. Section 4.1200 of the Medford Code is amended to read as follows

4.1200 Billing, Collection and Enforcement of Utility Fees.

\*\*\*

(3) ~~Utility Street, sewer and parks utility~~ fees shall not be assessed during any period when the account is closed and the premises are unoccupied and unused. ~~However, if the account remains closed for more than 30 days, a utility account shall be established in the property owner's name and the storm drain fee will be assessed.~~

(a) ~~Street, and park and pedestrian street light~~ fees will not be assessed to a vacant unit within a commercial, non-residential property provided the property owner has notified the City that the unit is vacant.

\*\*\*

(b) ~~Sewer, street, home-based business and park fees will not be assessed to a vacant residential dwelling unit during winter months when the property owner notifies the City that they will be on vacation for a minimum of three (3) months. Billing will resume for all fees upon the property owner's return, or when there is water consumption on the utility account. Winter months are the non-irrigation season for the Rogue River as defined by the Oregon Water Resources Department, currently November 1 through March 30.~~

SECTION 9. Section 4.1202 of the Medford Code is amended to read as follows:

4.1202 Rendering and Payment of Bills.

\*\*\*

(7) An annual billing plan is available with one yearly payment which includes a 3.5% discount. ~~The bill is calculated based on the past 11 month's water usage for sewer plus the current month, and 12 months of storm drain, street, parks and public safety year's utility~~ fees as applicable to the current applicant. This is an estimated billing, which is adjusted at the end of the 12-month period. Customers receive a monthly ~~memo~~ statement showing current charges and remaining credit balance.

SECTION 10. Section 4.1203 of the Medford Code is amended to read as follows:

4.1203 Recovery of Unpaid Charges; Enforcement.

\*\*\*

(b) Street, Storm Drain, Parks, Public Safety and Pedestrian Street Light fees:

Delinquent utility accounts that have not had water shut-off for non-payment of ~~Street, Storm Drain, Parks, Public Safety and Pedestrian Street Light~~ utility fees shall be referred to a collection agency

after a notice to that effect has been sent by the City to the last known address of the last known responsible party. Such notification shall provide for payment in full to be made within 15 days of the date notification was mailed. Accounts referred to collection shall have the costs for collection **and interest** added to the delinquent utility balance.

\*\*\*

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED: \_\_\_\_\_, 2016.

\_\_\_\_\_  
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.

4.105 **Definitions.**

As used in Sections 4.110 to 4.1205, unless explicitly defined otherwise within the Code paragraph, the following words and phrases shall mean:

**(1) Accessory Dwelling Unit (ADU).** A detached or attached dwelling unit that is additional and auxiliary to an existing single-family dwelling, and is on the same tax lot. An ADU cannot exceed 900 square feet or more than half the square footage of the SFR, whichever is less.

~~(1)~~ **(2) Commission:** The board of the Medford Water Commission of the City, its authorized agents or employees.

~~(2)~~ **(3) Currently Developed Area (CDA):** All parcels within the City limits except those parcels greater than one acre which were undeveloped on August 4, 1983, as defined by the following Medford Land Use Inventory Codes: 8100, intensive agriculture; 8200, non-intensive agriculture; and 9000, undeveloped or vacant land. Such parcels are identified on a list filed in the office of the City Recorder prior to passage of Ordinance No. 4940.

~~(3)~~ **(4) Customer:** An individual, firm, corporation, or governmental agency residing, operating or owning property within the City of Medford.

~~(4)~~ **(5) Detention System:** A facility (such as a pond, vault, pipe, etc.) in which surface and stormwater are temporarily stored.

~~(5)~~ **(6) Developed Property:** Any man-made change to improved or unimproved real property including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

~~(6)~~ **(7) Equivalent Residential Unit (ERU):** An area which is estimated to place approximately equal demand on the City's storm drainage system as a parcel containing one single-family dwelling unit. One (1) ERU shall be equal to 3,730 square feet of impervious surface.

~~(7)~~ **(8) Extra Strength Sewer Service:** Industrial, commercial or hospital industrial wastes discharged into the sewer system containing a total of more than sixty (60) pounds of Biochemical Oxygen Demand, or Suspended Solids in any one (1) day and having an average strength in excess of 300 parts per million (ppm) of Biochemical Oxygen Demand, or Suspended Solids.

~~(8)~~ **(9) Home Based Business:** Business conducted ~~entirely~~ from a residential premise (home, garage or other outbuilding) regardless of the nature of the business.

~~(9)~~ **(10) Impervious Surface:** Surface areas which either prevent or retard the absorption of water into the surface of the soil, or cause water to run off the surface in greater quantities or at an increased rate of flow compared to the natural condition of the property before development. Asphalt, concrete and roofing materials are examples of impervious materials. Gravel surfaces used for vehicular traffic are also considered impervious.

~~(10)~~ **(11) Improved Premises:** Any area which has been altered such that the runoff from the site is greater than that which historically occurred prior to development. Such a condition shall be determined by the City Engineer.

~~(11)~~ **(12) NAICS Manual:** North American Industry Classification System, 2002 edition. Published by Executive Office of the President – Office of Management and Budget.

~~(12)~~ **(13) Non-Profit:** Refers to charitable organizations that are tax exempt under section 501(c)(3)

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UTILITIES AND SANITATION

of the Internal Revenue Code.

~~(13)~~ **(14) Non-Residential Service:** Service to any structure not used primarily for residential purposes. Specific Non-Residential use definitions include the following:

(a) **Automotive:** Any facility whose primary business is providing parts or service to maintain vehicles. This includes, but is not limited to parts stores or service facilities; gasoline stations and vehicle washes (both self-service and full-service). Automotive dealerships and auto rental agencies are categorized under “Low Impact Retail”.

(b) **Bank:** Any facility whose primary business is the custody, loan, exchange or issue of money for the extension of credit, and for facilitating the transmission of funds. The facility may have walk-in or drive-through customers.

(c) **Day Care Center:** Facility whose primary purpose is providing care for children normally during daytime hours. Excludes day cares operated out of homes.

(d) **Food Service:** Any establishment with its own entrance whose primary business is the sale of prepared food or beverage to walk-in or drive-through customers. Includes, but is not limited to bakeries, donut shops, coffee kiosks, fast food, restaurants and bars. Excludes services whose primary business is video lottery or gaming.

(e) **Fraternal Organization:** A club or other association having a limited membership and devoted to professional, religious, charitable or social activities.

(f) **Government Facility:** Facilities used primarily in the administration of city, county, state or federal government, including but not limited to office buildings, post offices, jails, libraries, military bases, maintenance yards and some social service programs.

(g) **Health Service:** Facilities that provide medical or dental care including doctor’s offices, clinics, urgent care facilities, hospitals, surgical centers, physical therapy, counseling, nursing homes and assisted living facilities. Also includes animal veterinary care.

(h) **Industrial Service:** Premises wherein the manufacturing, processing and storing of a product is performed. Industrial use is further defined as follows:

(i) **Light Industrial:** Free-standing facilities whose primary activities are engaged in construction contracting, wholesale, as well as mail order houses, utility maintenance facilities, taxi, towing or armored car service and heavy equipment sales.

(ii) **Heavy Industrial:** Establishments engaged in the transformation of materials or substances into new products. Also includes warehouses, mini-warehouses or storage units and furniture stores.

(i) **Office:** A building or suite whose primary function is the conducting of an organization’s or a professional person’s business that typically provides a wide variety of services. Includes professional schools that do not grant academic degrees or diplomas, such as a trade school.

(j) **Recreation:** Generally includes all amusement, entertainment, fitness, parks, cemeteries, fraternal organization facilities and community centers. Entertainment includes theaters, movie complexes and gaming facilities. Hotels and motels are also included in this category.

(k) **Religious:** A building or structure whose principal use is for worship and in which the incidental use for school purposes is less than 12 hours per week. Includes churches, mosques, synagogues, etc. Schools operating more than 12 hours per week are defined in (13) (m), Schools

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(l) Retail: Facilities specializing in the sale of groceries or products to consumers. Excludes wholesale or automotive parts/service. Retail is further defined as follows:

(i) Low Impact: Includes retail, auto dealerships and rental car agencies, except those classified as “High Impact” or “Convenience Market”.

(ii) High Impact: Includes grocery stores, pharmacies and video rental stores. Excludes convenience or mini-markets.

(iii) Convenience Market: Mini-markets that sell limited food, newspapers, magazines, tobacco and/or alcohol. May have up to two gasoline pumps.

(m) School: Any building or group of buildings used for instructional purposes more than 12 hours per week, involving assemblage for instruction, education or recreation. Schools may be public or private. Professional schools that do not normally grant an academic degree or diploma shall be included in the “Office” category.

(n) Transportation: Includes airports, park-n-ride, bus terminals and freight/shipping facilities where goods are transferred between trucks and other transportation mode, such as a truck terminal.

~~(14)~~ **(15) Open Drainageway:** A natural or man-made path, ditch or channel on the land surface which has the specific function of transmitting natural stream water or storm runoff water.

~~(15)~~ **(16) Pass-by Trip:** An intermediate stop on the way from an origin to a primary trip destination without a route diversion.

~~(16)~~ **(17) Recreational Vehicle Dumping Station:** A facility connected to the sewage collection system and accepts liquid wastes dumped from holding tanks of recreational vehicles such as travel trailers, motor homes and campers regardless of whether the wastes are accepted by the dumping station operator with or without charge.

~~(17)~~ **(18) Residential Service:** Service to any structure used primarily for residential purposes. Residential use is further defined as follows:

(a) Single-Family Residential Service: Service to one structure that provides complete single-family living facilities in which the occupant normally cooks meals, eats, sleeps and carries on the household operations incident to domestic life. Detached single family residences, unit ownership (such as townhouses, pad lots, etc.), and condominiums, etc. are included in this definition.

(b) Multi-Family Residential Service: Service to a structure(s) which consists of two or more separate living facilities ~~sharing at least one common wall or a common roof~~ in which the occupants normally cook meals, eat, sleep and carry on the household operations incident to domestic life. **Also includes a single-family residential structure with an ADU, whether attached or detached.** Excludes commercial transient housing such as hotel and motel suites.

(c) Mobile Home Parks: An area under unified ownership or ~~control~~ **management** in which manufactured homes are situated and used for human habitation; or in which ~~two~~ **four** or more spaces are improved, designed or offered for such use. A space is the individual location having a sewer hookup for each dwelling. Units within a mobile home park shall be treated as multi-family for utility fees unless otherwise specified.

(d) Congregate Living: Independent living developments that provide centralized amenities such as dining, housekeeping, transportation and organized social/recreational activities. May provide limited medical and retail support services.

~~(18)~~ **(19) Responsible Party:** The person paying the City utility charges or the person (s) having the right to occupy the property if there is no water service to the property. If the City is not able to identify the responsible party, the owner of record shall be the responsible party.

~~(19)~~ **(20) Retention System:** A system which is intended to retain and infiltrate surface water either partially or completely to groundwater.

~~(20)~~ **(21) Runoff Control:** Any means approved by the City Engineer by which the peak rate and volume of storm runoff from developed land surfaces is reduced to its predeveloped state for storms up to the 25-year event.

~~(21)~~ **(22) Trip Generation:** The average number of weekday vehicle trips as determined by the Institute of Traffic Engineers (ITE) by reference to the 8<sup>th</sup> edition of the ITE manual.

~~(22)~~ **(23) Water System:** All or any part of the public water system owned and operated by the Medford Water Commission, including all service lines to and including the water meters.

[Amd. Sec. 2, Ord. No. 2010-46, Mar. 4, 2010; Amd. Sec. 1, Ord. No. 2012-196, Dec. 20, 2012; Amd. Sec. 1, Ord. No. 2013-104, July 11, 2013; Amd. Sec. 1, Ord. No. 2015-48, May 7, 2015.]

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## STORM DRAIN

### 4.710 Monthly Storm Drainage Charges.

The monthly rates and charges are hereby established and determined for any improved premises within the City of Medford, or within any area under contract to be annexed to the City of Medford, for storm drainage system operation and maintenance. The City Council has determined that property not used for single family dwelling purposes is furnished service in proportion to the amount of the property's impervious surface. Each 3,730 square feet of impervious surface is equivalent to that furnished to a single family unit (Equivalent Residential Unit, or ERU). The minimum service charge per ~~property~~ **tax lot** shall be that established for a single family unit.

[Added Sec. 2, Ord. No. 2000-34, Feb. 17, 2000; Amd. Ord. No. 2002-145, Aug. 15, 2002; Amd. Ord. No. 2005-231, Oct. 6, 2005; Amd. Sec. 6, Ord. No. 2010-46, Mar. 4, 2010 & Ord. No. 2010-49, Mar. 4, 2010; Amd. Sec. 1, Ord. No. 2012-195, Dec. 20, 2012; Amd. Sec. 4, Ord. No. 2013-104, July 11, 2013.]

STREET UTILITY FEE

4.761 **Imposition of Utility Fee.**

(c) Customers classified as non-profit, houses of worship and fraternal organizations shall receive a 50% reduction in their Modified Average Daily Trip-End **where the building or unit's primary purpose is administration.** The reduction applies to the headquarters or main administrative offices only; satellite or auxiliary facilities operated by these organizations at other sites shall not receive the discount. Government offices directly concerned with the delivery of social services to individuals and families are not eligible for the discount.

(d) Effective July 15 of each year below, **except as noted**, the rates shall be as follows:

	<u>2013</u>	<u>2015</u>	<u>3/15/2016</u>	<u>2016</u>	<u>2016</u>	<u>2017</u>	<u>2017</u>
Residential	\$0.883	\$0.960	<b>\$0.670</b>	\$1.017	<b>\$0.727</b>	\$1.058	<b>\$0.768</b>
Non-Residential	\$0.553	\$0.601	<b>\$0.420</b>	\$0.637	<b>\$0.456</b>	\$0.663	<b>\$0.482</b>

(e) In the event the Monthly Fee as calculated in (a) above for Non-Residential customers is less than the Monthly Fee for Single Family customers, the monthly street fee shall be equal to the Single Family monthly street fee for each applicable ITE bundle assigned to the account.

(2) This fee is deemed reasonable and is necessary to pay for the operation, and maintenance of streets within the City.

~~(3) On August 1, 1998, the charge per trip end was increased by \$0.077 per trip end. Further increases occurred on March 1, 2001 (\$0.054/trip end), March 1, 2002 (\$0.073/trip end), and March 1, 2003 (\$0.074/trip end).~~

~~These increases were implemented to provide funding for the City's 17 Transportation Project list, adopted by the City Council in 1998. When sufficient funds have been collected to complete these projects, the charge per trip end shall be reduced by \$0.290 for residential customers and \$0.181 for non-residential customers.~~

[Added Sec. 6, Ord. No. 6891, May 16, 1991; Amd. Sec. 7, Ord. No. 7855, Apr. 6, 1995; Amd. Ord. No. 1998-156, July 16, 1998; Amd. Sec. 1, Ord. No. 2000-180, Dec. 21, 2000; Amd. Ord. No. 2005-230, Oct. 6, 2005; Amd. Ord. No. 2007-106, May 17, 2007; Amd. Sec. 7, Ord. No. 2010-46, Mar. 4, 2010; Amd. Ord. No. 2010-48, Mar. 18, 2010; Amd. Sec. 1, Ord. No. 2012-193, Dec. 20, 2012; Amd. Sec. 5, Ord. No. 2013-104, July 11, 2013; Amd. Sec. 4, Ord. No. 2014-144, Nov. 20, 2014.]

4.763 Determination of Utility Fee.

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**TABLE 4.1**  
**ITE Bundles and Formulas for Determining Trip-Ends**

<i>Bundle</i>	<i>ITE Codes</i>	<i>Unit of Quantity</i>	<i>Quantity Range</i>	<i>Modified Average Daily Trip-End Formula</i>	<i>Pass-By Factor</i>
<b>RESIDENTIAL</b>					
A. Single-Family/ADU, Duplex, Condo, Townhome	210, 224, 230-233	Dwelling Units	All	9.57	1.00
B. Apartments/SFR w/ADU, Duplex	220, 223, 265, 270	Dwelling Units	All	6.75	1.00
C. Mobile Home Park	240	Acres	All	39.61	1.00
D. Congregate Care	251-253, 255, 260	Dwelling Units	All	4.25	1.00
E. Home-Based Business	210-224, 230-233, 240, 270	Dwelling Units	All	4.785	1.00

Table 4.1 – continued

(1) Where units are “square feet”, this refers to the gross floor area (GFA) of the entire building as defined below. Where the units are “acres”, this refers to the total improved area of the site. KSF equals 1,000 square feet.

(2) Gross Floor Area (GFA): The gross floor area of a building is the ~~same sum~~ (in square feet) of the area at each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores and offices that are included within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all stories or areas that have floor surfaces with clear standing head room (6 feet, 6 inches, minimum) regardless of their use. Where a ground level area, or part thereof, within the principal outside faces of the exterior wall is left unenclosed, the gross floor area of the unenclosed portion is said to be considered as a part of the overall square footage of the building. ~~All unroofed areas and unenclosed roofed over spaces, except as defined above, are to be excluded from the area calculations. Any roofed over areas with three or more enclosed sides which limit pedestrian circulation shall be included in the gross floor area.~~ For purposes of the trip-end calculation, the gross floor area of any vehicle parking areas within the building shall not be included within the gross floor area of the entire building.

[Added Sec. 7, Ord. No. 6891, May 16, 1991; Amd. Ord. No. 7131, May 21, 1992; Amd. Sec. 8, Ord. No. 7855, Apr. 6, 1995; Amd. Sec. 2, Ord. No. 2000-180, Dec. 21, 2000; Amd. Sec. 4, Ord. No. 2004-217, Nov. 4, 2004; Amd. Sec. 2, Ord. No. 2012-193, Dec. 20, 2012; Amd. Sec. 6, Ord. No. 2013-104, July 11, 2013.]

**PARK UTILITY**

**4.1003—Definitions.**

(1) "~~Developed property~~" means ~~property on which improvements have been constructed.~~  
{Added, Sec. 2, Ord. No. 2005-120, June 16, 2005.}

**PUBLIC SAFETY FEE**

**4.1103—Definitions.**

(1) "~~Developed property~~". ~~Property on which improvements have been constructed.~~  
(2) "~~Responsible party~~". ~~Unless another responsible party has agreed in writing to pay and a copy of that writing is filed with the City, the person(s) paying the City's water utility charges shall pay the Public Safety Fees. If there is no water service to the property or if water service is discontinued, the Public Safety Fees shall be paid by the person(s) having the right to occupy the property.~~  
{Added, Sec. 2, Ord. No. 2006,274, Dec. 7, 2006.}

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**4.1111 Imposition of Utility Fee.**

There is hereby imposed upon the responsible party for each developed parcel in the City, ~~an initial a~~ Public Safety Fee for each residential dwelling unit, **business unit or tenant space existing on that parcel**, which shall be as follows:

<u><b>1-15-2014</b></u>	<u><b>3-15-2016</b></u>
\$4.60	\$7.42

~~and for each business unit or tenant space existing on that parcel the fee shall be as follows:~~  
\$4.60

This fee is deemed reasonable and is necessary to fund public safety. ~~The effective starting date of this fee will be January 15, 2014, and will first appear on utility bills delivered in February 2014.~~

The January 15, 2014, \$2.00 per-unit increase **and the March 15, 2016 \$2.82 per-unit increase** ~~is~~ **are** to provide funding for the public safety facilities. ~~The Public Safety Fee will increase by an additional \$2.82 when the Street Utility Fee is reduced for the completion of the City's 17-Transportation Project list. It is anticipated that this decrease will occur in 2018. The \$2.82 increase in the Public Safety Fee and decrease in the Street Utility Fee will occur simultaneously. When sufficient funds have been collected to complete the public safety facilities, the charge shall be reduced by \$4.82 per unit.~~

[Added, Sec. 5, Ord. No. 2006-274, Dec. 7, 2006; Amd. Ord. No. 2013-144, Oct. 3, 2013.]

## UTILITY FEES

### 4.1200 Billing, Collection and Enforcement of Utility Fees.

~~(3) Utility Street, sewer and parks utility~~ fees shall not be assessed during any period when the account is closed and the premises are unoccupied and unused. ~~However, if the account remains closed for more than 30 days, a utility account shall be established in the property owner's name and the storm drain fee will be assessed.~~

(a) ~~Street, and park and pedestrian street light~~ fees will not be assessed to a vacant unit within a commercial, non-residential property provided the property owner has notified the City that the unit is vacant. If the property owner fails to notify the City, fees may be waived retroactively from the date notice is received for a period not to exceed three (3) months. Vacancy certifications are valid for three (3) months; if the unit remains vacant, the property owner shall be responsible for renewing the vacancy certification. The responsible party shall notify the City within 10 days of the property or unit becoming occupied again.

~~(b) Sewer, street, home based business and park fees will not be assessed to a vacant residential dwelling unit during winter months when the property owner notifies the City that they will be on vacation for a minimum of three (3) months. Billing will resume for all fees upon the property owner's return, or when there is water consumption on the utility account. Winter months are the non irrigation season for the Rogue River as defined by the Oregon Water Resources Department, currently November 1 through March 30.~~

[Added, Sec. 12, Ord. No. 2008-55, Mar. 20, 2008; Amd. Ord. No. 2010-197, Sept. 2, 2010; Amd. Sec. 7, Ord. No. 2013-104, July 11, 2013; Amd. Sec. 1, Ord. No. 2014-123, Sept. 18, 2014; Amd. Sec. 6, Ord. No. 2014-144, Nov. 20, 2014.]

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### 4.1202 Rendering and Payment of Bills.

(7) An annual billing plan is available with one yearly payment which includes a 3.5% discount. The bill is calculated based on the past ~~11 month's water usage for sewer plus the current month, and 12 months of storm drain, street, parks and public safety~~ **year's utility** fees as applicable to the current applicant. This is an estimated billing, which is adjusted at the end of the 12-month period. Customers receive a monthly ~~memo~~ statement showing current charges and remaining credit balance. [Added, Sec. 14, Ord. No. 2008-55, Mar. 20, 2008; Amd. Ord. No. 2010-185, Aug. 19, 2010; Amd. Sec. 9, Ord. No. 2013-104, July 11, 2013; Amd. Sec. 2, Ord. No. 2014-123, Sept. 18, 2014.]

**4.1203 Recovery of Unpaid Charges; Enforcement.**

(2) (b) Street, Storm Drain, Parks, Public Safety and Pedestrian Street Light fees:

Delinquent utility accounts that have not had water shut-off for non-payment of ~~Street, Storm Drain, Parks, Public Safety and Pedestrian Street Light~~ utility fees shall be referred to a collection agency after a notice to that effect has been sent by the City to the last known address of the last known responsible party. Such notification shall provide for payment in full to be made within 15 days of the date notification was mailed. Accounts referred to collection shall have the costs for collection **and interest** added to the delinquent utility balance.