



City of Port Orford Workshop By Hybrid Meeting

MEETING AGENDA

Subject: Watershed Grant/Water System, UGB, Public Events, Code Enforcement

Date: October 5, 2022

Time: 5:30 p.m.

Purpose of the

Meeting: Watershed Grant/ Water System, UGB, Public Events, Code Enforcement

In Attendance:

- _____ Pat Cox, Mayor
- _____ Tim Pogwizd, President
- _____ Lorin Kessler, Councilor
- _____ Ann Vileisis, Councilor
- _____ Gary Burns, Councilor
- _____ Greg Tidey, Councilor
- _____ James Garratt, Councilor
- _____ Jessica Ginsburg, City Admin

Guests/Others:

Meeting Agenda

- | | |
|--|---|
| <input type="checkbox"/> Additions to the Purpose of Workshop | <input type="checkbox"/> Hear the issues/language changes |
| <input type="checkbox"/> Discuss the suggested changes to the code | <input type="checkbox"/> Discuss Draft Contract with County |
| <input type="checkbox"/> Finalize for Next Council Meeting/Special Session | |

City Council Workshop

Wed, Oct 5, 2022 5:30 PM - 7:30 PM (PDT)

Please join my meeting from your computer, tablet or smartphone.

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United States: [+1 \(646\) 749-3129](tel:+16467493129)

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1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON

3
4 OREGON COAST ALLIANCE, PEG)
5 REAGAN, and PENNY SUESS,)

6
7 Petitioners,)

LUBA No. _____

8
9 vs.)

10
11 CURRY COUNTY,)

12
13 Respondent.)

14
15 NOTICE OF INTENT TO APPEAL

16 I.

17 Notice is hereby given that Petitioners intend to appeal the legislative
18 land use decision of Respondent as described in the notice of decision, attached
19 as Exhibit A, and otherwise known as Ordinance No. 22-04 (File # ZOA
20 2022.1). The decision was signed on September 7, 2022. Exhibit A. The
21 notice of decision was mailed on September 12, 2022. Exhibit A. This Notice
22 of Intent to Appeal is timely filed within 21 days of the decision and within 21
23 days of the notice of decision.

24 II.

25 Petitioners are represented by:

26 Sean T. Malone, OSB # 084060
27 Attorney at Law
28 259 E. 5th Ave, Ste 200-C
29 Eugene OR 97401

1 (303) 859-0403
2 seanmalone8@hotmail.com

3 III.

4 Respondent has as its mailing address and telephone number as:

5
6 Curry County Board of Commissioners
7 Curry County Administrative Annex
8 94235 Moore Street, Suite 122
9 Gold Beach, OR 97444
10 (541) 247-3296

11 and has as its legal counsel:

12
13 Anthony M. Pope, OSB No. 192939
14 Curry County Counsel
15 94235 Moore St Ste 123
16 Gold Beach OR 97444
17 (541) 247-3291
18 popea@co.curry.or.us

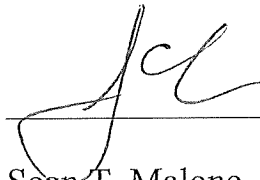
19 IV.

20
21 Other persons mailed or emailed written notice of the land use decision
22 by the Respondent, as indicated by its records, are listed in Exhibit B.

23 NOTICE:

24 Anyone designated in paragraph IV of this Notice who desires to
25 participate as a party in this case before the Land Use Board of Appeals must
26 file with the Board a Motion to Intervene in this proceeding as required by
27 OAR 661-10-0050.

28 Dated: September 28, 2022



29 Sean T. Malone, OSB # 084060
30 Attorney at Law

1 259 E. Fifth Ave, Ste 200-C
2 Eugene OR 97405
3 (303) 859-0403
4 seanmalone8@hotmail.com
5

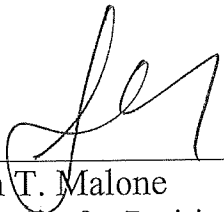
6 Certificate of Service

7 I hereby certify that on September 28, 2022, I served a true and correct
8 copy of the foregoing on all persons listed in paragraphs III and IV of this
9 Notice pursuant to OAR 661-010-0015(2) by first class mail or electronic mail
10 where an electronic mail address was included on the local government's notice
11 list.

12 Certificate of Filing

13 I hereby certify that on September 28, 2022, I filed the original of the
14 foregoing, together with two copies, with the Land Use Board of Appeals, DSL
15 Building, 775 Summer Street NE, Suite 330, Salem OR 97301-1283, by
16 certified mail, return receipt requested.

17 Dated this 28th day of September, 2022

18

19 _____
Sean T. Malone
Attorney for Petitioners



CURRY COUNTY COMMUNITY DEVELOPMENT ^{Exhibit A}
Planning Division
94235 MOORE STREET, SUITE 113
GOLD BEACH, OREGON 97444

Becky Crockett
Planning Director

Phone (541) 247-3228
FAX (541) 247-4579

**CURRY COUNTY BOARD OF COMMISSIONERS
NOTICE OF DECISION**

DATE: September 12, 2022

FILE#: ZOA.2022.1

DECISION: Approval of ZOA 2022.1; Zoning Code changes for the purpose of carrying out five (5) primary land use objectives including:

- 1. Authorizing the BOC review of applications and appeals.
- 2. Increasing housing opportunities in the R2 zoning district.
- 3. Allowing an Accessory Dwelling Unit (ADU) on Residential zoned land.
- 4. Regulating Short-Term Rentals (STRs) using clear and objective standards.
- 5. Defining requirements for Lot Line Adjustments.

Dear Participant:

Our records of Curry County indicate that you were a participant in the land use hearings related to the above referenced matter and therefore entitled to a notice of this decision. The Board of Commissioners made this final decision on **September 7, 2022**.

ORS 197.830 provides for the appeal of the final decision of the county to the Land Use Board of Appeals (LUBA). Such appeal must be initiated by filing a "Notice of Intent" to appeal the decision within twenty-one (21) days after the date the decision sought to be reviewed becomes final. Notice of Intent to appeal must be filed with LUBA by contacting its office at 775 Summer Street NE, Suite 330 Salem, Oregon 97301-1283; Phone: (503) 373-1265.

If you have any questions regarding this Notice of Decision, please contact Curry County Planning at (541) 247-3304.

ZOA.2022.1 – Decision Notice Email List

Michael Knibbs - Mikeknibbs01@gmail.com

Bellah Sephan - solomonstephans@gmail.com

Linda Tarr - lindatarr@frontier.com

Bob Morrow - bobmorrow@gmail.com

Donna Smith - Burley07@gmail.com

Florence Prescott - foncyprescott@frontier.com

Morgan Garman - morgangarman@sbcglobal.net

Charlie Stephens - Charliejstephens@gmail.com

Kathy Jones - Missy10013@yahoo.com

Margaret Stephens - mlstep@msn.com

Krista Nieraeth - knieraeth@yahoo.com

John Roorbach - john.roorbach@yahoo.com

Jessica Ginsburg - jginsburg@portorford.org

Susan Conlin (**mailed 9/12/22**)

1237 Winerose Court
Lodi, CA 95242

Michelle Duarte - michelle@wildspring.com

Kim Foster - kimfosterphoto@gmail.com

Clark Kocurek - clarkkocurek@gmail.com

Oren Reinbolt - obolt@ix.netcom.com

Florence Prescott (**mailed 9/12/22**)

42255 Cedar Hollow Drive
Port Orford, OR 97465

Carol Hacherl (**no address information provided**)

City of Port Orford (**mailed 9/12/22**)

PO Box 310
Port Orford, OR 97465

Daniel DeSurra - danieldesurra@yahoo.com

Juli Scott (**mailed 9/12/22**)

32915 Andy St
Gold Beach, OR 97444

Penny Suess (**mailed 9/12/22**) Exhibit B

834 Deady Street
Port Orford, OR 97465

Dana Gurnee - Danascott000@gmail.com

Pat Cox - p.cox@portofportorford.org

Zoe Bradbury DeSurra - zoe@valleyflorafarm.com

Steve & Elaine Roemen - roemen@earthlink.net

Pamela Berndt (**mailed 9/12/22**)

769 12th Street
Port Orford, OR 97465

B & B Farm Supply - bbfarmssupply@gmail.com

Deb & Gary Grebes - grebes2@gmail.com

Mark R. Furler (**mailed 9/12/22**)

97305 Signal Butte Rd
Gold Beach, OR 97444

Ann Vileisis - avileisis@yahoo.com &
annvil@earthlink.net

Anuradha Sawkar – anu@crag.org

Cameron Lafollete – cameron@oregoncoastalliance.org

Carl King – ckking194@gmail.com

Courtney Johnson – courtney@crag.org

Hui Rodomsky – hui.rodomsky@dlcd.oregon.gov

John Ferrara – lostcoastoutpost@gmail.com

ODOT Region 3 – r3devrev@odot.state.or.us

Peg Reagan – regan.peg@gmail.com

All emailed on 9/12/22, except as noted.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending)
the Columbia County Public) ORDINANCE NO. 2001-7
Event Ordinance)
_____)

The Board of County Commissioners for Columbia County ordains as follows:

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 2001-7. Exhibit "A", which is attached hereto and incorporated herein by this reference, shall be known as the "Columbia County Public Road Event Ordinance".

SECTION 2. AUTHORITY.

This ordinance is adopted pursuant to ORS 203.035.

SECTION 3. PURPOSE.

This ordinance is intended to amend the "Columbia County Public Event Ordinance" to provide that the administrator of the ordinance will be designated by order or resolution of the Board of County Commissioners.

SECTION 4. AMENDMENT.

The "Columbia County Public Event Ordinance" is amended to read as shown in Exhibit "A" which is attached hereto and incorporated herein by this reference.

SECTION 5. CONFORMANCE WITH OTHER LAWS.

This ordinance shall in no way be a substitute for, nor eliminate the necessity of conforming with, any and all laws and administrative rules of the State of Oregon, or its agencies, or any other ordinance, rule, or regulation of Columbia County.

SECTION 6. SEVERABILITY.

If any provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 7. EFFECTIVE DATE.


This ordinance shall take effect on December 18, 2001.

DATED this 19th day of September, 2001.

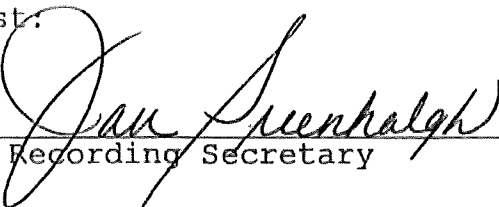
Approved as to form

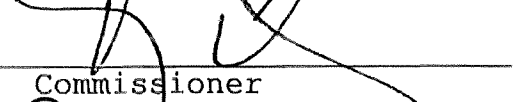
By: 
Office of County Counsel

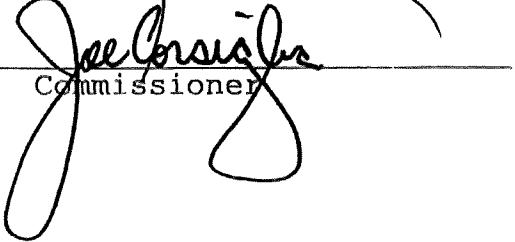
BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Chair

Attest:

By: 
Recording Secretary

By: 
Commissioner

By: 
Commissioner

First Reading: August 29, 2001
Second Reading: September 19, 2001
Effective Date: December 18, 2001

EXHIBIT "A"

COLUMBIA COUNTY PUBLIC ROAD EVENT ORDINANCE

SECTION 1. TITLE.

This ordinance shall be known as the "Columbia County Public Road Event Ordinance".

SECTION 2. DEFINITIONS.

A. Parade. "Parade" means any march or procession consisting of people, animals or vehicles, or combination thereof, except funeral processions, upon any public road which does not comply with normal and usual traffic regulations or controls.

B. Race. "Race" means an organized run of 100 or more participants who are at any one time upon any portion of a public road. Athletic competitions sponsored by a Columbia County school district are not included within this definition.

C. Motorcade. "Motorcade" means an organized procession containing twenty-five or more vehicles, except funeral processions and military convoys, upon any public road.

D. Walkathon. "Walkathon" means any organized walk of 100 or more participants who are at any one time upon any portion of a public road.

E. Bicycle Tour. "Bicycle Tour" means any organized group of 50 or more bicycles upon any public road.

F. Public Road Event. "Public Road Event" means any parade, race, motorcade, walkathon, bicycle tour or large event as defined in this section.

G. Public Road. "Public Road" means any public road, as defined in ORS 368.001(5), in Columbia County, except those within the limits of any incorporated city.

H. Large Event. "Large Event" is any parade, race, motorcade, walkathon, or bicycle tour, except funeral processions, involving more than 100 vehicles, 300 bicycles or 300 pedestrian participants that are at any one time upon any portion of a public road.

I. Administrator. "Administrator" means the person designated by order or resolution of the Board of County

Commissioners to administer this ordinance.

SECTION 3. PERMITS.

A. It shall be unlawful for any person to conduct a parade, race, motorcade, walkathon, bicycle tour, or large event in or upon any public road or knowingly participate in any such public road event unless and until a permit to conduct such public road event has been obtained from the Administrator or, as hereinafter provided, from the Board of County Commissioners.

B. It shall be unlawful, and no permit shall be issued, to conduct any public road event after sunset and before sunrise, unless the Administrator or the Board of County Commissioners is assured that adequate steps have been taken to provide for the safety of the participants, spectators, and residents in the vicinity of the activity.

SECTION 4. APPLICATIONS FOR PERMITS; FEES.

A. Any person who wants to conduct a public road event shall apply to the Administrator for a permit at least sixty (60) days in advance of the date of the proposed public road event. The Administrator may at his or her discretion consider any application for a permit to conduct a public road event which is filed less than sixty (60) days prior to the date the public road event is to be conducted. The application for such permit shall be made in writing on a form approved by the Administrator. In order that adequate arrangements may be made for the proper policing of the public road event, the application shall contain the following information:

1. The name of the applicant, the sponsoring organization, the public road event chairperson and the addresses and telephone numbers of each;

2. The purpose of the public road event, the date when it is proposed to be conducted, the location of the assembly area(s), route(s) to be traveled and the approximate time when the public road event will assemble, start and terminate;

3. Such other information as the Administrator may deem reasonably necessary;

B. The person or organization applying for the public road event permit shall also tender along with the application an application fee. The application fee shall be \$10.00, except that for large events the application fee shall be \$50.00.

C. The person or organization applying for the public road event permit shall also tender along with the application the deposit required by Section 12 of this ordinance.

SECTION 5. ISSUANCE OR DENIAL OF PERMIT.

A. Standards for Issuance. The Administrator or, in the event of a large event, the Board of County Commissioners, shall issue a permit conditioned upon the applicant's written agreement to comply with the terms of such permit unless the Administrator or Board of County Commissioners finds that:

1. The time, route and size of the public road event will disrupt to an unreasonable extent the movement of other traffic or will endanger the safety of participants or citizens, or cause a safety hazard other than traffic.

2. The public road event is of a size or nature that requires the diversion of too many law enforcement officers, public works employees or other personnel to properly control the public road event or that allowing the public road event would deny reasonable law enforcement or other emergency service protection to citizens of the County.

3. Such public road event will interfere with another public road event for which a permit has been issued.

4. The County Public Works Director determines the public road event would damage public roads.

B. Standard for Denial. The Administrator or, in the case of Large Events, the Board of County Commissioners, shall deny an application for a public road event permit and notify the applicant of such denial where:

1. The Administrator or Board of County Commissioners makes any finding contrary to the findings required to be made for the issuance of a permit.

2. The information contained in the application is found to be false or nonexistent in any material detail.

3. The applicant refuses to agree to abide by or comply with all conditions of the permit.

SECTION 6. CONTENTS OF PERMIT.

A. In each permit the Administrator or, in the case of large

events, the Board of County Commissioners, shall specify:

1. The assembly area and time therefor;
2. The starting and ending time of the public road event;
3. The minimum and maximum speeds, if applicable;
4. The route of the public road event;
5. What portions of public roads to be traversed may be occupied by such public road event;
6. The number of persons required to monitor the public road event;
7. The number and types of vehicles, if any;
8. That permittee shall advise all participants in the public road event by written notice of the terms and conditions of the permit prior to the commencement of such public road event;
9. Such other requirements as are found by the Administrator to be reasonably necessary for the protection of persons or property;
10. The amount of deposit required as set forth in Section 12.

B. All conditions of the permit shall be complied with so far as reasonably practicable.

SECTION 7. REVIEW PROCEDURE.

Approval or denial of an application made pursuant to Section 5.B may be appealed to the Board of County Commissioners. Said appeal must be in writing and received by the Board of County Commissioners not later than 5:00 p.m. on the seventh calendar day after the date of the decision by the Administrator. The Board shall consider the appeal as soon as practicable after receipt of the appeal. Upon such appeal, the applicant and appellant shall have the right to be heard. The Board of County Commissioners may reverse, affirm, or modify in any regard the determination of the Administrator.

SECTION 8. LARGE EVENTS.

The permit of any large event shall be issued solely by the Board of County Commissioners.

SECTION 9. REVOCAION OF PERMITS.

Any permit for a public road event issued pursuant to this ordinance may be summarily revoked by the Administrator at any time when by reason of disaster, public calamity, riot or other emergency, the Administrator determines that the safety of the public or property requires such revocation. Notice of such action revoking a permit shall be delivered in writing to the permittee by personal service or by certified or registered mail, return receipt requested.

SECTION 10. HOLD HARMLESS.

Applicants shall agree in writing to indemnify, defend and save and hold harmless the County, its Commissioners, boards, officers, including the Administrator, employees and agents, from all suits, actions, damages or claims to which the County may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of such public road event and the activities permitted in connection therewith. Applicants shall provide County with evidence of insurance with single limit policy amounts of \$1,000,000.00, naming County, its officers, agents and employees as additional insureds. Provided, the Administrator may waive proof of insurance if circumstances warrant for public road events other than large events.

SECTION 11. COSTS AND EXPENSES.

Applicants shall pay to the County the cost of County and personnel from other public agencies who are required to work or perform duties during or as a result of such public road events and all other costs and expenses incurred by County and other public agencies including but not limited to trash removal, road repairs, policing, fire protection, medical assistance and medical standby, administrative costs, and manning of barricades. Applicants shall deposit with the County, as described in Section 12, a sum in an amount required by the Administrator or Board of County Commissioners for the purpose of covering costs and expenses to the County and other public agencies. Applicants are not required to pay costs and expenses incurred by County and other public agencies for those portions of public road events which occur within the limits of any incorporated city.

SECTION 12. DEPOSIT.

Applicants shall provide a deposit to the County not less than 15 days prior to the public road event in an amount set by the Administrator or, in the case of a Large Event, the Board of County Commissioners. The deposit shall be in cash or by certified check. Applicants shall not be entitled to interest on funds deposited. The costs and expenses County and other public agencies incur before, during, after or as a result of the public road event, including any costs and expenses associated with enforcing the conditions of an applicant's permit, shall be deducted from the deposit. If the costs and expenses incurred by the County and other public agencies exceed the amount of the deposit, the Administrator shall bill the permittee and the permittee shall pay the bill for such additional costs and expenses within 90 days after the public road event. If the deposit exceeds the amount of the costs and expenses incurred by the County and other public agencies, the remaining balance shall be refunded to the applicant within 30 days of the public road event. The Administrator shall present the documentation of costs and expenses to the Board for approval prior to billing the permittee, disbursing the reimbursement monies, and/or returning any unused deposit amounts.

SECTION 13. COMPLIANCE WITH LAWS.

Issuance of a permit under this ordinance shall not relieve applicant of the responsibility to comply with all applicable ordinances and laws, and obtain all other required permits and licenses necessary for a public road event.

SECTION 14. CONDITIONS IN PERMITS.

Any permit granted under this ordinance may contain conditions reasonably calculated to reduce or minimize the dangers and hazards to vehicular or pedestrian traffic and the public health, safety, tranquility and welfare including but not limited to changes in time, duration and number of participants.

SECTION 15. PENALTY.

This ordinance is enforceable under, and violators hereof are subject to the penalties provided in, the Columbia County Enforcement Ordinance.

Chapter 5.10 PUBLIC EVENTS

Sections:

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

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

5.10.010 Short title – Purpose.

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

5.10.020 Definitions.

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

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

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

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

representatives, and/or transient merchant(s) or vendor(s) participating in the public event.

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

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

“Citywide event” means a public event designated as a citywide event as described under SMC 5.10.040.

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

“County” means Deschutes County.

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

“EMS” means emergency medical services.

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

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

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

“OLCC” means the Oregon Liquor Control Commission.

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

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

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

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

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

“Public event(s)” means any non-city-organized activity, assembly, gathering, and/or event, including, without limitation, entertainment, recreation, sale of goods or services, and/or other common purpose to be undertaken by a person or organization, that (a) is anticipated to involve

or attract 25 or more attendees, (b) is reasonably expected to place additional demand on public services, and/or (c) affects the ordinary use of public property (e.g., public streets and/or other rights-of-way, trails, bike paths, sidewalks, etc.). For purposes of this chapter, "public event(s)" includes, without limitation, celebrations, parades, exhibitions, sports competitions, fairs, festivals, and block parties; provided, however, "public event(s)" does not include, without limitation, demonstrations and other lawful assemblies, which may include, without limitation, private social gatherings that will make no use of city property and/or right-of-way other than for lawful parking.

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

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

5.10.030 Permit required.

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

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

(a) A public event conducted on any district and/or county property if (i) no significant public health, safety, and/or welfare concerns are present, (ii) no additional demand on police services and/or other city services is anticipated, and (iii) the public event will not affect the ordinary use of public property (e.g., public streets and/or other rights-of-way, trails, bike paths, sidewalks, etc.).

(b) A public event conducted entirely on private property if (i) no significant public health, safety, and/or welfare concerns are present, (ii) no additional demand on police services and/or other city services is anticipated, and (iii) the public event will not affect the ordinary use of public property (e.g., public streets and/or other rights-of-way, trails, bike paths, sidewalks, etc.).

(c) Any other public event the manager reasonably determines is exempt from the permit requirements imposed under this chapter; provided, however, the manager's exemption under this subsection may be granted only for certain limited private events, including,

without limitation, family gatherings, weddings, and birthday parties, in which (i) no significant public health, safety, and/or welfare concerns are present, (ii) no additional demand on police services and/or other city services is anticipated, and (iii) the public event will not affect the ordinary use of public property (e.g., public streets and/or other rights-of-way, trails, bike paths, sidewalks, etc.). The manager's decision to exempt a particular public event will not set any precedent or bind future decisions of the manager. [Ord. 500 § 4, 2020].

5.10.040 Citywide events.

(1) Citywide Event Designation. No person may establish, maintain, and/or operate a citywide event within city without first applying for and obtaining the citywide event designation. Subject to the provisions of this chapter, the manager will review and evaluate any application for a citywide event designation. In evaluating an application for the designation, the manager may consider such factors, criteria, and characteristics of the proposed event the manager deems necessary or appropriate to determine whether a proposed public event is a citywide event, including, without limitation, that the event can be viewed by the public outside of the immediate event footprint or boundaries, and/or the estimated amount of total city staff hours and/or police officer hours to be assigned to the event is anticipated to exceed 20 hours. Notwithstanding the immediately preceding sentence, no public event will be designated as a citywide event unless (a) the event is expected to draw a significant citywide and/or regional crowd with no fewer than 2,000 attendees, and (b) the event is a recurring event held in city for at least three of the last five years. A public event that otherwise satisfies the requirements of the immediately preceding sentence must apply for and obtain the citywide event designation in accordance with this section. The manager is authorized to make an investigation of the public event and will review the application and conduct whatever investigation the manager deems necessary or appropriate to determine whether the application is complete, the statements made therein are true and accurate, and whether the public event qualifies for the citywide event designation. The manager's decision on any given matter will not set any precedent nor bind future decisions of the manager. City will maintain an annual calendar listing the date(s) of each designated citywide event. Subject to the provisions of this section, designated citywide events have precedence over public events proposing to be conducted during the citywide event. As of the effective date of the ordinance codified in this chapter, the following are designated citywide events: (a) the Sisters Outdoor Quilt Show; (b) the Sisters Harvest Faire; (c) the Sisters Folk Festival; and (d) the Sisters Rodeo Parade.

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

conducted in accordance with this section. The event manager will be available on site and at the phone number provided in the permit application while the citywide event is occurring.

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

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

5.10.050 Permit application requirements – Review.

(1) Application Requirements. Each person or organizer desiring to conduct a public event for which a permit is required under this chapter must apply for a permit to operate, engage, conduct, and/or carry on the public event on such application forms and in such manner as the manager may then prescribe. Subject to the provisions of this chapter, an application for a permit must be submitted not less than 30 days prior to a proposed large public event and approved by city not less than 14 days prior to the proposed large public event. An application for a permit must be submitted to city not less than 14 days prior to a proposed medium public event and/or small public event and approved by city not less than seven days prior to the proposed medium public event and/or small public event. Each application will be evaluated on its own merits; subject to the provisions of this section, there will be no presumption that a public event occurring annually or otherwise periodically will qualify for a permit. The application must be accompanied by the then-applicable application fee and all other fees required under this chapter. The application must be filed with the manager and, in addition to all other information reasonably requested by the manager, must include, without limitation, the following information:

(a) A description of the proposed public event, including, without limitation, (i) the name and type of public event, (ii) the proposed date(s) and time(s) of the public event, (iii) a description and map indicating the proposed location(s) of the public event, (iv) the sponsoring organization(s), and (v) the number of reasonably anticipated attendees;

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

- (c) A traffic control plan that addresses likely traffic impacts that may result from the proposed public event and, if the public event is in any way mobile and/or uses streets, roads, sidewalks, bike paths, trails, and/or rights-of-way, a description and map indicating the proposed route through city;
- (d) If the public event includes a road closure and/or requires use of traffic control equipment, the traffic control plan will identify the roads proposing to be closed, vehicle traffic flow, including any detours or lane closures, and all required traffic control equipment;
- (e) Whether food and/or alcoholic beverages are expected to be sold, served, and/or otherwise made available or consumed by attendees;
- (f) If alcoholic beverages will be available at other than regularly licensed and permanently located establishments, an applicant will be required to provide a security plan for alcohol monitoring;
- (g) If food will be available at other than regularly licensed and permanently located establishments, the name(s) of food vendors who will be participating in the public event;
- (h) Evidence that the applicant has obtained (or will obtain) all applicable federal, state, and/or local licenses, certificates, registrations, and/or permits required for the public event (and the identification of such licenses, certificates, registrations, and/or permits), including, without limitation, approval from the OLCC, if applicable;
- (i) If the public event requires use of city water, the time(s) and date(s) that such service needs to be turned on and off;
- (j) For any citywide event, the names, addresses, and contact information of the person(s) acting as the designated event manager (on-site representative);
- (k) Identification of each transient merchant participating in the public event, including, without limitation, (i) each transient merchant's name, contact information, and type of business and/or activity to be conducted during the public event, and (ii) such other information the manager deems necessary or appropriate;
- (l) If required under subsection (2)(a) of this section, public safety plan and security plan addressing the requirements of subsection (2)(a) of this section;
- (m) Any other information that the manager deems necessary or appropriate to enable city to review the application and determine whether the public event qualifies for issuance of a permit, including, without limitation, verification of the identity of the applicant or authorized agent submitting the application on behalf of the applicant; and
- (n) Tents and other temporary structures erected on city park lawns and other public places shall not be maintained in excess of a total of four days from May 1st through September 30th or seven days from October 1st through April 30th.

(2) Public Safety – Sanitation – Insurance.

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

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

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

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

(3) Manager Review. Any application for a permit required under this chapter will be reviewed by the manager. The manager may approve, approve with conditions, or deny an application for a permit. The manager's approval of an application for a permit (or any part thereof) is not a

guaranty, representation, and/or warranty of the correctness or suitability of the public event (including, without limitation, the public safety and/or EMS plans for the public event). The manager is authorized to make an investigation of the public event and will review the application and conduct whatever investigation the manager deems necessary or appropriate to determine whether the application is complete, the statements made therein are true and accurate, and whether the public event complies with this chapter and all applicable federal, state, and/or local laws, regulations, and/or ordinances. No permit will be knowingly issued to any person concerning a public event that is prohibited by federal, state, and/or local laws, regulations, and/or ordinances. If the manager determines it necessary or appropriate, the manager may (a) impose any additional conditions, including, without limitation, any conditions necessary to preserve and/or protect city property and/or the right-of-way, and/or (b) waive and/or modify procedural and/or substantive conditions and/or requirements under this chapter. Notwithstanding this broad authority, the manager will act reasonably, in compliance with applicable federal, state, and local laws, regulations, and ordinances, and in a manner the manager reasonably believes is in city's best interests. The manager's decision on any given matter will not set any precedent nor bind future decisions of the manager. [Ord. 520 § 2 (Exh. A), 2021; Ord. 500 § 6, 2020].

5.10.060 Fees – Deposit.

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

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

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

5.10.070 General requirements.

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

be conducted) during any day of a designated citywide event.

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

(3) Cleanup. All city property and rights-of-way will be cleaned of rubbish and debris, returning it to their previous pre-event condition, within 24 hours after the conclusion of the public event. If a person fails to keep and maintain the public event location(s) in a clean condition, city may perform (or contract with another to perform) such cleanup as city deems necessary or appropriate, at the expense of the permit holder. Any costs or expenses incurred by city to perform a permit holder's maintenance and cleanup obligations will be payable by the permit holder immediately upon city's demand.

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

(5) Compliance with Laws. Each public event, including, without limitation, a public event exempted under SMC 5.10.030(2), must be conducted in accordance with all applicable federal, state, and local laws, regulations, and/or ordinances, including, without limitation, the Americans with Disabilities Act of 1990 (and the rules and regulations promulgated thereunder), and any ordinances, codes, rules, and/or regulations promulgated by city. The issuance of a permit does not authorize a public event to operate in violation of any applicable federal, state,

and/or local laws, regulations, and/or ordinances. Issuance of a permit by city is not evidence that the applicant and/or public event is in compliance with, or exempt from, any applicable federal, state, and/or local laws, regulations, and/or ordinances. Issuance of a permit will not be construed to constitute permission to engage in any activity prohibited by federal, state, and/or local laws, regulations, and/or ordinances, or a waiver of any other regulatory or license requirement imposed under applicable federal, state, and/or local laws, regulations, and/or ordinances.

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

(7) City Parks. Each public event will be conducted subject to and in accordance with all applicable rules and regulations concerning the use of city's parks and/or city property. No medium public event, large public event, and/or citywide public event may be held, conducted, operated, and/or carried on at, on, and/or about Creekside Park. No large public event and/or citywide event may be held, conducted, operated, and/or carried on at any city park within 10 days following the last day of a designated citywide event that was held, conducted, operated, and/or carried on at such park.

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

Monday of Labor Day weekend. The prohibition contained in the immediately preceding sentence does not apply to parades permitted under this chapter or any citywide public event. [Ord. 520 § 2 (Exh. A), 2021; Ord. 500 § 8, 2020].

5.10.080 No vested rights or privileges.

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

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

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

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

(3) Notice of Denial, Revocation, or Suspension. The manager must provide to the applicant or permit holder notice of any permit denial, suspension, and/or revocation and the reasons thereof within a reasonable period of time after the manager's determination. All notices must be in writing and must be delivered to the applicant or permit holder at the address set forth in the permit application. Any notice will be deemed delivered upon actual receipt if delivered personally, via email or facsimile (with electronic confirmation of delivery), or an overnight delivery service, or at the end of the third business day after the date deposited in the United States mail, postage prepaid, certified, return receipt requested. If the violation ends prior to the manager's notice of a permit denial, suspension, and/or revocation, the manager may discontinue any revocation proceedings. The notice will inform the applicant or permit holder of its appeal rights under this chapter.

(4) Appeal. A decision to deny, suspend, and/or revoke a permit may be appealed by delivering written notice of appeal to the manager within 10 days of the notice of denial, suspension, and/or revocation. Failure to file notice of appeal within the aforementioned 10-day appeal

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

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

5.10.100 Administration.

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

Public Event: Applicant Permit Checklist

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



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

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

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

Public Event Application

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



APPLICATION TYPE

SMALL EVENT ___25-75 ATTENDEES	MEDIUM EVENT ___76-250 ATTENDEES	LARGE EVENT ___251+ ATTENDEES	CITY WIDE EVENT ___SEE FACT SHEET
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ORGANIZATION INFORMATION

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

EVENT INFORMATION

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

LIABILITY

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

WAIVER

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

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

Applicant Signature _____ Title _____ Date _____

DEPOSIT

Public Event Application

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



Event Size:

Small Event (25-75)

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

Medium Event (75-250)

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

Large Event (251 or More)

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

City Wide Event

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

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

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

EVENT FEE SCHEDULE*

(USE FOR ESTIMATING PURPOSES ONLY)

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

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

Public Event Application

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



THIS PAGE IS FOR OFFICIAL USE ONLY PERMIT SUBMITTALS

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

Public Works Director Signature: _____ Date _____

Oregon Department of Transportation Signature: _____ Date _____

Deschutes County Department of Public Health: _____ Date _____

Deschutes County Sheriff's Office Signature: _____ Date _____

Sisters-Camp Sherman Fire Department Signature: _____ Date _____

Conditions of Approval: _____

INSURANCE WAIVER

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

Staff Signature: _____ Date: _____

APPROVAL

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

City Manager Date

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

Public Events Fact Sheet

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



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

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

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

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

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

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

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

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

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

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

- (a) An event narrative or description of the proposed public event, including, without limitation:
 1. the name and type of public event
 2. the proposed date(s) and time(s) of the public event
 3. a description and map indicating the proposed location(s) and event set-up

4. the sponsoring organization(s)
 5. the number of reasonably anticipated attendees
- (b) The names, addresses, and contact information of the applicant and each person acting as an organizer for the public event(s).
 - (c) A traffic control plan for large or City wide public event that addresses likely traffic and parking impacts that may result from the proposed public event and, if the public event is in any way mobile and/or uses streets, roads, sidewalks, bike paths, trails, and/or rights-of-way, a description and map indicating the proposed route through City.
 - (d) If the public event includes a road closure and/or requires use of traffic control equipment, the traffic control plan will identify the roads proposing to be closed, vehicle traffic flow, including any detours or lane closures, and all required traffic control equipment.
 - (e) Whether food and/or alcoholic beverages are expected to be sold, served, and/or otherwise made available or consumed by attendees.
 - (f) If alcoholic beverages will be available at other than regularly licensed and permanently located establishments, an applicant will be required to provide a security plan for alcohol monitoring.
 - (g) If food will be available at other than regularly licensed and permanently located establishments, the name(s) of food vendors who will be participating in the public event.
 - (h) Evidence that the applicant has obtained (or will obtain) all applicable federal, state, and/or local licenses, certificates, registrations, and/or permits required for the public event (and the identification of such licenses, certificates, registrations, and/or permits), including, without limitation, approval from the OLCC, if applicable;
 - (i) If the public event requires use of City water, the time(s) and date(s) that such service need to be turned on and off.
 - (j) For any City-wide event, the names, addresses, and contact information of the person(s) acting as the designated event manager (on-site representative).
 - (k) Identification of each transient merchant participating in the public event, including, without limitation:
 1. each transient merchant's name, contact information, and type of business and/or activity to be conducted during the public event, and
 2. such other information the manager deems necessary or appropriate
 - (l) If required under Section 6.2(a) of Ordinance 500, public safety plan and security plan addressing the requirements of Section 6.2(a); and
 - (m) Any other information that the manager deems necessary or appropriate to enable City to review the application and determine whether the public event qualifies for issuance of a permit, including, without limitation, verification of the identity of the applicant or authorized agent submitting the application on behalf of the applicant.

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

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

- (b) A public event conducted entirely on private property if:
 - 1. no significant public health, safety, and/or welfare concerns are present,
 - 2. no additional demand on police services and/or other City services is anticipated, and
 - 3. the public event will not affect the ordinary use of public property (e.g., public streets and/or other rights-of-way, trails, bike paths, sidewalks, etc.).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

New Regulations Effective January 1, 2021

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

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

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

Noise Permit

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



Applicant Name: _____

Applicant Organization or Business: _____

Applicant Email: _____

Applicant Mailing Address: _____

Phone Number: _____

Event Name/Description: _____

Event Location: _____

Event Start Date: _____ Event End Date: _____

Event Start Time: _____ Event End Time: _____

Person Responsible at This Event While Noise is Generated: _____

Phone Number: _____

Reason Noise Permit is Being Sought: _____

Noise Control Measures: _____

Expected Maximum Noise Level: _____

Type & Date of Required Notice: _____

- Mail Newspaper Hand Delivered Posting at Location

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

Signature: _____ Date: _____

For Official Use Only

- Grant Grant with Conditions Deny

City Manager Date

Copies to File and Sheriff's Department

Alcohol Consumption Permit

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



The City of Sisters Authorizes:

Name D.O.B. _____

Street Address City _____ State _____ Zip _____

Driver's License Number Telephone Number _____

To Serve Alcohol at the:

Location

Type of Event Date of Event _____

Hours of Event: _____ From _____ To _____

RESPONSIBILITY STATEMENT:

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

Signature _____ Date _____

Approval for the above-named applicant is hereby granted.

City Manager Date _____

For Office Use Only

Received: _____ Fee Paid: _____

1 Draft

INTERGOVERNMENTAL AGREEMENT FOR CODE ENFORCEMENT SERVICES - CURRY COUNTY and CITY OF PORT ORFORD

Contract # _____

RECITALS

Within the city limits of Port Orford, Curry County is responsible for enforcing dog control regulations to the extent allowed by Section 4.01.040 of County Code, while the City of Port Orford is generally responsible for maintaining compliance Federal, State and local regulations within city limits.

The City desires to enter into an agreement whereby Curry County Code Enforcement will incorporate the City of Port Orford within their jurisdiction, and thus will offer services such as are available in the unincorporated areas of Curry County within the city limits of Port Orford.

The Curry County Board of Commissioners has authorized the Code Enforcement Division to enforce Federal, State, County, and City regulations within the city limits of Port Orford.

AUTHORITY

In accordance with the provisions of ORS Chapter 190, the City of Port Orford is authorized to provide for the performance of a function or activity in coalition with a unit of local government. By acceptance of this Agreement, Curry County certifies that it meets the criteria set forth therein for eligibility for the provision of services for the City of Port Orford.

Pursuant to Section 10.01.160 of Curry County Code, the Curry County Board of Commissioners (hereinafter "Board") is authorized to enter into intergovernmental agreements with any city in Curry County in order to facilitate enforcement of County Code. The Board has authorized the Code Enforcement Division to enter into this Agreement.

PURPOSE

The purpose of this Agreement is to allow Curry County Code Enforcement to provide Code Enforcement services within the city limits of Port Orford pursuant to Federal, State, and local regulations. Services to be provided include the maintenance of community safety, sanitation, environmental health, zoning/land use compliance, quality of life, and property value protection. This Agreement will facilitate enforcement services to the City of Port Orford in a cost-effective manner while maximizing services to the community.

As Curry County Code Enforcement has implemented a case tracking system and developed referral systems with other agencies, the intake, tracking and documentation required in Code Enforcement would reduce time spent by Port Orford City Staff. Historically, investigation and enforcement of complaints within city limits recurrently find cross-jurisdictional violations. Therefore, the coalition of code enforcement activities within one dedicated program will improve staff efficiency and reduce enforcement-related and administrative costs to the City of Port Orford. With the adoption of this IGA, Curry County Code Enforcement staff would become responsible for field education and enforcement of State, County and City regulations within the City Limits of Port Orford.

AGREEMENT

The recitals set forth above are true and correct and incorporated herein by reference. The parties agree as follows:

1. INTAKE

Complaints will be accepted from the public, as well as City representatives. Intake may be made in the following manner:

- through contact with Code Enforcement staff by phone;
- through contact with Code Enforcement staff by email;
- through complaint intake maintained by the City of Port Orford; or
- via the “Report a Concern” form on the Code Enforcement Department website .

1.1 After-Hours or Emergency Intake

After-hours and emergency complaints may be made through the Curry County Dispatch Operations Center: (541) 247-3242.

1.2 Acknowledgement

County Code Enforcement shall acknowledge all new complaints/referrals in writing within two business days and begin initial contact or investigation within ten business days. Reported violations threatening life, health, or safety shall be assigned higher priority over other complaints and investigated as soon as possible. County Code Enforcement retains discretion to pursue complaints on a case-by-case basis.

2. DUTIES AND AUTHORIZATION

2.1 Curry County Code Enforcement

Pursuant to this Agreement, Curry County Code Enforcement (CCCE) staff shall:

- a.** Enforce applicable Federal regulations, State Statutes, County Code and City Municipal Code within the City of Port Orford.
 - i.** CCCE staff is authorized to enforce non-compliance with City Municipal Code including but not limited to safety, sanitation, planning/zoning compliance, erosion prevention and sediment control, and flood damage prevention.
- b.** Annually provide approximately ____ hours of code enforcement services to the City of Port Orford. These hours shall be distributed throughout the term of the Agreement as is practicable.
- c.** Intake complaints and referrals from citizens and City Officials regarding alleged violations in the manner provided by Section 1 of this Agreement.
- d.** Maintain a confidential log and records related to code enforcement complaints received within the City of Port Orford. This information shall be provided to the City Administrator, Chief of Police, Fire Chief, or their representative upon request.

- e. Liaison with City Administrator or their designated representative relative to enforcement actions within the City of Port Orford.
- f. Provide a quarterly report to the City of Port Orford describing enforcement activities within the City.
- g. Subject to officer availability, participate in community outreach or public education programs upon request of the City Administrator.
- h. Provide any equipment or supplies needed for code enforcement services provided under this Agreement.

2.2 City of Port Orford Duties and Authorization

Pursuant to this Agreement, the City of Port Orford shall:

- a. Designate the City Administrator as liaison to CCCE for the purposes of this Agreement.
- b. Refer new and existing/ongoing suspected violations covered by this agreement to CCCE.
- c. Allow CCCE access to case information for all code enforcement actions performed within the City of Port Orford.
- d. Issue CCCE authority to direct the closure of any code enforcement case within the City of Port Orford.
- e. Provide logistical, administrative or safety support to CCCE staff involved in enforcement actions upon request by CCCE.
- f. Authorize the City Administrator to act as the appeal hearing officer in any complaints or appeals of code enforcement actions within the city limits of Port Orford; with secondary appeal requests being the responsibility of the Port Orford City Council.
- g. Meet with CCCE staff as necessary to address or respond to code enforcement concerns.
- h. Authorize CCCE staff to authorize CCCE staff to issue code enforcement citations using City Ordinances and to present cases to Port Orford Municipal Court for adjudication.
- i. Authorize that fines derived from citations processed through the Circuit Court shall be used to defray Court and County costs. Fines derived from citations process through City Municipal Court shall be used to defray Court and City costs.

2.3 Responsibilities of Both Parties

- a. Work cooperatively to develop community resources, grants, and other programs which directly support code enforcement activities within the City of Port Orford.

- b. Develop community outreach and education programs related to code enforcement programs within the City of Port Orford.

3. RENUMERATION

The City of Port Orford shall provide an annual remuneration for services provided by CCCE in the sum of \$_____.00, due by _____. Costs for this program services or support resulting from this IGA, incurred by either CCCE or the City of Port Orford, shall be the responsibility of the agency incurring the costs.

4. LIMITATIONS OF LIABILITY

Both parties agree that each party shall not be subject to claim, action, or liability arising in any manner whatsoever out of any act or omission, interruption, or cessation of services by the other party under this Agreement. Each party shall not be liable or responsible for any direct, indirect, special, or consequential damages sustained by the other party to this Agreement, including but not limited to delay or interruption of business activities that may result in any manner whatsoever from any act or omission, interruption, or cessation of services.

5. PERSONNEL

No employees will be formally transferred pursuant to this Agreement. County and City will continue to pay their own employees and shall keep accurate records of hours worked pursuant to this Agreement. County and City are subject employees under ORS Chapter 656 and shall procure and maintain current valid workers' compensation insurance for all subject workers throughout the period of this Agreement. The Agreement does not change the status of any employee, contractor, or officer of the parties.

6. TERM

Unless otherwise arranged by the mutual consent of both parties, this agreement shall be effective as of the signing of this agreement and shall continue in full force for one fiscal year. Upon written consent of both parties, this Agreement may be extended in intervals of one year.

7. TERMINATION

7.1 Method of Termination.

This Agreement may be terminated as follows:

- a. Mutual Consent. This Agreement may be terminated at any time by the written mutual consent of both parties.
- b. Parties' Convenience. This Agreement may be terminated at any time by either party upon 30 days' written notice, delivered by certified mail or in person.

7.2 Payment Upon Termination

Upon termination by the City of Port Orford, the County shall assess the balance due for any Code Enforcement services provided under this Agreement from the beginning of the annual term through the date of termination and provide a statement to the City Administrator. These fees shall be charged at the same rate as agreed upon between the parties at the execution or subsequent

amendment of this Agreement. The City shall pay these fees within 30 days of receipt of the statement of fees from the County.

8. AMENDMENTS

Any amendments to this Agreement must be made in writing and mutually agreed upon by the parties. Amendments shall reference this Agreement and upon execution be filed with the Curry County Clerk.

9. METHOD AND PLACE OF GIVING NOTICE, SUBMITTING BILLS, AND MAKING PAYMENTS

All notices, bills, payments, and other official correspondence shall be made in writing and may be given by personal delivery to the representative indicated below, or by U.S Mail to the parties at the following addresses:

CURRY COUNTY
Code Enforcement Division
94235 Moore Street
Suite 113
Gold Beach, Oregon 97444
(541) 247-3204
CodeEnforcement@co.curry.or.us

CITY OF PORT ORFORD
Office of City Administrator
555 W. 20th Street
PO Box 310
Port Orford, Oregon 97465
(541) 332-3681
JGinsburg@portorford.org

10. ENTIRE AGREEMENT

This Agreement contains the entire agreement between the parties hereto and supersedes any and all prior express and/or implied statements, negotiations, and/or agreements between the parties, either oral or written, and may not be amended, changed, or modified in any way except by written agreement signed by all parties hereto.

Dated this _____ day of _____, 2022.

For City of Port Orford

Jessica Ginsburg, City Administrator
City of Port Orford

For Curry County

Melvin Trover, Officer
Curry County Code Enforcement

Approved as to form:

Anthony Pope, OSB #192939
Curry County Legal Counsel